CITY COUNCIL
RESOLUTION NO. 2006- 13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2003051102) AND APPROVING THE MITIGATION MONITORING PROGRAM FOR TENTATIVE TRACT MAP NO. 53430 AS SET FORTH THEREIN FOR A 48 LOT RESIDENTIAL SUBDIVISION LOCATED DIRECTLY SOUTH OF ROCKY TRAIL ROAD AND ALAMO HEIGHTS DRIVE AND WEST OF HORIZON LANE, DIAMOND BAR, CALIFORNIA.

A. RECITALS

1. The property owner/applicant, Millennium Diamond Road Partners, LLC, has filed an application for certification of Environmental Impact Report (EIR) (SCH No. 2003051102) and Mitigation Monitoring Program for Tentative Tract Map No. 53430 (TTM 53430), as described in the title of this Resolution. Hereinafter in this Resolution, the subject Environmental Impact Report and Mitigation Monitoring Program shall be referred to as the "Application."

2. On February 1, 2006 public hearing notices were mailed to approximately 180 property owners of record within a 1,000-foot radius of the project site. On February 1, 2006 public hearing notices were posted in three public places within the City of Diamond Bar and the project site was posted with a display board. On February 9, 2006, notification of the public hearing for this project was provided in the San Gabriel Valley Tribune and Inland Valley Daily Bulletin newspapers. Additionally, and pursuant to Public Resource Code, Section 21092.5, on February 6, 2006, agencies commenting on the project's Environmental Impact report were notified in writing of the February 21, 2006 City Council public hearing.

3. On December 13, 2005, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing on the Application and continued the public hearing to January 10, 2006.

4. On January 10, 2006, the Planning Commission re-opened the public hearing and concluded the public hearing on the application. At that time, the Planning Commission recommended that City Council certify the Environmental Impact Report (SCH NO. 2003051102) and approve the Mitigation Monitoring Program for Tentative Tract Map No. 53430.

5. On February 21, 2006, the City Council of the City of Diamond Bar conducted and concluded a duly noticed public hearing on the Application.

B. RESOLUTION

NOW, THEREFORE, it is found, determined and resolved by the City Council of the City of Diamond Bar as follows:

1. This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. The City Council hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2003051102) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45 day public review period for the EIR began August 20, 2004, and ended October 4, 2004. Furthermore, the City Council has reviewed the EIR and related documents in reference to the Application.

3. The City Council hereby specifically finds and determines that, having considered the record as a whole, including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5 (d) of Title 14 of the California Code of Regulations.

4. Based on the findings and conclusions set forth herein, the City Council hereby finds and determines that changes and alterations have been required in or incorporated into and conditioned upon the project specified in the application, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report (SCH No. 2003051102) except as to those effects which are identified and made the subject of a Statement of Overriding Considerations which this City Council finds are clearly outweighed by the economic, social and other benefits or the proposed project, as more fully set forth in the Statement of Overriding Considerations.

5. The City Council hereby certifies the Environmental Impact Report (SCH No. 2003051102) and adopts the Findings of Facts, Statement of Overriding Considerations (Exhibits "C") and Mitigation Report and Monitoring Program (Exhibit "D") attached herein as and hereby incorporated by reference.

The City Council shall:

(a) Certify to the adoption of this Resolution; and

(b) Forthwith transmit a certified copy of this Resolution, by certified mail, to: Millennium Diamond Road Partners, LLC, 3731 Wilshire Blvd., Suite 850, Los Angeles, CA 90010

APPROVED AND ADOPTED THIS 21ST DAY OF FEBRUARY 2006, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

BY: Carol Herrera
Carol Herrera, Mayor

I, Linda C. Lowry, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced and adopted by the City Council of the City of Diamond Bar, at a regular meeting held on the 21st day of February 2006, by the following vote:

AYES:	Council Member:	Chang, Tanaka, Tye, MPT/Zirbes, M/Herrera
NOES:	Council Member:	None
ABSENT:	Council Member:	None
ABSTAIN:	Council Member:	None

Linda C. Lowry
Linda C. Lowry, City Clerk,
City of Diamond Bar

TENTATIVE TRACT MAP 53430
ENVIRONMENTAL IMPACT REPORT
SCH No. 2003051102

Findings and Facts and
Statement of Overriding Consideration

Prepared for:

City of Diamond Bar
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Principal

December 6, 2005

EXHIBIT "C"
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FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR TTM 53430

A. INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines Section 15091 provides that:

(a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final Environmental Impact Report (EIR).

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (CEQA Guidelines §15093).

The project applicant proposes the construction of 48 graded lots for custom-home development on approximately 80 acres of vacant undeveloped land located south of the current terminus of Alamo Heights Drive in the private gated community called The Country Estates. Due to the potential impacts to the environment and because the proposed action constitutes a project under CEQA and the State CEQA Guidelines, the City of Diamond Bar has prepared the TTM 53430 Draft EIR.

In accordance with CEQA Guidelines Section 15063, the City of Diamond Bar prepared an Initial Study/environmental checklist for the proposed project and distributed it along with the Notice of Preparation (NOP) to responsible and interested agencies and key interest groups. The NOP/Initial Study was distributed on May 16, 2003 for a 30-day review period. A total of nine comment letters on the NOP were received.

The Draft EIR was circulated for public review and comment for a 45-day period (August 20, 2004 through October 4, 2004) as specified in the CEQA Guidelines. Five letters were received during the public review period. The City of Diamond Bar prepared responses to these letters and distributed the responses to comments to the agencies that provided comments on the Draft EIR. The responses to comments were distributed on November 23, 2005.

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The City of Diamond Bar Planning Commission and City Council, as recommended by the City of Diamond Bar Department of Community and Development Services, having reviewed and considered the information contained in the Final EIR (as defined herein) hereby determines that the TTM 53430 Final EIR, comprised of the TTM 53430 Draft EIR, a list of persons, organizations, and public agencies commenting on the TTM 53430 Draft EIR, comments received from the public and interested agencies, the Responses to Comments prepared by the City, and all attachments and documents incorporated by reference is complete and adequate, and has been prepared in accordance with CEQA and the State CEQA Guidelines.

The TTM 53430 Draft EIR identified certain significant or potentially significant effects that may occur as a result of the implementation of the project. Thus in accordance with the provisions of CEQA and State CEQA Guidelines, the City of Diamond Bar hereby adopts these findings and following evidence as part of the approval of the project and related applications. Section B below provides a project description. Section C, "Mitigated Significant Impacts," details the potential environmental effects, which will no longer be significant because of the mitigation that will be incorporated into the project, or due to project features which have been incorporated into the design of the project in accordance with the finding required under Section 21081(a)(1). Section D, "Impacts That Cannot be Mitigated to a Level Considered Less than Significant," identifies the significant environmental effects of the TTM 53430 project, which cannot feasibly be mitigated to a level considered less than significant. Section E summarizes the alternatives discussed in the Final EIR and provides findings required under CEQA Section 21081(a)(3) with respect to the feasibility of the alternatives which might avoid the project's significant environmental impacts, cannot be feasibly implemented due to specific economic, legal, social, technological, or other considerations. Finally, Section F sets forth the statement of overriding considerations adopted by the City of Diamond Bar pursuant to Section 21081(b) of CEQA with respect to those significant effects on the environment which cannot be feasibly mitigated or avoided.

This Statement of Findings of Fact and Overriding Considerations is based upon substantial evidence in the administrative record for the project, which is hereby incorporated by reference. It is not intended to be inclusive of all facts contained within the administrative record which support the findings set forth herein, but rather identifies the key principal facts in the administrative record that provide substantial evidence supporting these findings. Additional facts in support of the City's findings may be found in the Final EIR and the administrative record as a whole. The Final EIR and all supporting data referred to in these findings of fact can be found at the City of Diamond Bar, Department of Community and Development Services, 21825 E. Copley Drive, Diamond Bar, CA 91765.

The following Findings and Statement of Overriding Considerations are made relative to the Final EIR for the TTM 53430 project. The mitigation measures described herein are consistent with those included in the Mitigation Monitoring Program, set forth in a separate document and adopted pursuant to Government Code Section 21081.6.

B. PROJECT DESCRIPTION

TTM 53430 proposes the development of 48 single-family custom residential lots on approximately 80 acres of hillside area in the City of Diamond Bar. The gross density of TTM 53430 is 0.6 dwelling units per acre. The proposed residential lots will vary in size from approximately 1.00 gross acre to 4.17 gross acres, with the majority of the lot sizes falling between 1.0 and 2.0 acres.

The project also includes the extension of Alamo Heights Drive into the project site, construction of an internal private roadway system including Street "A" and Street "B", and the extension of public utilities (water, wastewater, drainage, electric, gas, cable, and telephone) into the site from the existing infrastructure located north of the site near Steeplechase Lane. A sewer pump

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station is located in the southern portion of the project site. An emergency access road would be constructed near the terminus of Rocky Trail Road that would allow for a connection to the northern-most cul-de-sac on the project site. In addition to the internal roadway system, the proposed project incorporates an existing trail system into the project design.

Grading activities are expected to occur on the project site for approximately four months. Approximately 3,320,000 cubic yards of cut and fill material would be required for the project site and would be balanced on-site. Off-site grading would be required along the northern reach of the proposed roadway extension to Alamo Heights Drive. Permission to conduct off-site grading will be required through Standard Conditions of Approval from the affected existing landowners in Tract Map No. 32482 and must be negotiated prior to approval of the final tract map for the proposed project.

The 80-acre project site is included in, and surrounded to the northwest, northeast, and southwest, by The Country Estates residential community. The southern project site boundary is also the boundary between the City of Diamond Bar and the County of Los Angeles. The Tonner Canyon Significant Ecological Area (SEA No. 15), which includes the Firestone Boy Scout Reservation, is located adjacent to the southern boundary of the project site and is within the unincorporated Los Angeles County. The City of Industry purchased approximately two-thirds of the land in the Firestone Boy Scout Reservation and owns the property directly south of the proposed project site.

The proposed project site is currently zoned R-1-20,000 and the City of Diamond Bar General Plan designates the property as Rural Residential (1 du/acre). The current zoning for the site allows for a more dense residential development footprint than proposed by the project or allowed by the General Plan. Therefore, in order to update the zoning for the site to correspond to the General Plan land use designation requirements, the City is proposing to change the zoning for the site to Rural Residential. The project site would also require a Conditional Use Permit (CUP) for Hillside Development, which applies to areas having a slope of ten percent or greater.

C. FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO A LEVEL CONSIDERED LESS SIGNIFICANT

General Findings

The City of Diamond Bar hereby finds as follows:

- The City is the "Lead Agency" for the proposed project evaluated in the Final EIR (FEIR);
- The Draft EIR and FEIR were prepared in compliance with CEQA and the Guidelines;
- The City has independently reviewed and analyzed the Draft EIR and the FEIR, and these documents reflect the independent judgment of the City of Diamond Bar;
- A Mitigation Monitoring Program (MMP) has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMP is incorporated herein by reference and is considered part of the record of proceedings for the proposed project;
- The MMP designates responsibility and anticipated timing for the implementation of mitigation;

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- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;

- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

- The City reviewed the comments received on the Draft EIR and FEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or FEIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR;

- The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;

- Having reviewed the information contained in the Draft EIR and FEIR and the record of proceedings, as well as the requirements of CEQA and the Guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of its public review period, the City finds that there is no new significant information in the FEIR and finds that recirculation is not required;

- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the FEIR, nor has the City previously committed to a definite course of action with respect to the proposed project;

- Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the Department of Community and Development Services in the City, custodian of record for such documents or other materials.

The City of Diamond Bar, having reviewed and considered the information contained in the Final EIR, the appendices to the Final EIR, and the administrative record, finds, pursuant to CEQA and the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the TTM 53430 project which mitigate, avoid, or substantially lessen potentially significant environmental effects in the following categories: (1) aesthetics, (2) biological resources, (3) cultural resources, (4) geology and soils, (5) hazards, (6) hydrology and water quality, and (7) noise.

Aesthetics

Potentially Significant Impact Reduced with the Implementation of a Mitigation Measure

Construction of the proposed project would involve the removal of existing trees and vegetation, resulting in short-term impacts to aesthetics prior to the implementation of landscaping with final housing development.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

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Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measure:

1. Manufactured slopes will be temporarily revegetated and irrigated to minimize post-construction erosion and to complement the existing natural vegetation on the adjacent open space areas until the lots are sold and permanently landscaped. Landscaping for TTM 53430 will use native vegetation (i.e., oaks, walnuts, coastal sage scrub) on manufactured slopes that are adjacent to naturally vegetated areas to minimize the potential visual impacts of development. The plan materials, placement, and maintenance of the native revegetation shall be approved by the Fire Department and by the project biologist. Landscaping activities will be coordinated with mitigation for biological impacts to ensure consistency.

Biological Resources

Potentially Significant Impacts Reduced with the Implementation of a Mitigation Measure

As discussed in the "Updated Information for TTM 53430" document, which describes the minor changes made to the tract map design subsequent to public review of the Draft EIR, one of two tract map designs would be implemented. The difference in acres of vegetation impact between Option A and Option B results from the small amount of off-site grading required near Alamo Heights Drive. Vegetation impacts associated with each tract map are presented below. The revised offsite vegetation impacts for Option A include acreage for fuel modification, which are considered to be permanent impacts.

TABLE 3.3-4 (REVISED FOR OPTION A)
VEGETATION IMPACTS OF TTM 53430

	TT 53430		SEA (County)		Other Offsite		Total		
Vegetation Types	Existing	Impacts	Existing	Impacts	Existing	Impacts	Existing	Impacts	Remaining
Coastal Sage Scrub	23.10	20.93	3.85	0.00	4.08	0.00	31.03	20.93	10.1
Chaparral	37.55	34.49	7.57	0.00	2.13	0.00	47.25	34.49	12.76
Oak Woodland	5.91	4.75	0.00	0.00	7.89	1.81	15.84	6.55	9.29
Walnut Woodland	5.20	5.12	2.57	0.00	0.55	0.00	10.60	5.12	5.48
Non-native Annual Grassland	5.24	5.08	0.03	0.00	1.65	0.33	10.09	5.41	4.68
Developed/Residential	2.54	2.48	0.00	0.00	32.73	0.00	35.33	2.48	32.85
Dirt Roads	0.46	0.34	0.58	0.00	0.18	0.00	1.22	0.34	0.88
Total	**80.00**	**76.56**	**14.60**	**0.00**	**49.21**	**2.30**	**151.36**	**75.32**	**76.04**

The revised offsite vegetation impacts for Option B are presented in the table below. These vegetation impacts include acreage for fuel modification, which are considered to be permanent impacts.

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TABLE 3.3-4 (REVISED FOR OPTION B)
VEGETATION IMPACTS OF TTM 53430

Vegetation Types	TT 53430		SEA (County)		Other Offsite		Total		
	Existing	Impacts	Existing	Impacts	Existing	Impacts	Existing	Impacts	Remaining
Coastal Sage Scrub	23.10	20.93	3.85	0.00	4.08	0.00	31.03	20.93	10.1
Chaparral	37.55	34.49	7.57	0.00	2.13	0.03	47.25	34.52	12.73
Oak Woodland	5.91	4.75	0.00	0.00	7.89	3.22	15.84	7.96	7.88
Walnut Woodland	5.20	5.12	2.57	0.00	0.55	0.00	10.60	5.12	5.48
Non-native Annual Grassland	5.24	5.08	0.03	0.00	1.65	0.36	10.09	5.44	4.65
Developed/Residential	2.54	2.48	0.00	0.00	32.73	0.00	35.33	2.48	32.85
Dirt Roads	0.46	0.34	0.58	0.00	0.18	0.00	1.22	0.34	0.88
Total	**80.00**	**73.19**	**14.60**	**0.00**	**49.21**	**3.61**	**151.36**	**76.80**	**74.56**

The proposed project would permanently impact U.S. Army Corps of Engineers (USACE) non-wetland jurisdiction and would impact California Department of Fish and Game (CDFG) jurisdiction. Braunton's milk vetch, federally and state-listed as Endangered, has the potential to be present on site. Construction noise levels and vegetation removal in the study area could disrupt raptor activities, including foraging and roosting.

Biological resources in the area could be impacted by changes in water quality due to construction and urban development. The project may include landscaping adjacent to residential development that is known to be invasive. Seeds from invasive species may escape to natural areas and degrade natural vegetation. Human activity would increase the disturbance of natural open space adjacent to the proposed project, specifically within Tonner Canyon.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

[Note: It is recognized that certain biological mitigation measures will require final approval from federal and state agencies and that there is some basis for a finding under CEQA Section 21081(a)(2) that such measures are within the jurisdiction of another agency. However, because sufficient mitigation measures are outlined in the Final EIR, and as being committed to by the City, which reduces impacts to a level of less than significant, the finding under Section 21081(a)(1) can also be made.]

Facts in Support of Finding

The significant effects have been eliminated or substantially lessened to a level that is less than significant by implementation of the following mitigation measures as identified in the Final EIR and incorporated into the project.

1. Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of coastal sage scrub habitat, the project applicant will develop a detailed coastal sage scrub mitigation plan and submit the plan to the City of Diamond Bar for review and approval. Mitigation will include a combination of on-site and/or off-site preservation, enhancement, and/or restoration at no less than a 1:1 ratio. The

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objective of the mitigation plan is to ensure no net loss of habitat values as a result of the project implementation. The project applicant will implement the mitigation plan, as approved by the City, and according to the guidelines and performance standards of the plan. The mitigation plan submitted to the City will contain the following information.

A. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified.

B. Site selection. The site for the mitigation will be determined in coordination with the project applicant and resource agencies. The site will either be located on the proposed development site in a dedicated open space area or dedicated open space area will be purchased offsite. Appropriate sites will have suitable soils for the establishment of coastal sage scrub species.

C. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species. Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site).

D. Schedule. A schedule will be developed which includes planting to occur in late fall and early winter between October and January 30.

E. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting.

F. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly thereafter, and 5) annual reports for five years that will be submitted to the City on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the project applicant may request to be released from monitoring requirements from the City.

G. Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. A conservation easement and a performance bond will be secured prior to implementation of the site.

In addition, earth-moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped. Prior to grading, the open space limits will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area.

2. Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of oak or walnut woodland habitat, the project applicant will

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develop a detailed oak and walnut woodland mitigation plan and submit the plan to the City of Diamond Bar for review and approval. Mitigation will include a combination of on-site and/or off-site preservation and/or restoration at no less than a 1:1 acreage ratio. The native trees protected under the Diamond Bar Tree Preservation and Protection Ordinance require a minimum replacement ratio of 3:1.

A biological monitor will be present during project grading to record the exact number of native trees impacted. The objective of the mitigation plan is to ensure no net loss of habitat values as a result of the project implementation. Native trees replaced at a 3:1 ratio per the City ordinance should be used in restoration of the 1:1 acreage replacement of oak and walnut woodland habitat. The project applicant will implement the mitigation plan, as approved by the City, and according to the guidelines and performance standards of the plan. The mitigation plan submitted to the City will contain the following information.

a. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified.

b. Site selection. The site for the mitigation will be determined in coordination with the project applicant, the City, and resource agencies. The site will either be located on manufactured slopes, on the proposed development site in a dedicated open space area or within dedicated open space area offsite. Appropriate sites must have suitable soils for the establishment of oak and walnut woodland species.

c. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff, tree trunks scattered within mitigation site for diversity in habitat structure), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species. All recommendations will follow the guidelines established by the Diamond Bar Tree Preservation and Protection Ordinance. Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site).

d. Schedule. A schedule will be developed which requires planting to occur in late fall and early winter between October and January 30.

e. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control; 2) herbivory control; 3) trash removal; 4) irrigation system maintenance; 5) maintenance training; and 6) replacement planting including the option of continual planting of acorns to ensure a diversity in habitat structure.

f. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations); 2) quantitative monitoring (i.e., randomly placed transects); 3) performance criteria as approved by the resource agencies; 4) monthly reports for the first year and bimonthly thereafter; and 5) annual reports for five years that will be submitted to the resource agencies and the City on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the project applicant may request to be released from monitoring requirements from the USACE, CDFG, and the City.

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g. Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. Appropriate preservation measures (e.g., performance bonds, easements, dedications) will be secured prior to final map recordation.

Prior to grading, the limits of grading will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area. During grading, earth moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped.

Trees not expected to be impacted by construction will be enclosed by barrier such as orange snow fencing. The barriers will be placed at least 15 feet outside the drip line, and no grade changes will be made within the barrier without prior approval by the City.

3. Prior to issuance of a grading permit, the applicant shall provide the City with copies of applicable USACE and CDFG permits for the proposed project. Compensatory mitigation for the loss of wetland or riparian function and values is a fundamental component of the applicable regulatory programs. Mitigation can consist of: 1) avoidance or minimization of impacts, 2) compensation in the form of habitat restoration, or 3) compensation through participation in a mitigation bank. Avoidance and minimization of impacts is preferred by the agencies. Any compensation through restoration should be on-site, if possible, and in kind. The exact requirements of any special permit conditions established for the proposed project would be determined by the USACE (Section 404) and/or the CDFG (Streambed Alteration Agreement), following review of the formally submitted project application after completion of the CEQA process.

The objective of the mitigation is to ensure no net loss of habitat values from the project. Prior to implementation of any restoration, a detailed program will be developed by the project applicant and will be submitted for approval by the USACE and CDFG as part of the regulatory permitting process. The project applicant will implement the mitigation plan, as approved by the resource agencies and the City, and according to the guidelines and performance standards of the plan. The mitigation plan will contain the following items:

a. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified.
b. Site selection. The site for the mitigation will be determined in coordination with the project applicant, the City, and resource agencies. The site will either be located on the proposed development site, in an offsite dedicated open space area, or in a dedicated open space area. Appropriate sites must have suitable hydrology and soils for the establishment of riparian species.
c. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species.

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Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site).

d. Schedule. A schedule will be developed which requires planting to occur in late fall and early winter between October and January 30.

e. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting.

f. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly thereafter, and 5) annual reports for five years that will be submitted to the City and the resource agencies on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the project applicant may request to be released from monitoring requirements from USACE and CDFG.

g. Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. Appropriate preservation measures (e.g., performance bonds, easements, dedications) will be secured prior to final map recordation.

Prior to grading, the open space limits will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area. During grading, earth-moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped.

4. Braunton's milk-vetch was not detectable during the special status plant surveys due to its fire or disturbance-following life cycle. A follow-up survey for this species will be conducted in any area partially disturbed for surveyor access or geotechnical studies, or areas that may be burned in a future wildfire. If Braunton's milk vetch is found in the study area during follow-up surveys, the applicant will be required to consult with the USFWS and CDFG to obtain a permit under Section 7 or 10(a) of the federal Endangered Species Act and a Section 2081 concurrence from CDFG under the state Endangered Species Act to impact this species. The consultation process will include preparation of a mitigation plan to avoid, relocate, or minimize impacts on this species. This plan will be submitted to and approved by the USFWS and CDFG.

5. Seven days prior to the onset of construction activities, a qualified biologist will survey within the limits of project disturbance for the presence of any active raptor nests (common or special status). Any nest found during survey efforts will be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys will be provided to the CDFG.

If nesting activity is present at any raptor nest site, the active site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the project site normally occurs from February 1 to June 30. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active as determined by a qualified biologist): 1) clearing limits will be established a minimum of 300 feet in any direction from any occupied nest and 2) access and surveying will be restricted within 200 feet of any occupied nest. Any

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encroachment into the 300/200 foot buffer area around the known nest will only be allowed if it is determined by a qualified biologist that the proposed activity will not disturb the nest occupants. Construction during the non-nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest.

If an active nest is observed during the non-nesting season, the nest site will be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. The biologist will then remove the nest site so raptors cannot return to a nest.

6. Prior to the issuance of a grading permit, a Habitat Mitigation Plan that details the plans for on-site and off-site vegetation mitigation shall be finalized, submitted, and approved by the City of Diamond Bar and the California Department of Fish and Game.

7. Prior to the issuance of a grading permit, the project applicant will apply for coverage under the State Water Resources Control Board's General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activities General NPDES Permit) and will comply with all the provisions of the permit, including the development of a Storm Water Pollution Prevention Plan, which includes provisions for the implementation of Best Management Practices and erosion control measures. Best Management Practices will include both structural and non-structural measures. The purpose of this mitigation measure is to ensure that site runoff does not adversely affect downstream biological resources.

8. Landscape designs will be submitted to the City for review and approval by a qualified biologist. The review will ensure that no invasive, exotic plant species are used in any proposed landscaping, and that suitable substitutes are proposed. Ideally, only native species should be used in landscaping along the southern boundary, adjacent to Tonner Canyon, which is a County-designated SEA. Natives used should include chaparral and woodland species that currently occur in the study area.

9. To limit the amount of human disturbance on natural open space areas on and adjacent to the study area (i.e., Tonner Canyon), a fencing plan will be submitted to the City. Prior to obtaining occupancy permits, signs and split-rail fencing (the latter, if appropriate) will be posted directing people to keep out of the natural open space areas and revegetation areas (if applicable). In addition, the project applicant will be required to post signage stating that dogs will be required to be leashed in areas near the natural open space areas that abuts Tonner Canyon SEA.

Cultural Resources

Potentially Significant Impact Reduced with the Implementation of a Mitigation Measure

Development of proposed project could impact undiscovered archaeological resources and non-renewable paleontological resources.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

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Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measures:

1. A qualified archaeologist shall be retained to attend the pre-grade meeting and to monitor grading activities. During grading activities, the archaeologist shall conduct limited monitoring to observe and retrieve any buried artifacts that may be uncovered. The archaeological monitor for the project site shall have the authority to temporarily divert or direct grading to allow time to evaluate any exposed prehistoric or historic material.

2. A final monitoring report, including an itemized inventory and pertinent field data, shall be sent to the property owner and to the South Central Coastal Information Center at the University of California, Los Angeles.

3. Any recovered prehistoric and historic artifacts shall be offered, on a first right-of-refusal basis, to a repository with a retrievable collection system and an educational and research interest in the materials such as the Fowler Museum of Cultural History (UCLA) and California State University, Fullerton, or alternatively to The Pomona Valley Historical Society or La Puente Valley Historical Society, where collections are held locally.

4. A qualified paleontologist shall be retained to attend a pre-grade meeting and produce a mitigation program for the proposed project. This paleontologist shall attend the pre-grade meeting to discuss the monitoring, collecting, and safety procedures for the project and shall supervise the paleontologic monitoring during earth moving activities in the area.

5. Monitoring shall be conducted during earth moving activities within the high sensitivity La Vida Shale Member and the Soquel Sandstone Member. The paleontologist shall tailor the monitoring schedule to the rate of fossil recovery, the number, density, and types of fossils that are encountered, the numbers of spreads working simultaneously, and the cubic foot amounts of rock being excavated or disturbed. Screening of sediments shall routinely be conducted during monitoring under the supervision of the paleontologist to sample significant small vertebrate remains. The paleontological monitor shall have the authority to temporarily divert or redirect grading to allow time to evaluate any exposed fossil material. During monitoring, any scientifically significant specimens shall be properly salvaged after evaluation by, and under the supervision of, the paleontologist. During fossil salvage, contextual stratigraphic data shall also be collected. This will include lithologic descriptions, localities plotted on a USGS 7.5' Series topographic quadrangle, photographs, and field notes.

6. Recovered specimens shall be identified and curated on a long-term loan basis in a suitable repository that has a retrievable storage system, such as the Los Angeles County Museum of Natural History.

7. A final report shall be prepared at the end of earth moving activities, and shall include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. This report shall be sent to the City of Diamond Bar to signify the end of mitigation. Another copy shall accompany any recovered fossils, along with field logs and photographs, to the designated repository.

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Geology and Soils

Potentially Significant Impact Reduced with the Implementation of a Mitigation Measure

The project site contains a deep-seated landslide on the west flank of the easterly ridge, as well as a smaller landslide on the east flank of the central ridgeline. The project site contains unfavorable out-of-slope bedding plane orientation within localized areas on the west flank of the easterly ridge, on the east flank of the westerly ridge. Out-of-slope bedding plane orientations are anticipated to be exposed in most of the proposed cut slopes.

The natural slope behind Lots 31 through 42 contains ungraded steep slopes and natural drainage channels that may not provide suitable stability for the constriction of additional structures.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measures:

1. All recommendations contained in the Final Geotechnical Report, prepared by Hu Associates, Inc. and approved by the City, shall be implemented during grading/construction activities on the project site, including, but not limited to, the following:

    - Slope creep affected bedrock materials were observed on-site. Most of the creep-affected bedrock on slopes will be removed during slope backcuts for buttresses prior to construction of graded features. An Engineering Geologist shall be present during grading to ascertain over-excavation depths necessary to remove slope creep affected bedrock.

    - Alluvium, colluvium, landslide debris, and undocumented artificial fill are not considered suitable to support the proposed development and shall be removed to competent bedrock, as approved by the project engineering geologist.

    - The depths of groundwater seepage and saturation may be subject to seasonal fluctuation. Sub-drains shall be constructed to control the subsurface groundwater flow and direct the groundwater to appropriate disposal areas.

    - Landslide debris must be removed to firm competent bedrock prior to the placement of compacted fill.

    - Buttress fills with internal backdrains will be required to stabilize the high cut slopes and transition slopes. Stabilization fills are recommended for all low-height side yard cut slopes and cut-to-fill transition slopes. Toe-of-slope fill keys and internal backdrains are recommended at the base of the proposed side-hill fill slopes.

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- Expansion potential and soluble sulfate testing should be performed near the completion of rough grading to verify and or revise the recommendation presented in the Preliminary Geotechnical Report.

2. The sloping ungraded land downslope of the graded pads of Lots 31 through 42 shall not be constructed upon without additional geotechnical investigation and shall be designated as "Restricted Use Zones" on each lot. Information about restrictions on development in the sloped ungraded areas shall be provided to future property owners of these lots prior to lot sales.

Hazards

Potentially Significant Impact Reduced with the Implementation of a Mitigation Measure

The project site is located within a Fire Zone 4 VHFHSV, in which exposure to fire hazards is a concern due to proximity to SEA No. 15. Lot 12 is directly adjacent to the SEA No. 15 and would not be able to accommodate a 200-foot fuel modification buffer from the constructed home.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measure:

1. Irrigation systems will be installed into manufactured slopes within the project site to further reduce the risk of wildland fires.

2. Lot 12 shall comply with applicable wildfire protection and fuel modification methods specified by the County Fire Department during building plan review and prior to issuance of building permits.

Hydrology and Water Quality

Potentially Significant Impact Reduced with the Implementation of a Mitigation Measure

Exposed graded surfaces can contribute to loose sediment in stormwater runoff.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measure:

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1. Manufactured slopes shall be seeded with native vegetation and irrigated as soon as practicable after completion of pad construction to reduce potential erosion and sediment discharges.

Noise

Potentially Significant Impacts Reduced with the Implementation of a Mitigation Measure

Construction activities may produce noise levels that exceed the City's noise standards.

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Finding

Significant effects have been substantially lessened to a level that is less than significant through the incorporation of the following mitigation measures:

1. Construction activities would be limited to Monday to Friday between the hours of 7 am to 6 pm.

2. Prior to issuance of grading permits, a construction traffic plan, equipment staging area, and construction employee parking area program shall be submitted by the applicant to the City for approval to ensure that construction noise impacts from these sources are kept to a minimum.

3. The developer shall ensure that improved mufflers are used on mobile and stationary equipment, when feasible, and that proper maintenance is performed on construction equipment.

D. IMPACTS THAT CANNOT BE MITIGATED TO A LEVEL CONSIDERED LESS THAN SIGNIFICANT

The following sets forth all significant effects of the TTM 53430 project that cannot be reduced to a level of less than significant with the implementation of mitigation measures. The City of Diamond Bar will adopt a Statement of Overriding Considerations (Section F) for the unavoidable significant project impact. An unavoidable significant impact has been found for short-term (construction) air quality impacts.

Air Quality

The project will result in short-term construction impacts related to fugitive dust and equipment exhaust emissions. Construction would generate air emissions from grading activities, construction equipment, and employee vehicle exhaust emissions. Short-term construction emissions will exceed the SCAQMD's 150 pounds/day threshold and 6.75 tons/quarter threshold for particulate matter (PM_{10}) and 2.5 tons per quarter for oxides of nitrogen (NO_x).

Findings

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

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(2) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Facts in Support of Findings

The following facts and mitigation measures indicate that although the construction-related air quality emissions will be reduced to the extent feasible, they cannot feasibly be mitigated to a level considered less than significant. The infeasibility of the No Project Alternative is addressed in the findings set forth below and any further alternative or mitigation measure sufficient to achieve reductions in emissions below the air district's thresholds would be infeasible for the same reasons. As a result, impacts associated with PM_{10} emissions are considered significant and unavoidable. These unavoidable effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations (in Section F below).

1. Water exposed surfaces three times a day.
2. Apply soil stabilizers to inactive areas.
3. Replace vegetative ground cover in inactive areas quickly, using perennials where possible.
4. Cover all stockpiles with tarps.
5. Install particulate filters on all diesel haul trucks.
6. Use particulate filters on all diesel equipment.
7. Use up-wind fencing where applicable to prevent material movement on site.
8. Pre-water prior to earth-moving to maintain soil moisture content at a minimum of 12 percent so as to prevent dust plumes.
9. Maintain stockpiles to avoid steep sides or faces.
10. Turn off equipment when not in use for longer than five minutes.

E. FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

The City of Diamond Bar, having reviewed and considered the information in the TTM 53430 Final EIR, as defined above, finds, pursuant to CEQA and the CEQA Guidelines, that (a) the Final EIR considers a reasonable range of project alternatives; and (b) specific environmental, economic, legal, social, technological, or other considerations, including employment opportunities for highly trained workers, make infeasible the project alternatives identified in the Final EIR as well as other alternatives or mitigation measures which would reduce the construction-related air quality emissions below a level of significance.

Facts In Support of Findings

Overview of Standards for Determining a Reasonable Range of Alternatives

Under CEQA Guidelines Section 15126(d)(1), EIRs are required to examine feasible mitigation measures and feasible alternatives to a proposed project. A critical element of any EIR is the selection of alternatives that warrant detailed review in the document. CEQA Guidelines Section 15126(d) states that:

> "...the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

CEQA Guidelines Section 15126(d)(5) states that the "range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives

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necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project."

In determining the scope of the alternatives analysis, and the reasonable range of the alternatives, the alternatives analyzed in the Final EIR were framed by considering the project objectives and purposes identified for the project, as well as the significant impacts of the project. The project objectives, as identified in the Draft EIR are as follows:

1. Provide low-density housing within the City consistent with the City's General Plan.

2. Design a residential project that maintains the scale and character of the surrounding Country Estates community.

3. Design a residential project that would allow future property owners to maximize the use and enjoyment of their property.

4. Design a residential project that uses similar grading and manufactures slope construction techniques as the surrounding residential developments in order to promote a sense of visual and aesthetic continuity.

5. Visually harmonize the manufactured slopes with revegetated landscaping and incorporate design techniques to soften the project's interface with the existing setting and surrounding open-space.

The Final EIR includes two alternatives, plus a discussion of alternatives considered and eliminated. The range of alternatives considered presents a reasonable range and includes the No Action/No Project Alternative and a Minimal Grading/No Pads Alternative.

Environmental Effects and Feasibility of the No Action/No Project Alternative

Feasibility

The No Action/No Project Alternative would eliminate the significant unavoidable construction air quality impacts and all other environmental impacts associated with the proposed project because no construction would occur on the site. However, residential development would likely proceed at some time in the future. The project site is surrounded by residential development to the north, west, and east, and property to the north is entitled for development and is currently in the environmental review process. The City has grown in population over the past decade and there are no indications that the demand for housing will decrease. The project site is currently entitled and zoned for residential development and would be ultimately developed with a project design that maximizes the development potential of the land.

Comparative Merits

This alternative would not fulfill any of the objectives of the proposed project. The project site would remain underutilized, which is inconsistent with the City's General Plan. The No-Project Alternative would be temporarily environmentally superior. This alternative would postpone, but not eliminate, development. It is likely that future proposed development for the site consistent with the General Plan land use designation and zoning would have environmental impacts similar to the proposed project.

Findings

For the reasons stated above, this alternative would not accomplish the project objectives and would not be feasible. The Draft EIR found that the No Action/No Project Alternative was not

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the environmentally superior alternative and that the proposed project is preferred over this alternative.

Environmental Effects and Feasibility of the Minimal Grading/No Pads Alternative

Feasibility

The intent of this alternative is to preserve, to the greatest extent possible, the biological resources on the project site and to eliminate the need for off-site mitigation. This alternative would substantially reduce the amount of grading on the project site by eliminating the development of graded pads.

The majority of grading activities would result from the development of the roadway system (depicted as "Street A") that would be connected to Rocky Trail Road. The extension of Alamo heights Drive would be eliminated in order to preserve the central drainage feature of the site, as well as due to the lack of fill material to develop the roadway extension. The average home footprint would be approximately 3,000 to 4,000 square feet per lot. Homes on the project site could be developed in a "pier and beam" technique that would conform to the existing topography and would be constructed one lot at a time. Homes would likely need to be "stair-stepped" down the property or terraced, in order to accommodate the steeply sloping hillside characteristics of the site.

The landslide areas on the project site would not be remediated and would be largely avoided, resulting in areas on the site with no development. Therefore, the lots would be narrowed in order to accommodate the preservation of the landslide areas as well as to accommodate the relocation of lots from Alamo Heights Drive (in the proposed design) to "Street A" in this alternative.

This alternative does not satisfy the majority of the project objectives. This alternative design would not reflect the typical home design of The Country Estates. Homes would be smaller in size and backyard lawns, landscaping, and opportunities for other recreational amenities, such as swimming pools, gazebos, or tennis courts would be infeasible for most of the lots. This design would not provide a residential community that maintains the scale and character of the surrounding neighborhood or promote a sense of visual and aesthetic continuity within The Country Estates.

Implementation of the proposed project would provide an addition to The Country Estates that is consistent with the existing character of the community. The Country Estates includes large lots and large homes that generally provide the opportunity to have recreational amenities within the private lots. Given the fact that the majority of The Country Estates is already developed and occupied, the type of development proposed by the project (including large graded pads that can accommodate large homes) is in demand and highly desirable. Development of the Minimal Grading/No Pads Alternative would be out of character for the surrounding community. Aside from the constructed home, the private lots would be largely unusable due to the need to protect biological resources via conservation easement and the steep slopes that would not support recreational amenities or accessory structures. These restrictions on lot development would prevent the future property owners from fully utilizing their acreage and would potentially reduce the appeal and marketability of the property to potential buyers. Additional considerations include the reluctance of the neighbors and the Homeowner's Association to accept the design of this alternative, given the potential reduced property values and diminished aesthetics.

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Comparative Merits

This alternative would reduce the environmental impacts for all categories with the exception of aesthetics, geology, wildfire hazards, public services and utilities, which would remain the same. The most substantial reduction in impacts when compared to the proposed project design would be in the preservation of natural biological resources on the site and reduction in construction-related air quality impacts.

Finding

Because this alternative would significantly reduce several of the environmental impacts when compared to the proposed project, the Draft EIR found that the Minimal Grading/No Pads Alternative was the environmentally superior alternative as defined by CEQA. However, for the reasons stated above, the proposed project is preferred over this alternative.

F. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Diamond Bar, having reviewed and considered the information contained in the Final EIR (as defined above), finds, pursuant to CEQA and the CEQA Guidelines, that specific overriding economic, legal, social, technological, or other benefits of the project outweigh any and all significant effects that the project will have on the environment, and that on balance, the remaining significant effects for construction-related air quality are found acceptable given the following overriding considerations:

Planning Context

The economic character of Diamond Bar and its surroundings has changed dramatically over the past 10 to 20 years. The need for the project derives in part from projections of County growth in population, creating an increased demand for dwelling units.

Project Objectives

The overall objectives of the project are as follows:

1. Provide low-density housing within the City consistent with the City's General Plan.
2. Design a residential project that maintains the scale and character of the surrounding Country Estates community.
3. Design a residential project that would allow future property owners to maximize the use and enjoyment of their property.
4. Design a residential project that uses similar grading and manufactured scope construction techniques as the surrounding residential developments in order to promote a sense of visual and aesthetic continuity.
5. Visually harmonize the manufactured slopes with revegetated landscaping and incorporate design techniques to soften the project's interface with the existing setting and surrounding open space.

City of Diamond Bar Objectives

The City of Diamond Bar's objectives for the project are those goals from the General Plan Land Use Element which are applicable to the project. They are as follows:

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Goal 1 Consistent with the Vision Statement, maintain a mix of land uses which enhances the quality of life of Diamond Bar residents, providing a balance of development and preservation of significant open space areas to assure both economic viability and retention of distinctive natural features of the community.

Goal 2 Consistent with the Vision Statement, manage land use with respect to the location, density and intensity, and quality of development. Maintain consistency with the capabilities of the City and special districts to provide essential services which achieve sustainable use of environmental and manmade resources.

Goal 3 Consistent with the Vision Statement, maintain recognition within Diamond Bar and the surrounding region as being a community with a well planned and aesthetically pleasing physical environment.

Goal 4 Consistent with the Vision Statement, encourage long-term and regional perspectives in local and land use decisions, but not at the expense of the Quality of Life for Diamond Bar residents.

Project Benefits

Addition of Housing – The development of the proposed project would contribute 48 additional housing units to the City of Diamond Bar. All of the significant impacts are temporary and construction related and all impacts, with the exception of air quality, would be mitigated to less than significant. Therefore, the long-term benefits associated with developing the proposed project outweigh the temporary impacts of construction.

Dedication of Property – Approximately 8.9 acres of land along the western edge of the property will be preserved as open space and will maintain natural vegetation.

Employment Opportunities – The project will create construction jobs, including opportunities for highly trained workers, which would contribute to the local economy of the City of Diamond Bar.

Park Funds – The applicant is contributing funds (in an amount to be determined between the City of Diamond Bar and applicant) to the City of Diamond Bar Parks and Acquisition Fund.

Infrastructure Improvement – All utilities for the proposed project will be underground. The following improvements would be required and implemented as part of the project:

Extend an 8-inch sewer line from the project site to the future intersection of Pathfinder Road and connect to an existing sewer line.

Extend an 8-inch water service line from the project site Steeplechase Lane and connect to an existing water line.

Construct a booster pump station on Lot B near the southern boundary of the site.

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TENTATIVE TRACT MAP 53430
ENVIRONMENTAL IMPACT REPORT
SCH No. 2003051102

EIR Mitigation Monitoring Program

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December 6, 2005

EXHIBIT "D"

ATTACHMENT 2-24

EIR MITIGATION MONITORING PROGRAM

TTM 53430

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
Aesthetics (Section 3.1)			
1. Manufactured slopes will be temporarily revegetated and irrigated to minimize post-construction erosion and to complement the existing natural vegetation on the adjacent open space areas until the lots are sold and permanently landscaped. Landscaping for TTM 53430 will use native vegetation (i.e., oaks, walnuts, coastal sage scrub) on manufactured slopes that are adjacent to naturally vegetated areas to minimize the potential visual impacts of development. The plan materials, placement, and maintenance of the native revegetation shall be approved by the Fire Department and by the project biologist. Landscaping activities will be coordinated with mitigation for biological impacts to ensure consistency.	Commencing after the completion of grading activities	City Public Works Department	On-site field check
Air Quality (Section 3.2)			
1. Water exposed surfaces three times a day.	Ongoing during all grading and construction activities	City Public Works Department	Incorporate into contractor specification and on-site field check
2. Apply soil stabilizers to inactive areas.	On the last day of active operations and/or prior to a weekend or holiday		
3. Replace vegetative ground cover in inactive areas quickly, using perennials where possible.	Ongoing during all grading and construction activities		
4. Cover all stockpiles with tarps.	Ongoing during all grading and construction activities		
5. Install particulate filters on all diesel haul trucks.	Ongoing during all grading and construction activities		
6. Use particulate filters on all diesel equipment.	Ongoing during all grading and construction activities		
7. Use up-wind fencing where applicable to prevent material movement on site.	Ongoing during all grading and construction activities		
8. Pre-water prior to earth-moving to maintain soil moisture content at a minimum of 12% so as to prevent dust plumes.	Ongoing during all grading and construction activities		
9. Maintain stockpiles to avoid steep sides or faces.	Ongoing during all grading and construction activities		
10. Turn off equipment when not in use for longer than five minutes.	Ongoing during all grading and construction activities		

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
Biological Resources (Section 3.3)			
1. Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of coastal sage scrub habitat, the project applicant will develop a detailed coastal sage scrub mitigation plan and submit the plan to the City of Diamond Bar for review and approval. Mitigation will include a combination of on-site and/or off-site preservation, enhancement, and/or restoration at no less than a 1:1 ratio. The objective of the mitigation plan is to ensure no net loss of habitat values as a result of the project implementation. The project applicant will implement the mitigation plan, as approved by the City, and according to the guidelines and performance standards of the plan. The mitigation plan submitted to the City will contain the following information. a. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified. b. Site selection. The site for the mitigation will be determined in coordination with the project applicant and resource agencies. The site will either be located on the proposed development site in a dedicated open space area or dedicated open space area will be purchased offsite. Appropriate sites will have suitable soils for the establishment of coastal sage scrub species. c. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species. Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site). d. Schedule. A schedule will be developed which includes planting to occur in late fall and early winter between October and January 30. e. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting. f. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative	Prior to the issuance of a grading permit or the initiation of any activity that involves the removal or disturbance of coastal sage scrub habitat	City Public Works Department, City Planning Department and California Department of Fish and Game	Review of coastal sage scrub mitigation plan and on-site field check

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly thereafter, and 5) annual reports for five years that will be submitted to the City on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the project applicant may request to be released from monitoring requirements from the City. g. Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. A conservation easement and a performance bond will be secured prior to implementation of the site. In addition, earth-moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped. Prior to grading, the open space limits will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area.			
2. Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of oak or walnut woodland habitat, the project applicant will develop a detailed oak and walnut woodland mitigation plan and submit the plan to the City of Diamond Bar for review and approval. Mitigation will include a combination of on-site and/or off-site preservation and/or restoration at no less than a 1:1 acreage ratio. The native trees protected under the Diamond Bar Tree Preservation and Protection Ordinance require a minimum replacement ratio of 3:1. A biological monitor will be present during project grading to record the exact number of native trees impacted. The objective of the mitigation plan is to ensure no net loss of habitat values as a result of the project implementation. Native trees replaced at a 3:1 ratio per the City ordinance should be used in restoration of the 1:1 acreage replacement of oak and walnut woodland habitat. The project applicant will implement the mitigation plan, as approved by the City, and according to the guidelines and performance standards of the plan. The mitigation plan	Prior to issuance of a grading permit or the initiation of any activity that involves the removal or disturbance of oak or walnut woodland habitat	City Public Works Department, City Planning Department, U.S. Army Corps of Engineers, and California Department of Fish and Game	Review of oak and walnut woodland mitigation plan and on-site field check

ATTACHMENT 2-27

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
submitted to the City will contain the following information. a. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified. b. Site selection. The site for the mitigation will be determined in coordination with the project applicant, the City, and resource agencies. The site will either be located on manufactured slopes, on the proposed development site in a dedicated open space area or within dedicated open space area offsite. Appropriate sites must have suitable soils for the establishment of oak and walnut woodland species. c. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff, tree trunks scattered within mitigation site for diversity in habitat structure), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species. All recommendations will follow the guidelines established by the Diamond Bar Tree Preservation and Protection Ordinance. Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site). d. Schedule. A schedule will be developed which requires planting to occur in late fall and early winter between October and January 30. e. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control; 2) herbivory control; 3) trash removal; 4) irrigation system maintenance; 5) maintenance training; and 6) replacement planting including the option of continual planting of acorns to ensure a diversity in habitat structure. f. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations); 2) quantitative monitoring (i.e., randomly placed transects); 3) performance criteria as approved by the resource agencies; 4) monthly reports for the first year and bimonthly thereafter; and 5) annual reports for five years that will be submitted to the resource agencies and the City on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the project			

ATTACHMENT 1 - 28

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

	MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
	applicant may request to be released from monitoring requirements from the ACOE, CDFG, and the City.			
g.	Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. Appropriate preservation measures (e.g., performance bonds, easements, dedications) will be secured prior to final map recordation. Prior to grading, the limits of grading will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area. During grading, earth moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped. Trees not expected to be impacted by construction will be enclosed by barrier such as orange snow fencing. The barriers will be placed at least 15 feet outside the drip line, and no grade changes will be made within the barrier without prior approval by the City.			
3.	Prior to issuance of a grading permit, the applicant shall provide the City with copies of applicable ACOE and CDFG permits for the proposed project. Compensatory mitigation for the loss of wetland or riparian function and values is a fundamental component of the applicable regulatory programs. Mitigation can consist of: 1) avoidance or minimization of impacts, 2) compensation in the form of habitat restoration, or 3) compensation through participation in a mitigation bank. Avoidance and minimization of impacts is preferred by the agencies. Any compensation through restoration should be on-site, if possible, and in kind. The exact requirements of any special permit conditions established for the proposed project would be determined by the ACOE (Section 404) and/or the CDFG (Streambed Alteration Agreement), following review of the formally submitted project application after completion of the CEQA process. The objective of the mitigation is to ensure no net loss of habitat values from the project. Prior to implementation of any restoration, a detailed	Prior to issuance of a grading permit	City Public Works Department, City Planning Department, U.S. Army Corps of Engineers, and California Department of Fish and Game	Review of applicable ACOE and CDFG permits and on-site field check

Attachment 3 - 50

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
program will be developed by the project applicant and will be submitted for approval by the ACOE and CDFG as part of the regulatory permitting process. The project applicant will implement the mitigation plan, as approved by the resource agencies and the City, and according to the guidelines and performance standards of the plan. The mitigation plan will contain the following items:			
a. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, technical specialists, and maintenance personnel that will supervise and implement the restoration plan will be specified.			
b. Site selection. The site for the mitigation will be determined in coordination with the project applicant, the City, and resource agencies. The site will either be located on the proposed development site, in an offsite dedicated open space area, or in a dedicated open space area. Appropriate sites must have suitable hydrology and soils for the establishment of riparian species.			
c. Site preparation and planting implementation. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) seed mix application, and 8) container species. Seeds and plantings will be collected or grown from seeds collected from the project site or vicinity (i.e., within 10 miles of the project site).			
d. Schedule. A schedule will be developed which requires planting to occur in late fall and early winter between October and January 30.			
e. Maintenance plan/guidelines. The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting.			
f. Monitoring plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly thereafter, and 5) annual reports for five years that will be submitted to the City and the resource agencies on an annual basis. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas;			

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

	MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
	however, if there is successful coverage prior to five years, the project applicant may request to be released from monitoring requirements from ACOE and CDFG.			
g.	Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development. Appropriate preservation measures (e.g., performance bonds, easements, dedications) will be secured prior to final map recordation. Prior to grading, the open space limits will be marked by the construction supervisor and the project biologist. These limits will be identified on the grading plan. The applicant will submit a letter to the City of Diamond Bar verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed within the open space area. During grading, earth-moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped.			
4.	Braunton's milk-vetch was not detectable during the special status plant surveys due to its fire or disturbance-following life cycle. A follow-up survey for this species will be conducted in any area partially disturbed for surveyor access or geotechnical studies, or areas that may be burned in a future wildfire. If Braunton's milk vetch is found in the study area during follow-up surveys, the applicant will be required to consult with the USFWS and CDFG to obtain a permit under Section 7 or 10(a) of the federal Endangered Species Act and a Section 2081 concurrence from CDFG under the state Endangered Species Act to impact this species. The consultation process will include preparation of a mitigation plan to avoid, relocate, or minimize impacts on this species. This plan will be submitted to and approved by the USFWS and CDFG.	Survey to be conducted prior to commencement of grading activities and after soil disturbance through surveyor access or geotechnical studies or after wildfire	City Public Works Department, City Planning Department, U.S. Fish and Wildlife Service, and California Department of Fish and Game	Review of survey findings
5.	Seven days prior to the onset of construction activities, a qualified biologist will survey within the limits of project disturbance for the presence of any active raptor nests (common or special status). Any nest found during survey efforts will be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys will be provided to the CDFG. If nesting activity is present at any raptor nest site, the active site will be protected until nesting activity has ended to ensure compliance with	Seven days prior to the commencement of grading/construction activities	City Public Works Department, City Planning Department, and California Department of Fish and Game	Review of survey findings

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

	MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
	Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the project site normally occurs from February 1 to June 30. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active as determined by a qualified biologist): 1) clearing limits will be established a minimum of 300 feet in any direction from any occupied nest and 2) access and surveying will be restricted within 200 feet of any occupied nest. Any encroachment into the 300/200 foot buffer area around the known nest will only be allowed if it is determined by a qualified biologist that the proposed activity will not disturb the nest occupants. Construction during the non-nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest. If an active nest is observed during the non-nesting season, the nest site will be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. The biologist will then remove the nest site so raptors cannot return to a nest.			
6.	Prior to the issuance of a grading permit, a Habitat Mitigation Plan that details the plans for on-site and off-site vegetation mitigation shall be finalized, submitted, and approved by the City of Diamond Bar and the California Department of Fish and Game.	Prior to the issuance of a grading permit	City Public Works Department, City Planning Department, and California Department of Fish and Game	Review of Habitat Mitigation Plan status
7.	Prior to the issuance of a grading permit, the project applicant will apply for coverage under the State Water Resources Control Board's General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activities General NPDES Permit) and will comply with all the provisions of the permit, including the development of a Storm Water Pollution Prevention Plan, which includes provisions for the implementation of Best Management Practices and erosion control measures. Best Management Practices will include both structural and non-structural measures. The purpose of this mitigation measure is to ensure that site runoff does not adversely affect downstream biological resources.	Prior to the issuance of a grading permit	City Public Works Department and Regional Water Quality Control Board	Review of SWPPP and perform site visits to review associated BMPs

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

	MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
8.	Landscape designs will be submitted to the City for review and approval by a qualified biologist. The review will ensure that no invasive, exotic plant species are used in any proposed landscaping, and that suitable substitutes are proposed. Ideally, only native species should be used in landscaping along the southern boundary, adjacent to Tonner Canyon, which is a County-designated SEA. Natives used should include chaparral and woodland species that currently occur in the study area.	In conjunction with development of final plans and specifications and prior to initiation of grading activities	City Public Works Department and City Planning Department	Review of final design plans
9.	To limit the amount of human disturbance on natural open space areas on and adjacent to the study area (i.e., Tonner Canyon), a fencing plan will be submitted to the City. Prior to obtaining occupancy permits, signs and split-rail fencing (the latter, if appropriate) will be posted directing people to keep out of the natural open space areas and revegetation areas (if applicable). In addition, the project applicant will be required to post signage stating that dogs will be required to be leashed in areas near the natural open space areas that abuts Tonner Canyon SEA.	In conjunction with development of final plans and specifications and prior to initiation of grading activities	City Public Works Department and City Planning Department	Review of final design plans
Cultural Resources (Section 3.4)				
1.	A qualified archaeologist shall be retained to attend the pre-grade meeting and to monitor grading activities. During grading activities, the archaeologist shall conduct limited monitoring to observe and retrieve any buried artifacts that may be uncovered. The archaeological monitor for the project site shall have the authority to temporarily divert or direct grading to allow time to evaluate any exposed prehistoric or historic material.	Prior to issuance of grading permit and during grading activities	City Public Works Department	On-site field check
2.	A final monitoring report, including an itemized inventory and pertinent field data, shall be sent to the property owner and to the South Central Coastal Information Center at the University of California, Los Angeles.	Upon completion of grading activities	City Public Works Department and City Planning Department	Review of final monitoring report
3.	Any recovered prehistoric and historic artifacts shall be offered, on a first right-of-refusal basis, to a repository with a retrievable collection system and an educational and research interest in the materials such as the Fowler Museum of Cultural History (UCLA) and California State University, Fullerton, or alternatively to The Pomona Valley Historical Society or La Puente Valley Historical Society, where collections are held locally.	During grading activities	City Public Works Department	Deposition of artifacts to appropriate repository
4.	A qualified paleontologist shall be retained to attend a pre-grade meeting and produce a mitigation program for the proposed project. This paleontologist shall attend the pre-grade meeting to discuss the monitoring, collecting, and safety procedures for the project and shall	Prior to issuance of grading permit and during grading activities	City Public Works Department and City Planning Department	On-site field check and review of mitigation program

ATTACHMENT 2-33

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

	MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
	supervise the paleontologic monitoring during earth moving activities in the area.			
5.	Monitoring shall be conducted during earth moving activities within the high sensitivity La Vida Shale Member and the Soquel Sandstone Member. The paleontologist shall tailor the monitoring schedule to the rate of fossil recovery, the number, density, and types of fossils that are encountered, the numbers of spreads working simultaneously, and the cubic foot amounts of rock being excavated or disturbed. Screening of sediments shall routinely be conducted during monitoring under the supervision of the paleontologist to sample significant small vertebrate remains. The paleontological monitor shall have the authority to temporarily divert or redirect grading to allow time to evaluate any exposed fossil material. During monitoring, any scientifically significant specimens shall be properly salvaged after evaluation by, and under the supervision of, the paleontologist. During fossil salvage, contextual stratigraphic data shall also be collected. This will include lithologic descriptions, localities plotted on a USGS 7.5' Series topographic quadrangle, photographs, and field notes.	During grading activities	City Public Works Department	On-site field check
6.	Recovered specimens shall be identified and curated on a long-term loan basis in a suitable repository that has a retrievable storage system, such as the Los Angeles County Museum of Natural History.	During grading activities	City Public Works Department	Specimen collection and deposition in a suitable repository
7.	A final report shall be prepared at the end of earth moving activities, and shall include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. This report shall be sent to the City of Diamond Bar to signify the end of mitigation. Another copy shall accompany any recovered fossils, along with field logs and photographs, to the designated repository.	Upon completion of grading activities	City Public Works Department and City Planning Department	Review of final report
Geology/Soils (Section 3.5)				
1.	All recommendations contained in the Final Geotechnical Report, prepared by Hu Associates, Inc. and approved by the City, shall be implemented during grading/construction activities on the project site, including, but not limited to, the following: • Slope creep affected bedrock materials were observed on-site. Most of the creep-affected bedrock on slopes will be removed during slope backcuts for buttresses prior to construction of graded features. An Engineering Geologist shall be present during grading to ascertain over-	During grading and construction activities	City Public Works Department	Review of grading plans and on-site field check

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
excavation depths necessary to remove slope creep affected bedrock. • Alluvium, colluvium, landslide debris, and undocumented artificial fill are not considered suitable to support the proposed development and shall be removed to competent bedrock, as approved by the project engineering geologist. • The depths of groundwater seepage and saturation may be subject to seasonal fluctuation. Sub-drains shall be constructed to control the subsurface groundwater flow and direct the groundwater to appropriate disposal areas. • Landslide debris must be removed to firm competent bedrock prior to the placement of compacted fill. • Buttress fills with internal backdrains will be required to stabilize the high cut slopes and transition slopes. Stabilization fills are recommended for all low-height side yard cut slopes and cut-to-fill transition slopes. Toe-of-slope fill keys and internal backdrains are recommended at the base of the proposed side-hill fill slopes. • Expansion potential and soluble sulfate testing should be performed near the completion of rough grading to verify and or revise the recommendation presented in the Preliminary Geotechnical Report.			
2. The sloping ungraded land downslope of the graded pads of Lots 31 through 42 shall not be constructed upon without additional geotechnical investigation and shall be designated as "Restricted Use Zones" on each lot. Information about restrictions on development in the sloped ungraded areas shall be provided to future property owners of these lots prior to lot sales.	During grading and construction activities	City Public Works Department	Review of grading plans and on-site field check
Hazards and Hazardous Materials (Section 3.6)			
1. Irrigation systems will be installed into manufactured slopes within the project site to further reduce the risk of wildland fires.	During grading activities	City Public Works Department and Los Angeles County Fire Department	Review of final design plans and on-site field check
2. Lot 12 shall comply with applicable wildfire protection and fuel modification methods specified by the County Fire Department during building plan review and prior to issuance of building permits.	During grading activities	City Public Works Department and City Planning Department and Los Angeles County Fire Department	Review of final design plans and on-site field check

ATTACHMENT 2-35

EIR MITIGATION MONITORING PROGRAM

TTM 53430 (Continued)

MITIGATION MEASURE	TIMING	RESPONSIBLE PARTY	VERIFICATION
Hydrology/Water Quality (Section 3.7)			
1. Manufactured slopes shall be seeded with native vegetation and irrigated as soon as practicable after completion of pad construction to reduce potential erosion and sediment discharges.	As soon as practicable after completion of pad construction	City Public Works Department	On-site field check
Noise (Section 3.8)			
1. Construction activities would be limited to Monday to Friday between the hours of 7 am to 6 pm.	During all grading and construction activities	City Public Works Department	On-site field check
2. Prior to issuance of grading permits, a construction traffic plan, equipment staging area, and construction employee parking area program shall be submitted by the applicant to the City for approval to ensure that construction noise impacts from these sources are kept to a minimum.	Prior to issuance of grading permits	City Public Works Department	Review of plan and on-site field check
3. The developer shall ensure that improved mufflers are used on mobile and stationary equipment, when feasible, and that proper maintenance is performed on construction equipment.	During all grading and construction activities	City Public Works Department	Incorporate into contractor specifications and on-site field check

ATTACHMENT 2-34