

ORDINANCE NO. XX (2012)

AN ORDINANCE OF THE CITY OF DIAMOND BAR APPROVING THE SITE D SPECIFIC PLAN (SPECIFIC PLAN NO. 2007-01) FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSOR'S PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903, and 8714-015-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/lead agency/co-applicant, City of Diamond Bar (City), executed a Memorandum of Understanding whereby the parties agreed to collaborate in a specific plan process in order to consider the possible rezoning of the site consisting of approximately 30.36 acres, and comprised of multiple parcels located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California, collectively identified as Site D, so that both parties may each advance their respective objectives for the disposition and/or use of their respective property interests.
2. Under the authority of Development Code Section 22.60.040 and Government Code Section 65451, Specific Plan 2007-01 (Site D Specific Plan), was crafted to establish land use and development regulations uniquely applicable to Site D.
3. In accordance with the provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines (CEQA Guidelines), an Environmental Impact Report (EIR) was prepared for Specific Plan No. 2007-01. The EIR included an analysis of both the then proposed project, subsequently identified as the March 2010 Site D Specific Plan, and a number of alternatives thereto. The EIR concluded that, as mitigated, the implementation of the proposed project would produce a number of significant environmental effects that could not be reduced to a less-than-significant level.
4. On April 13, April 27, 2010 and May 11, 2010, the Planning Commission of the City of Diamond Bar (Planning Commission) conducted and concluded a duly noticed public hearing on the application and approved Resolution No. 2010-14 recommending that the City Council of the City of Diamond Bar (City Council) approve Specific Plan No. 2007-01, as conditioned. Prior to making its recommendation, the Planning

Commission considered several alternative land use plans set forth in the EIR, including various all-residential and mixed-use scenarios.

5. Planning Commission Resolution No. 2010-14 included a recommendation to incorporate a 1.3 net acre usable neighborhood public park within the Site D area with features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures. In addition, the Planning Commission recommended that the park be constructed to City standards and then dedicated to the City.
6. On June 15, 2010, the City Council conducted a duly noticed public hearing, solicited testimony from all interested parties, and continued the matter to July 20, October 19, November 16, December 7, and on December 21, 2010 closed the public hearing.
7. As specified in the EIR, Alternative 6, identified as the January 2012 Site D Specific Plan, was determined to be the environmentally-superior feasible alternative since its implementation would allow for the attainment of the project's stated objectives and would avoid or substantially lessen the significant environmental impacts attributable to the proposed project.
8. CEQA contains a "substantive mandate" requiring public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA Guidelines define the term "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In accordance therewith, the City Council determined that, since the January 2012 Site D Specific Plan would result in the avoidance or substantial reduction of those significant environmental impacts attributable to the March 2010 Site D Specific Plan, is environmentally superior thereto, and is feasible, the City Council identified Alternative 6 as the preferred project.
9. Based on the information presented in the EIR, the comments submitted and responses prepared in response thereto, the recommendations of the Planning Commission, and the independent deliberations of the City Council, the City Council subsequently rejected the March 2010 Site D Specific Plan based on environmental and other considerations and has elected to advance Alternative 6 (January 2012 Site D Specific Plan) in lieu thereof. Subsequent references to Specific Plan No. 2007-01 or to the Site D Specific Plan herein are with regards to the January 2012 Site D Specific Plan.
10. The City Council has certified that the EIR was completed in compliance with CEQA, that the EIR was presented to and reviewed by the City Council, that the City Council considered the information contained

therein, and that the EIR reflected the City Council's independent judgment and analysis. In accordance with CEQA and the CEQA Guidelines, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of findings of fact was approved by the City Council prior to the City Council's consideration of this ordinance.

11. Specific Plan No. 2007-01 is being reviewed by the City Council concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Development Agreement No. 2012-01.
12. Adoption by the City Council of Specific Plan No. 2007-01 will enable the City to impose site-specific land use, design, and development standards govern the build-out, use, and habitation of Site D.
13. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on February 10, 2012. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the general project vicinity.
14. On February 21, 2012, the City Council re-opened the public hearing, conducted a duly noticed public hearing on the project and on the EIR, took testimony, and fully considered the comments submitted during that hearing, including the City Council's own deliberations. On March 20, 2012, the City Council held a public hearing on a second reading of Specific Plan No. 2007-01.
15. The City Council has determined that the proposed Specific Plan represents a consistent, logical, appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City of Diamond Bar General Plan (General Plan).
16. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21810 Copley Drive, Second Floor, Diamond Bar, CA 91765.

B. NOW, THEREFORE, the City Council of the City of Diamond Bar does hereby ordain as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.
2. The City Council finds that the initial study prepared for the project

identified above in this Ordinance concluded that an Environmental Impact Report (EIR) No. 2007-02 (SCH No. 2008021014) be prepared. An EIR was subsequently prepared according to the requirements of CEQA and CEQA Guidelines promulgated thereunder. On February 21, 2012, the City Council reviewed the EIR and adopted Resolution No. 2012-XX certifying the EIR as complete and adequate after conducting and concluding a duly noticed public hearing.

3. Based on the findings and conclusions set forth herein, the City Council hereby finds as follows:
 - a. As conditioned, the Site D Specific Plan authorizes the conversion of vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessor's Parcel Numbers 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) to a developable use consisting of 200 residential dwelling units and a minimum of two net acres of useable neighborhood public park area.
 - b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with the Site D Specific Plan proposes to change the land use designation of Site D to Specific Plan. With approval of the General Plan Amendment, the Site D Specific Plan will be consistent with the underlying General Plan land use designation.
 - c. The project site is zoned Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1). Zone Change No. 2007-04 being considered concurrently with the Site D Specific Plan proposes to change the zoning designation of Site D to SP-Specific Plan. With approval of the zone change, the Site D Specific Plan will be in conformance with the underlying zoning designation.

Specific Plan: Pursuant to Development Code Section 22.60.040 and Government Code Section 65451, the City Council finds as follows:

- a. Specific Plan No. 2007-01 contains plans showing the distribution, location and extent of the uses of land, including open space;
- b. The proposed distribution, location, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses are described in the plan;
- c. Specific Plan No. 2007-01 includes standards and criteria for

development to proceed, and standards for the conservation, development, and utilization of natural resources;

- d. Specific Plan No. 2007-01 includes a program of implementation measures including regulations and performance standards to carry out the project; and
 - e. Specific Plan No. 2007-01 includes a statement attesting to the consistency of the Site D Specific Plan with the General Plan.
4. Based on the findings and conclusions set forth above, the City Council approves Specific Plan No. 2007-01 attached herein as Exhibit A with the following conditions:
- a. GENERAL
 - 1. This approval for Specific Plan No. 2007-01 shall be null and void and of no effect unless the EIR (SCH No. 2008021014) is first certified, the mitigation reporting and monitoring program, and findings of facts are previously adopted, and General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Development Agreement No. 2012-01 are approved;
 - 2. Unless subsequently modified by the City Council, in addition to the conditions in this Ordinance, all conditions of approval/performance standards in City Council Resolution No. 2012-XX for Site D Specific Plan shall be complied with. A copy is attached hereto and referenced herein as Exhibit B; and
 - 3. Unless subsequently modified by the City Council, the project shall comply with the mitigation reporting and monitoring program presented in EIR 2007-02 (SCH No. 2008021014). A copy is attached hereto and referenced herein as Exhibit C.

The City Council shall:

- (a) Certify to the adoption of this Ordinance; and
- (b) Forthwith transmit a certified copy of this Ordinance, by certified mail, to:
Walnut Valley Unified School District, 880 South Lemon Avenue, Walnut, CA 91789.

APPROVED AND ADOPTED THIS 21st DAY OF FEBRUARY 2012, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: _____

Ling-Ling Chang, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Diamond Bar on the 21st day of February, 2012, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

ATTEST: _____
Tommye Cribbins, City Clerk

EXHIBIT "A"

Site D Specific Plan

Copies of the Site D Specific Plan, dated January 2012, are available for public inspection and review at the City Clerk's Office in City Hall, the Diamond Bar Public Library, and online at www.DiamondBarCa.gov

EXHIBIT “B”

**“JANUARY 2012 ‘SITE D’ SPECIFIC PLAN”
CONDITIONS OF APPROVAL / PERFORMANCE STANDARDS**

No.	Condition of Approval
	Land Use
1-1	Prior to the issuance of any precise grading permit for the project site, the City Engineer shall conduct a consistency analysis with the City’s Hillside Management Ordinance, as codified in Chapter 22.22 (Hillside Management) of the Development Code and no grading permit shall be issued unless reasonable consistency has been determined by the City Engineer.
1-2	To the extent that it were to result in an exceedance of any adopted regional projections on population and/or housing growth within the City, following the approval of the specific plan and/or any associated amendments to the City’s General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG’s “Regional Transportation Plan” (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2010-2015 time period.
	Geotechnical Hazards
3-1	Prior to the approval of a tentative tract map or grading permit, a subsequent site-specific and design-specific geotechnical and geologic report shall be submitted to and, when acceptable, approved by the City Engineer documenting the project’s geotechnical feasibility and the appropriate geotechnical, geologic, and seismic conditions required to protect the public health and safety. Unless otherwise modified by the City Engineer, any conditions, recommendations, or mitigation measures contained therein shall become conditions of project approval.
3-2	Prior to the issuance of grading and building permits, the Applicant shall demonstrate, to the satisfaction of the City Engineer, that each of the recommendations contained in the project’s preliminary geotechnical investigation and in any supplemental reports as may be prepared by the Applicant’s Geotechnical Engineer or by others have been incorporated into the project’s design, development, and operation and that such recommendations serve to demonstrate compliance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards. The project shall be constructed, operated, and maintained in accordance with those recommendations and with such additional geologic, geotechnical, seismic, and soils recommendations as may result from further analyses that may be presented to, imposed, or adopted by the City.
	Hydrology and Water Quality
4-1	Prior to the approval of a tentative tract map or grading permit, the Applicant shall submit and, when acceptable, the City Engineer shall approval a hydrology study consistent with the Los Angeles County Department of Public Work’s (LACDPW) “Hydrology/Sedimentation Manual” and applicable LACDPW policies and procedures. Unless otherwise preempted, in accordance with LACDPW’s “Interim Peak Flow Standard,” all post-development runoff from a 2-year, 24-hour storm, and 50-year capital storm shall not exceed pre-development peak-flow rate.
4-2	If the County flood control channel right-of-way is to be utilized as part of the project’s development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.
4-3	Prior to the issuance of a grading permit, the Applicant shall prepare and, when acceptable, the City Engineer shall approve a standard urban stormwater mitigation plan (SUSMP) conforming to the requirements of Section 8.12.1695 (Standard Urban Storm Water Mitigation Plan Requirements for New Development and Redevelopment Projects) of the Municipal Code and the County’s “Manual for the Standard Urban Storm Water Mitigation Plan.”

**“JANUARY 2012 ‘SITE D’ SPECIFIC PLAN”
CONDITIONS OF APPROVAL / PERFORMANCE STANDARDS**

No.	Condition of Approval
	Biological Resources
5-1	In order to demonstrate compliance with applicable State and federal resource protection policies designed to protect or compensate for the loss of biological resources, prior to the issuance of a grading permit, were applicable, the Applicant shall provide the Director with documentation of receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the Regional Water Quality Control Board, Los Angeles Region; (2) nationwide Section 404 (Federal Clean Water Act) permit from the United States Army Corps of Engineers; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the California Department of Fish and Game. The Applicant shall comply with all associated permit requirements.
5-2	Prior to the issuance of a grading permit, the Applicant shall submit to the Community Development Director and, when acceptable, the Director shall accept for subsequent processing an arborist-prepared tree survey, specifying: (1) the precise number and type of protected trees that will be directly or indirectly impacted by the project; (2) the number (ratio), type, size, and source of trees that will be planted in compensation thereof; (3) the location of all replacement trees; (4) planting notes and irrigation requirements; (4) performance standards for the survivability of replacement trees; (5) a maintenance agreement stipulating the Applicant’s obligations for a minimum 3-year period, including the annual reporting; and (6) the amount and derivation of the security deposit required under the City’s tree preservation ordinance.
5-3	Measures to mitigate impacts to California walnut woodland will be orchestrated in concert with the replanting of trees protected by the City’s tree preservation and protection ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. Prior to the issuance of a grading permit, a plan shall be submitted to the Community Development Director and, when acceptable, the Director shall approve a plan describing the number, size, and location of walnut and other compensatory trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful.
5-4	As determined feasible by the Community Development Director, initial vegetation removal activities shall be conducted outside the nesting season (February 15-August 15) to avoid impacts upon nesting birds. If initial vegetation removal activities occur during the nesting season, prior to the commencement of any grading or grubbing activities, all suitable habitat shall first be thoroughly surveyed by a qualified biologist for the presence of nesting birds. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and vegetation removal activities avoided therein until the nesting cycle is complete, as determined by the surveying biologist or a qualified biological monitor.
5-5	Best Management Practices (BMP) devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems and maintained throughout the project life so as not to contribute to those problems. Unless accepted by the County and/or by the City, the responsibilities for and the funding of the maintenance of BMPs shall constitute obligations of the homeowners’ association.
	Transportation and Circulation
6-1	Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction worker parking and equipment staging plan (PESP) designed to minimize disturbance to the surrounding residences to the greatest extent feasible. Unless otherwise authorized therein, contractors and other construction personnel performing construction activities in proximity to the project site shall be prohibited from parking and/or operating construction equipment, dumpsters, trailers, or other material within a public right-of-way or other public property. The PESP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.

**“JANUARY 2012 'SITE D' SPECIFIC PLAN”
CONDITIONS OF APPROVAL / PERFORMANCE STANDARDS**

No.	Condition of Approval
	Transportation and Circulation (Continued)
6-2	Unless previously approved by the City Engineer, no construction access shall be authorized from and no construction traffic shall be permitted along Castle Rock Road and Pasado Drive, except as may be required to construct and maintain any project-related street and other improvements within and adjacent to those rights-of-way.
6-3	Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes to be used by construction vehicles; the points of ingress and egress for all construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; location of materials and equipment staging areas; maintenance plans to remove spilled debris from roadway surfaces; and the hours during which large construction equipment may be brought on/off the project site. The Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Hauling or transport of oversize loads will be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays. The use of local streets shall be limited only to those that provide direct access to the destination. Haul trucks entering or exiting public streets shall at all times yield to public traffic. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
6-4	Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City shall approve a traffic control plan (TCP). The TCP shall be consistent with the Southern California Chapter of the American Public Works Association's "Work Area Traffic Control Handbook" (WATCH), the California Department of Transportation's "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City. The TCP shall describe the Applicant's plans to safely and efficiently maintain vehicular and non-vehicular access along local roadways throughout the construction period. If any temporary access restrictions or lane closures are proposed by the Applicant, the TCP shall delineate detour routes, the hours, duration and frequency of such restrictions, and the emergency access and safety measures that will be implemented during those closures or restrictions. The TCP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.
6-5	As determined by the City Engineer, should project-related construction activities result in the short-term closure of the existing Class II bicycle lanes or Class III bicycle paths along Diamond Bar Boulevard and/or Brea Canyon Road, during the term of that closure, signage shall be posted and other reasonable actions designed to enhance public safety taken within the area of those closures informing both motorists and bicyclists of that action.
6-6	Prior to the approval of any subsequent tentative tract map or the initiation of any improvements to Diamond Bar Boulevard that would result in the elimination of the existing Class II bicycle lane within that right-of-way, the City Engineer shall review street improvement plans for Diamond Bar Boulevard and determine the potential for retention, reconfiguration, and/or reclassification of the existing Class II bicycle lane along the property's frontage, within the existing right-of-way or as a result of the dedication of additional public right-of-way along Diamond Bar Boulevard or within the tract map boundaries and linking with the existing terminus points beyond the boundaries of the project site. Should the City Engineer determine that none of those options are feasible or desirable, a study shall be conducted and, when acceptable, approved by the City Engineer ascertaining whether the near-site elimination of the existing Class II bicycle lane will adversely impact rider safety or traffic flow and what actions can be taken by the City and/or the Applicant to maintain a sufficient level of rider and motorist safety. The findings of that study and the recommendations contained therein shall be submitted to the City Council for their consideration.

**“JANUARY 2012 ‘SITE D’ SPECIFIC PLAN”
CONDITIONS OF APPROVAL / PERFORMANCE STANDARDS**

No.	Condition of Approval
	Noise
8-1	In order to reduce freeway-related noise impacts, all residential units shall include forced air ventilation designed and installed in accordance with Title 24 of California Building Code standards.
	Public Services and Facilities
9-1	Prior to the commencement of grading activities, the Applicant shall prepare and submit for review by the Los Angeles County Sheriff’s Department (LACSD) a draft construction security plan outlining the activities that will be instituted by the Applicant to secure the construction site and the equipment and materials located thereupon from potential criminal incidents. The Applicant shall incorporate the recommendations of the LACSD, if any, into a final construction security plan and shall implement that plan during the construction period.
9-2	Prior to the issuance of building permits, the LACSD shall be provided the opportunity to review and comment upon building plans and the configuration of the residential development and neighborhood park in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; and (3) offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
9-3	Prior to the commencement of grading or grubbing activities, the Applicant shall prepare and submit and the Los Angeles County Fire Department (LACFD) shall review and, when deemed acceptable, approve a fire protection program and workplace standards for fire safety outlining those activities to be undertaken by the Applicant during the construction period. The Applicant shall abide by specific project-level permit conditions identified by the LACFD.
9-4	Prior to the issuance of a grading permit, the Applicant shall submit and the Los Angeles County Fire Department shall review and, when deemed acceptable, approve a fuel modification, landscape, and irrigation plan in compliance with County Very High Fire Hazard Severity Zone (Fire Zone 4) standards.
9-5	Prior to the issuance of building permits, the Los Angeles County Fire Department (LACFD) will review and, when deemed acceptable, approve (1) final water improvement plans including, but not limited to, the location, sizing, design, and fire flow capacity of the proposed water mains and fire hydrants and proposed access improvements to ensure compliance with applicable Fire Code requirements; and (2) building plans. The project’s water system shall be designed in response to final fire flow requirements identified by the LACFD.
9-6	Prior to the issuance of a grading permit, the Applicant shall submit to the Building Official for review and approval a temporary fencing and signage plan designed to discourage access to any active construction areas by children and other unauthorized parties.
9-7	Prior to the issuance of building permits, the Applicant shall present the City with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the Walnut Valley Unified School District’s School Board resolutions governing the payment of school impact fees or has entered into an Assembly Bill 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.
9-8	It is the City’s intent that the Applicant deliver to the City a “turn-key” park facility. Prior to the approval of the final subdivision map, unless an alternative milestone event or other manner of fulfillment of the Applicant’s obligations under Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code is first approved by the City Council, the Applicant shall dedicate or conditionally dedicate and improve or commit to improve a minimum of two usage acres of real property to the City for park purposes and, unless Quimby Act obligations are otherwise fulfilled by dedication and/or the provision of Applicant-sponsored park improvements, provide the City with an additional in-lieu park fee payment in the manner and in the amount authorized thereunder or otherwise specified by the City Council.

**“JANUARY 2012 ‘SITE D’ SPECIFIC PLAN”
CONDITIONS OF APPROVAL / PERFORMANCE STANDARDS**

No.	Condition of Approval
	Public Services and Facilities (Continued)
9-9	In cooperation with the City, as part of the tentative tract map entitlement process, the Applicant shall conduct or participate in conducting not less than two neighborhood outreach meetings soliciting public comments concerning the location, configuration, design, and range of amenities to be included in the on-site public park.
	Utilities and Service Systems
10-1	Prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, shall be submitted to the City Engineer and to the Los Angeles County Department of Public Works (LACDPW) for review and, when deemed acceptable, for approval. The sewer area study shall include sewer flow monitoring at specific locations to be determined by the City Engineer and the LACDPW. The sewer flow analysis shall include calculations for the quantities of sewer flow for the pre-development and post-development conditions and determine the impact on all affected City and County-operated sewerage facilities. Should project-related sewer flows be determined to impact the sewer capacity downstream from the development, the Applicant shall be required to mitigate any potential capacity deficiency by a method approved by the City Engineer or the LACDPW, subject to appropriate jurisdictional authorities. As stipulated by the jurisdictional authority, unless an alternative funding agreement can be derived, the Applicant shall be responsible for all costs required to mitigate the potential capacity deficiency, including, but not limited to, upgrading existing sewer mains.
	Aesthetics
12-1	The Applicant shall construct a landscaped “entry feature” in the vicinity of the Diamond Bar Boulevard and Brea Canyon Road. With regards to its design characteristics, the entry feature shall seek to visually draw from elements of the community and/or its history and serve as a “gateway” informing motorists and other viewers that they have entered the City of Diamond Bar. The minimum standard of performance used to measure compliance with this requirement shall be that the entry feature shall have a value, as determined by the Community Development Director, of not less than one-half (0.005) percent of the building permit valuation of the residential development.
12-2	Subsequent development plans shall include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from both structural integrity and aesthetic viewpoints.

EXHIBIT “C”

**JANUARY 2012 “SITE D” SPECIFIC PLAN
FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Hydrology and Water Quality		
1	Prior to the issuance of grading permits, all drainage facilities and improvements shall be subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the Los Angeles County Department of Public Works (LACDPW) (Mitigation Measure 4-1).	City Engineer	Issuance of Grading Permits
	Biological Resources		
2	In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the project’s design and development enhancing the site’s biological resources (Mitigation Measure 5-1).	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
3	Prior to the recordation of the final tract map or issuance of occupancy permits for any residential development, as determined by the City Engineer, the Applicant shall complete, to the satisfaction of the City Engineer, those street and intersection improvements identified in the traffic impact analysis or any supplement thereto, provide a bond or other acceptable instrument committing to those improvements, and/or provide a “fair-share” contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Crooked Creek or Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff (Mitigation Measure 6-1).	City Engineer	Final Tract Map Recordation or Issuance of Occupancy Permits
4	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic (Mitigation Measure 6-2).	City Engineer	Site Plan Approval
	Air Quality		
5	Site watering shall be conducted a minimum of three times daily during site preparation activities within disturbed areas lacking ground coverage (Mitigation Measure 7-1).	Building Inspector	Construction Term

**JANUARY 2012 “SITE D” SPECIFIC PLAN
 FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
Noise			
6	In accordance with the Development Code, construction shall be restricted to between the hours of 7:00 AM and 8:00 PM on weekdays and Saturdays. No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of construction materials to or from the site (Mitigation Measure 8-1).	Building Inspector	Construction Term
7	All construction equipment shall be properly maintained and tuned to minimize noise emissions (Mitigation Measure 8-2).		
8	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped (Mitigation Measure 8-3).		
9	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any existing residential units. Where feasible, such barriers shall attempt to block the line of sight between the residents and construction equipment (Mitigation Measure 8-4).		
10	The construction contractor shall specify the use of electric stationary equipment (e.g., compressors) that can operate off the power grid where feasible. Where infeasible, stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible (Mitigation Measure 8-5).	City Engineer	Building Permit Issuance
11	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department (Mitigation Measure 8-6).	Planning Manager	
12	No residential units shall be located within 830 feet of the SR-57 Freeway’s nearest travel lane unless additional sound attention is provided to the satisfaction of the Community Development Director (Mitigation Measure 8-7).	Community Development Director	Final Tract Map Recordation
13	No residential units shall be located within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director (Mitigation Measure 8-8).		
Cultural Resources			
14	Prior to the issuance of a grading permit, a qualified archaeologist shall be retained by the Applicant and approved by the City to monitor all vegetation removal and ground disturbance to a depth of three feet within the following portions of the study area: (1) the boundary of SD-Cultural-1; (2) the open valley floor adjacent to SD-Cultural-1; and (3) the riparian areas that were not previously surveyed due to dense vegetation cover. The archaeologist will determine if additional monitoring below the depth of three feet is warranted based on soil and bedrock conditions and presence/absence of archaeological materials. No archaeological monitoring is required for ground disturbing activities outside of these monitor areas (Mitigation Measure 11-1)	Community Development Director and City Engineer	Issuance of Grading Permits

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Cultural Resources (Continued)			
15	<p>If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the monitoring to be filed with the Applicant, the City, and the California Historical Resources Information System South Central Coastal Information Center at the California State University, Fullerton (CHRIS-SCCIC), as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered, if any. Interpretation will include full evaluation of the eligibility of SD-Cultural-1 with respect to the California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices. The City shall designate repositories in the event that significant resources are recovered. If cultural resources are identified during ground disturbing activities that occur outside the designated monitoring area, ground disturbing activities shall be temporarily redirected away from the vicinity of the find until the retained archaeologist is notified by the Applicant. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist (Mitigation Measure 11-2).</p>	Building Inspector	Construction Term
16	<p>If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains (Mitigation Measure 11-3).</p>		
17	<p>Prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. Development of the monitoring plan shall include a site visit by the paleontologist prior to initiation of project development in order to determine or delineate sensitive areas. The paleontologist may also perform collections of fossils from the surface and near-surface (Mitigation Measure 11-4).</p>	Community Development Director	Issuance of Grading Permits
18	<p>The paleontologist shall attend a pre-grade meeting in order to become familiar with the proposed depths and patterns of grading of the study area (Mitigation Measure 11-5).</p>	City Engineer	
19	<p>The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance (Mitigation Measure 11-6).</p>		

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	Cultural Resources (Continued)		
20	A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. If fossils are found during ground-disturbing activities, the paleontological monitor shall be empowered to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment (Mitigation Measure 11-7).	Building Inspector	Construction Term
21	The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils (Mitigation Measure 11-8).	Community Development Director	Grading Sign-Off
	Aesthetics		
22	All pole-mounted or wall-mounted luminaires installed for the purpose of illuminating homes, public park areas, private roadways, and driveways shall conform to appropriate lighting standards and demonstrate, to the satisfaction of the City Engineer, that light trespass will not exceed 0.5 horizontal foot candle, as measured at the project boundaries abutting any existing residential use. These standards shall not be applied to any public streets or to any entry feature or other City-oriented signage to be constructed on or adjacent to the project site (Mitigation Measure 12-1).	City Engineer	Building Permit Issuance