



DIAMOND BAR

ENVIRONMENTAL IMPACT REPORT 2040

FINAL ENVIRONMENTAL IMPACT REPORT

NOVEMBER 2019



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Prepared by

DYETT & BHATIA

Urban and Regional Planners



Table of Contents

1	Introduction.....	1-1
	Purpose.....	1-1
	CEQA Process.....	1-1
	New Information in the Final EIR.....	1-2
	Organization	1-3
2	Comments on the Draft EIR	2-1
3	Responses to Comments.....	3-1
4	Revisions to the Draft EIR	4-1
	Executive Summary.....	4-1
	Chapter 3.1: Aesthetics.....	4-3
	Chapter 3.2: Air Quality.....	4-5
	Chapter 3.3: Biological Resources	4-8
	Chapter 3.4: Cultural, Historic, and Tribal Cultural Resources.....	4-19
	Chapter 3.5: Energy, Climate Change, and Greenhouse Gases.....	4-19
	Chapter 3.6: Geology, Soils, and Seismicity.....	4-23
	Chapter 3.7: Hazards, Hazardous Materials, and Wildfire	4-25
	Chapter 3.8: Hydrology and Water Quality	4-27
	Chapter 3.9: Land Use and Housing.....	4-31
	Chapter 3.10: Noise	4-33
	Chapter 3.11: Public Facilities and Recreation.....	4-34
	Chapter 3.12: Transportation.....	4-40
	Chapter 3.13: Utilities and Service Systems.....	4-44

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1 Introduction

This Final Environmental Impact Report (Final EIR) has been prepared by the City of Diamond Bar in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*). The Draft EIR analyzes potential environmental impacts of the adoption and implementation of the proposed Diamond Bar General Plan 2040 and Climate Action Plan, referred to as the “Proposed Project.” This Final EIR provides responses to comments on the Draft EIR as well as corrections and clarifications to the Draft EIR. The City of Diamond Bar is the lead agency responsible for ensuring that the proposed General Plan complies with CEQA. “Lead agency” is defined by Section 21067 of CEQA as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.”

Purpose

This document, combined with the Draft EIR, published September 16, 2019, constitutes the Final EIR on the Proposed Project as described in Chapter 2: Project Description of the Draft EIR. The primary purpose of the Final EIR is to revise and refine the environmental analysis in the Draft EIR in response to comments received during the public review period. The public review period for the Draft EIR (State Clearinghouse No. 2018051066) lasted for 45 days, from Monday, September 16, 2019 to Thursday, October 31, 2019.

This Final EIR amends and incorporates by reference the Draft EIR. This document includes comments and responses to comments on the Draft EIR, and corrections and clarifications to the Draft EIR. The EIR is intended to disclose to City of Diamond Bar decision makers, responsible agencies, organizations, and the general public the potential impacts of implementing the Proposed Project using a program level of analysis. The Draft EIR, Public Review Draft Diamond Bar General Plan 2040, and Public Review Draft Climate Action Plan are available for review at the City of Diamond Bar General Plan website (<http://www.diamondbargp.com/>).

CEQA Process

Before the City may approve the various discretionary actions needed to implement the Proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the Proposed Project, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the

Final EIR. Certification of the Final EIR would indicate the City's **determination that the Final EIR** adequately evaluates the environmental impacts that could be associated with the Proposed Project.

For impacts identified in the EIR that cannot be reduced to a level that is less than significant, the City must make findings and prepare a Statement of Overriding Considerations for approval of the Proposed Project if specific social, economic, or other factors justify the Proposed Project's unavoidable adverse environmental effects. If the City decides to approve the Proposed Project for which the Final EIR has been prepared, it will issue a Notice of Determination.

The City of Diamond Bar has prepared this document pursuant to CEQA Guidelines Section 15132, which specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of the Draft;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- Comments and recommendations received on the Draft EIR;
- The response of the Lead Agency to significant environmental points raised in the review process; and
- Any other information added by the Lead Agency.

This Final EIR incorporates comments from public agencies and the general public. It also contains **the Lead Agency's responses to those comments**. The Final EIR can also be accessed through the City of Diamond Bar General Plan website.

New Information in the Final EIR

If *significant new information* is added to an EIR after notice of public review has been given, but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the EIR for further comments and consultation. Significant new information is that which discloses that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, **but the project's proponents decline to adopt it; or**
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Corrections or clarifications to the Draft EIR identified in Chapter 3 of this document do not constitute *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines; this

new information merely clarifies and makes insignificant changes to an adequate EIR. Information presented in the Draft EIR and this document support this determination.

Organization

This document contains the following components:

- Chapter 1
- Chapter 2 lists all of the agencies, organizations and individuals that submitted written comments on the Draft EIR; reproduces all comments; and provides a unique number for each comment in the page margin.
- Chapter 3 provides numbered responses to comments on the Draft EIR keyed to the comment letters included in Chapter 2. Revisions are acknowledged where necessary to clarify or amplify, and are included in Chapter 4.
- Chapter 4 provides an errata sheet with revisions to the Draft EIR where necessary to clarify or amplify. Revisions are organized by Draft EIR section and by page number. Where such revisions are warranted in response to comments on the Draft EIR, deletions are shown in ~~strike through~~ and additions are shown underlined in the matrix of comments and responses. Map revisions required in response to comments are included at the end of this chapter.

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2 Comments on the Draft EIR

This chapter contains copies of the comment letters received on the Draft EIR. A total of 19 comment letters and emails were received during the 45-day comment period. This chapter includes a letter from the **State Clearinghouse acknowledging the City's compliance with State Clearinghouse review requirements pursuant to CEQA** and stating which comments were submitted by State agencies. Comments received are listed in Table 2-1.

Each letter is identified by a designator (e.g. "Letter A1"). Letters sent by the same commenter are **grouped together** (e.g. "Letter A1-B" designates a letter sent at a later date). Specific comments within each letter are identified by a designator in the page margin that reflects the sequence of the **specific comment within the correspondence** (e.g. "A1-1" for the first comment in Letter A1). Comments are organized by public agency comments and responses (Section A) and individual comments and responses (Section B). Within each category, comments are listed in chronological order according to the date on the letter. Comment letters submitted on the same date are organized by topic area, such as biological resources, where feasible.

Table 2-1: Comments Received on the Draft EIR

<i>Letter #</i>	<i>Date</i>	<i>Commenter</i>	<i>Agency/Organization</i>
<i>Section A: Agencies (Federal, State, Regional, Local)</i>			
A1	October 17, 2019	Michael Y. Takeshita, Acting Chief, Forestry Division Prevention Services Bureau	County of Los Angeles Fire Department
A2	October 30, 2019	Alina Bokde, Deputy Director	County of Los Angeles Department of Parks and Recreation
A3	October 30, 2019	Erinn Wilson, Environmental Program Manager I	California Department of Fish and Wildlife
A4	October 31, 2019	Miya Edmonson, IGR/CEQA Branch Chief	California Department of Transportation

Table 2-1: Comments Received on the Draft EIR

Letter #	Date	Commenter	Agency/Organization
A5	October 31, 2019	Shine Ling, Transit Oriented Communities Manager	Los Angeles County Metropolitan Transportation Authority (Metro)
A6	October 31, 2019	Robert C. Ferrante, Chief Engineer and General Manager	Sanitation Districts of Los Angeles County
A7	October 31, 2019	Scott Morgan, Director	California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
<i>Section B: Individuals</i>			
B1-A	October 8, 2019	Douglas Barcon	Individual
B1-B	October 9, 2019	Douglas Barcon	Individual
B1-C	October 29, 2019	Douglas Barcon	Individual
B1-D	October 31, 2019	Douglas Barcon	Individual
B2	October 29, 2019	Claire Schlotterbeck, Executive Director	Hills for Everyone
B3	October 31, 2019	Robert A. Hamilton	Hamilton Biological, Inc.
B4-A	October 31, 2019	Lee Paulson, President	Responsible Land Use
B4-B	October 31, 2019	Lee Paulson, President	Responsible Land Use
B5	October 31, 2019	Janet Cobb, CWF Executive Director and Angela Moskow, CO Manager	California Wildlife Foundation and California Oaks Coalition
B6	October 31, 2019	C. Robin Smith, Chair	Diamond Bar – Pomona Valley Sierra Club Task Force, Angeles Chapter
B7	October 31, 2019	Diego Tamayo	Individual
B8	October 31, 2019	Chia Teng, President	Diamond Bar Preservation Alliance
B9	October 31, 2019	Gary Busteed	Individual



COUNTY OF LOS ANGELES FIRE DEPARTMENT

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LOS ANGELES, CALIFORNIA 90063-3294
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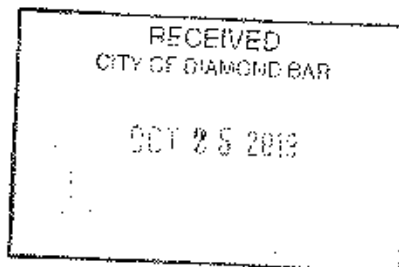
MARK RIDLEY-THOMAS
SECOND DISTRICT

SHEILA KUEHL
THIRD DISTRICT

JANICE HAHN
FOURTH DISTRICT

KATHRYN BARGER
FIFTH DISTRICT

October 17, 2019



A1-1

Grace Lee, Senior Planner
City of Diamond Bar
Planning Division
21810 Copley Drive
Diamond Bar, CA 91765

Dear Ms. Lee:

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT, "DIAMOND BAR GENERAL PLAN," WILL ESTABLISH THE CITY'S OVERALL APPROACH TO DEVELOPMENT, PUBLIC SERVICES, AND OTHER ISSUES FOR THE NEXT 20 YEARS, CITYWIDE - DIAMOND BAR, FFER 2019005639

Notice of Availability of Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

PLANNING DIVISION:

A1-2

Under Section 7.0, Public Safety, Fire Service, of the Draft EIR, the first sentence in paragraph one, needs to be corrected to state that there are three fire stations serving the City of Diamond Bar and **NOT** three within the City Limits.

For any questions regarding this response, please contact Loretta Bagwell, Planning Analyst, at (323) 881-2404 or Loretta.Bagwell@fire.lacounty.gov.

LAND DEVELOPMENT UNIT:

A1-3

The Land Development Unit is reviewing the proposed "Diamond Bar general plan 2040 and climate action plan" Project for access and water system requirements.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY
DIAMOND BAR
DUARTE

EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS
HAWTHORNE
HERMOSA BEACH
HIDDEN HILLS
HUNTINGTON PARK

INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA-FLINTRIDGE
LA HABRA
LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER

LAWNDALE
LOMITA
LYNWOOD
MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES

PARAMOUNT
PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

A1-3

The Land Development Unit comments are only preliminary requirements. Specific fire and life safety requirements will be addressed during the review for building and fire plan check phases. There may be additional requirements during this time.

The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.

A1-4

ACCESS REQUIREMENTS:

1. The proposed development will require multiple ingress/egress access for the circulation of traffic and emergency response issues.
2. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
 - a. The Fire Apparatus Access Road shall be cross-hatch on the site plan with the width clearly noted on the plan.
3. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
4. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction.
5. The edge of the Fire Apparatus Access Road shall be located a minimum of 5 feet from the building or any projections there from.
6. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
7. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official.
8. Provide a minimum unobstructed width of 28 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Department vehicular access road is more than 30 feet high or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. The side of the building

on which the aerial Fire Apparatus Access Road is positioned shall be approved by the fire code official.

A1-4

9. If the Fire Apparatus Access Road is separated by island, provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building.
10. Dead-end Fire Apparatus Access Roads in excess of 150 feet in-length shall be provided with an approved Fire Department turnaround. Include the dimensions of the turnaround with the orientation of the turnaround shall be properly placed in the direction of travel of the access roadway.
11. Fire Department Access Roads shall be provided with a 32-foot centerline turning radius. Indicate the centerline, inside, and outside turning radii for each change in direction on the site plan.
12. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 lbs. and shall be surfaced so as to provide all-weather driving capabilities. Fire Apparatus Access Roads having a grade of 10 percent or greater shall have a paved or concrete surface.
13. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for Fire Apparatus Access Roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector.
14. A minimum 5-foot wide approved firefighter access walkway leading from the Fire Department Access Road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Clearly identify firefighter walkway access routes on the site plan. Indicate the slope and walking surface material. Clearly show the required width on the site plan.
15. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Fire Code Section 503.2.1 shall be maintained at all times.
16. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official.
17. Security barriers, visual screen barriers, or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in

the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Clearly indicate the height of all parapets in a section view.

A1-4

18. Approved building address numbers, building numbers, or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.
19. Multiple residential and commercial buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.

WATER SYSTEM REQUIREMENTS:

A1-5

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Code.
2. The development may require fire flows up to 4,000 gallons per minute at 20 pounds per square inch residual pressure for up to a four-hour duration. Final fire flows will be based on the size of buildings, the installation of an automatic fire sprinkler system, and type(s) of construction used.
3. The fire hydrant spacing shall be every 300 feet for both the public and the on-site hydrants. The fire hydrants shall meet the following requirements:
 - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
 - c. Additional hydrants will be required if hydrant spacing exceeds specified distances.
4. All required public fire hydrants shall be installed and tested prior to beginning construction.
5. All private on-site fire hydrants shall be installed, tested, and approved prior to building occupancy.

- a. Plans showing underground piping for private on-site fire hydrants shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation.
6. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

Additional Department requirements will be determined by Fire Prevention Engineering, during the Building Plan Check.

For any questions regarding the report, please contact Inspector Claudia Soiza at (323) 890-4243 or Claudia.soiza@fire.lacounty.gov.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.
If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Joseph Brunet at (818) 890-5719.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

If you have any additional questions, please contact this office at (323) 890-4330

A1-5

A1-6

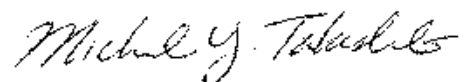
A1-7

A1-8

A1-9

Grace Lee, Senior Planner
October 17, 2019
Page 6

Very truly yours,

A handwritten signature in cursive script, reading "Michael Y. Takeshita".

MICHAEL Y. TAKESHITA, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:ac

A1-9



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

John Wicker, Director

Norma E. Garcia, Chief Deputy Director

October 30, 2019

Ms. Grace S. Lee
Senior Planner
City of Diamond Bar, Planning Division
21810 Copley Drive
Diamond Bar, CA 91765

Dear Ms. Lee:

**NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE DIAMOND BAR GENERAL PLAN AND CLIMATE ACTION PLAN 2040**

I am writing with regards to the Draft Environmental Impact Report (DEIR) for the Diamond Bar General Plan and Climate Action Plan 2040. Located within the Planning Area are two Los Angeles County Department of Parks and Recreation (DPR) facilities: Diamond Bar Golf Course and the proposed Schabarum Extension Trail. Please find below DPR's comments and questions:

Diamond Bar Golf Course

Diamond Bar Golf Course (DBGC) was established as a public golf course in 1964 and will continue to serve as such in the foreseeable future. The golf course is protected public parkland under the Public Park Preservation Act of 1971. The draft General Plan includes a "Community Core" focus area that overlays DBGC (page 2-8). The "Community Core" focus area proposes a mix of uses emphasizing destination and specialty retail, dining, and entertainment on the southern portion of the DBGC site. This proposal does not seem to take into consideration the Park Preservation Act which contains specific requirements that must be met in order to convert public parkland into non-park use(s).

Also, the City of Diamond Bar does not have jurisdiction over this County-owned golf course. Any proposed new uses on the DBGC site should be discussed and coordinated with the County. The Los Angeles County Board of Supervisors has the sole discretion to approve development on County-owned properties. As such, any proposed new use(s) on the DBGC would require review and approval by the Board.

Schabarum Extension Trail (proposed)

The proposed Schabarum Extension Trail connects the DPR-operated Rowland Heights Loop Trail in the unincorporated community of Rowland Heights to San Bernardino County through preserved open space. This ten-mile segment of proposed multi-use trail (hiking, biking, and horseback riding) utilizes portions of unpaved Southern California Edison right-of-way and provides intermittent access to communities within the City of Diamond Bar via recorded trail easements.

Please find below some questions and edits regarding the discussion of trails in the DEIR.

Page 3.11-12

- Are there any trails planned on the Tres Hermanos Ranch property?

Page 3.11-13

- Are equestrians accommodated on City trails? If the proposed Schabarum Extension Trail were developed, it would become a multi-use trail that would serve hikers, mountain bikers, and equestrians.

Table 3.11-6: Existing and Proposed Trail Network (2019)

- Which agency has proposed the Tonner Canyon Trail?
- Please correct the name of the County trail. "Schabarum Trail (Skyline Extension)" should be corrected as "Scharabrum Extension Trail". The Schabarum Extension and Tonner Canyon Trails are "Proposed Trails," not "Existing Trails."

Page 3.11-14

- Please note that the Schabarum-Skyline Trail is operated by the County of Los Angeles Department of Parks and Recreation and is 29.7 miles long.
- Please revise the sentence as follows: "~~The trail allows recreational users and commuters~~ hikers, mountain bikers, and equestrians to connect to a variety of other trails in the area"
- Please include a note on this page that the development of staging areas and trailheads will be considered at strategic locations to accommodate multi-use trail users.

Ms. Grace S. Lee
October 31, 2019
Page 3

Notification

Please note that DPR was not formally notified of the General Plan update even though the "Community Core" overlay was proposed on the DBGC site. We only received the Notice of Availability after signing up for e-mail notification on the project's website several months ago.

Thank you for your consideration of our comments. If you have any questions or wish to discuss further, please contact Clement Lau, Departmental Facilities Planner, of my staff at (626) 588-5301 or by email at clau@parks.lacounty.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alina Bokde", with a stylized flourish at the end.

Alina Bokde
Deputy Director

AB:CL:JIC:ZL:nr

c: County Counsel (C. Yourn)

Parks and Recreation (J. Badel, W. Leary, C. Lau, L. Barocas, M. O'Connor,
Z. Likins, J. Chien)



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



October 30, 2019

A3-1

Ms. Grace Lee
 City of Diamond Bar
 21810 Copley Drive
 Diamond Bar, CA 91765
Glee@DiamondBarCA.gov

Subject: Draft Environmental Impact Report for the Diamond Bar Comprehensive General Plan Update and Climate Action Plan, City of Diamond Bar, Los Angeles County

Dear Ms. Lee:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Diamond Bar Comprehensive General Plan Update and Climate Action Plan (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

A3-2

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

A3-3

Objective: The proposed Project is an update to the City of Diamond Bar (City) General Plan. The General Plan is a long-term policy document guiding future land use and policy decisions. The City's current General Plan was adopted in 1995. In 2016, the City began the process of comprehensively updating the General Plan.

Location: City of Diamond Bar (Citywide), Los Angeles County.

Comments and Recommendations

A3-4

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

Project Description and Related Impact Shortcoming

A3-5

Comment #1: Impacts to Special-Status Plant Species

Issue: Mitigation Measures MM-BIO-1 A-C dictate the City's actions taken to mitigate impacts to any special-status plants that may be found within the City limits. These measures refer to US Fish and Wildlife Service (USFWS) oversight, but do not acknowledge CDFW protocol.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

Why impact would occur: Project implementation includes grading, vegetation clearing for construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

A3-6

Mitigation Measure #1: CDFW recommends conducting focused surveys for sensitive/rare plants on-site and disclosing the results in the DEIR. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident

and identifiable. Usually this is during flowering or fruiting." The final CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Comment #2: Inadequate Survey Protocols for Special-Status Wildlife

Issue: Mitigation Measure MM-BIO-1E indicates that future projects taking place within the City will require a clearance survey within one week of initiating ground disturbance. This measure also states that "[I]f any special-status animals are found on the site, a qualified biologist(s) with a CDFG Scientific Collecting Permit shall relocate these species to suitable habitats within surrounding open space areas that would remain undisturbed, unless the biologist determines that such relocation cannot reasonably be accomplished".

Specific impacts: While MM-BIO-1E does dictate that CDFW will be consulted regarding relocation, it does not fully convey the appropriate protocols for a variety of sensitive species.

Why impacts would occur: Inadequate survey protocols will likely lead to impacts to a variety of sensitive species as this process may overlook or fail to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, basking sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

A3-6

A3-7

Recommended Potentially Feasible Mitigation Measure(s):

A3-7

Mitigation Measure #1: CDFW recommends that future proposed projects within the City of Diamond Bar follow the appropriate survey protocol for a given species, since the suggested measures, MM-BIO-1 seq., do not make distinctions among the breadth of wildlife species found throughout the Los Angeles Basin. Based on the listing status of a given wildlife species found on a future project site, the mitigative response will vary.

The following mitigation measures are suggested by CDFW for impacts to reptiles:

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recording of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

Mitigation Measure #3: The Plan should include specific survey and relocation efforts that occur during construction activities for the activity period of these reptiles (generally March to November) and for periods when the species may be present in the work area but difficult to detect due to weather conditions (generally December through February). Thirty days prior to construction activities in coastal scrub, chaparral, oak woodland, riparian habitats, or other areas supporting this species, qualified biologists should conduct surveys to capture and relocate individual reptiles to avoid or minimize take of these special-status species. The Plan should require a minimum of three surveys conducted during the time of year/day when these species most likely to be observed. Individuals should be relocated to nearby undisturbed areas with suitable habitat.

Mitigation Measure #4: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

A3-8

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from February 15 through August 31. If construction is unavoidable during February 15 through August 31, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from February 15 through August 31. If construction is unavoidable during February 15 through August 31, a qualified biologist shall complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of the Project area, due to the presence of suitable habitat.

The following mitigation measures are suggested by CDFW for impacts to bats:

Mitigation Measure #1: The CEQA document should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures.

Mitigation Measure #2: Measures to mitigate for impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of project activities.

Mitigation Measure #3: CDFW recommends the Project avoid removal of trees that may be used by bats or avoid buildings or other occupied habitat for any species of bat. If bats cannot be avoided by Project activities and a bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling the tree with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of

A3-8

A3-9

approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly. The bat specialist should determine the optimal time to disturb occupied bat habitat to maximize bats escaping during low light levels. Downed trees should remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn-up or mulched immediately. A period of at least 24 hours (preferably 48 hours) should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. In addition, CDFW recommends that the Project include measures to ensure that bat habitat remains available for evicted bats or loss of bat habitat resulting from the Project, including information on the availability of other potential roosts that could be used by bats within protected open space on or near the Project site.

A3-9

Comment #3: Impacts to CESA-Listed Species

A3-10

Issue: There are multiple listed species with the potential to occur on the Project site.

Specific Impacts: Project related activities, such as grading, road construction, or housing construction could lead to the direct or indirect mortality of listed animal and/or plant species.

Why impact would occur: Take of special status plant species, including ESA and CESA-listed species, may occur without adequate detection, avoidance and mitigation measures.

Evidence impacts would be significant: CDFW considers adverse impacts to special status species protected by CESA and the federal Endangered Species Act (ESA, 16 U.S.C. §1531 *et seq.*), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any state endangered, threatened, candidate species, or listed rare plant species pursuant to the NPPA that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species protected under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a plant or animal species designated as rare, endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b],[c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

Comment #4: Accuracy of Tree Surveys

Issue: There are conflicting tree surveys for the City of Diamond Bar, one presented by the City (*Diamond Bar Environmental Impact Report 2040*) and one provided by a concerned group of citizens (*Biological Resources Report for Open Space & Conservation Element Diamond Bar General Plan Update*). Between these sources, there is uncertainty in the accuracy of vegetation surveys, their accounting of oak and walnut woodlands, and the resulting mitigation.

Specific Impact: The classifications of oak woodlands, walnut woodlands, riparian woodlands, and California walnut/Coast live oak woodland are inconsistent among the publicly available surveys provided in support of the DEIR. Based on the tree surveys provided for a given project, the potential impacts and their subsequent mitigation may vary greatly.

Why impact would occur: If a habitat is misidentified, then the mitigative restored/replaced habitat may be of a different type, resulting in a habitat-type conversion and loss of the original habitat.

Evidence impact would be significant: CDFW is concerned that inaccurate surveys of tree species as part of this Project would contribute to the degradation of natural open space or riparian habitats found within the City limits. CDFW is concerned that by not requiring all native trees and plants be replaced by similar native tree and plant species, the replacement trees would not be fully mitigating the function and value of the impacted native tree species.

In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Prior to completion of the Final Environmental Impact Report, the discrepancies between publicly available tree and vegetation surveys for the study area should be resolved by classifying vegetation according to the MCV.

Comment #5: Inadequate Oak and Walnut Woodlands Mitigation

Issue: The DEIR states that oak and walnut trees will be planted or transplanted, at a ratio of at least 1:1.

- Page 3.3-54 states that future project mitigation will "Acquire oak woodland habitat that is comparable to the habitat that was impacted at a ratio of 1:1."
- Page 3.3-55 states that future project mitigation will "Acquire walnut woodland habitat that is comparable to the habitat that was impacted at a ratio of 1:1."

Specific Impact: Oak woodland and walnut woodland alliances are considered rare communities and should be mitigated as an ecosystem. Oak and Walnut woodlands are a community that includes the trees, as well as any understory plants, duff, dead logs, etc. Removal or thinning of an understory in woodland directly impacts the function of the entire woodland.

Why impact would occur: Based on the tree surveys provided for a given project, the potential impacts and their subsequent mitigation may vary greatly. If a habitat is misidentified, then the mitigative restored/replaced habitat may be of a different type, resulting in a habitat-type conversion and loss of the original habitat.

Evidence Impact would be significant: A functioning woodland system does not solely include trees. There is an important understory component which needs to be figured into the impact analysis and mitigation proposal to fully mitigate impacts to rare and sensitive CDFW plant communities, such as oak woodlands and walnut woodlands. The DEIR does not describe what species these trees are, where they occur, how many will be removed, or how large they are. CDFW is unable to concur with any proposed mitigation measures without knowing first what will be impacted.

Correct mapping of recognized vegetation alliances is vital to disclose actual acreage-based impacts to these tree-dominated vegetation community, as well as ensure they are adequately mitigated. CDFW was unable to verify the validity of several vegetation communities listed in the DEIR as recognized alliances, therefore unable to determine if they are sensitive vegetation communities. Including the scientific names for alliances as well as a thorough description of the membership requirements of each alliance would be helpful for validating the assessment completed. Each future project within the City should provide this information to CDFW for review in an environmental document.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends avoiding impacts to the oak or walnut woodland communities. If avoidance is not feasible, the City should minimize impacts to the maximum extent possible. Any impacts to the oak or walnut woodland communities should be mitigated at a minimum 10 acres of preservation/restoration for every 1 acre of impact. All mitigation should be held to quantifiable success criteria, including species diversity, species richness, abundance, percent cover, and non-native cover below 5 percent. Success criteria should be based on the composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free and the metrics for success have remained stable for at least 5 years.

Mitigation Measure #2: CDFW recommends off-site habitat preservation of rare and sensitive vegetation communities (i.e., oak woodland, walnut woodland, etc.) at a ratio of at least 10:1 for impacts to these resources. Additionally, planting more trees in the existing on-site habitat at an excessive density should be avoided as it could result in an impact to that habitat.

Mitigation Measure #3: For all native trees not classified as a rare vegetation community according to MCV, CDFW recommends mitigating for those trees impacted by the Project at a 5:1 ratio for both the acreage of impact as well as the number of trees.

A3-11

A3-12

Mitigation Measure #4: CDFW recommends that all open space preservation/mitigation land be protected in perpetuity with minimal human intrusion by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, CDFW recommends all mitigation lands be owned or managed by an entity with experience in managing habitat. Mitigation lands should be owned or managed by a conservancy or other land management company to allow for legal remedies should trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, should be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values.

Comment #6: Impacts to Streams

A3-13

Issue: Mitigation Measure MM-BIO-3 Jurisdictional Waters discusses the need for consultation with regulating agencies regarding impacts to riparian resources and potential mitigation but does not indicate the need for notification for a Lake and Streambed Alteration Agreement with CDFW.

Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

Why impacts would occur: Ground disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. However, the DEIR does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

Mitigation Measure #2: Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

A3-13

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

A3-14

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Diamond Bar in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at Andrew.Valand@wildlife.ca.gov or (562) 342-2142.

A3-15

Sincerely,



Erinn Wilson
Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos
Andrew Valand – Los Alamitos
Kelly Schmoker - Pasadena
Joseph Stanovich – Los Alamitos

Scott Morgan (State Clearinghouse)

References:

A3-16

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Making Conservation
 a California Way of Life.

October 31, 2019

Ms. Grace Lee
 City of Diamond Bar
 21810 Copley Drive
 Diamond Bar, CA 91765

RE: Diamond Bar Comprehensive General Plan
 Update and Climate Action Plan – Draft
 Environmental Impact Report (DEIR)
 SCH # 2018051066
 GTS # 07-LA-2018-02837
 Vic. LA-57/PM: R 1.184 - 6.08
 LA-60/PM: R 22.064 - R 27.472

Dear Ms. Grace Lee:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project involves updating the city's General Plan and Climate Action Plan, as well as various elements of the General Plan.

The nearest State facilities to the proposed project are State Route 57 and State Route 60.

Based on the information received in the Draft Environmental Impact Report for the Diamond Bar Comprehensive General Plan Update and Climate Action Plan, Caltrans has the following comments:

Caltrans supports the implementation of complete streets and active transportation safety improvements, especially those represented in the Transportation section of the Draft General Plan. Some of Caltrans' recommended improvements include, but are not limited to, measures such as road diets, bike lanes, and other traffic calming elements to promote sustainable transportation. As mentioned in Caltrans' previous Notice of Perpetration (NOP) comment letter, the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

When considering implementation of innovative bicycle infrastructure, the City may consult resources such as the National Association of Transportation Officials' (NACTO) Urban Bikeway Design Guide, or FHWA Separated Bike Lane Planning and Design Guide, to assist in the design process. Caltrans formally endorsed the NACTO Guide in 2014 and the FHWA released its guide in 2015. Also, the State's Highway Design Manual now contains provisions for protected bike lanes under "Design Information Bulletin Number 89: Class IV Bikeway Guidance (Separated Bikeways/ Cycle Tracks)."

Regional and State level policy goals related to sustainable transportation seek to reduce the number of trips made by driving, reduce greenhouse gas emissions, and encourage alternative modes of travel. Caltrans' Strategic Management Plan has set a target of tripling trips made by bicycling, and doubling trips made by walking and public transit by 2020. The Strategic Plan also seeks to achieve a sizable reduction in statewide, per capita, vehicle miles traveled (VMT) by 2020. Similar goals are included in Caltrans' 2040 Transportation Plan, and the Southern California Association of Governments' Regional Transportation

A4-1

A4-2

A4-3

A4-4

Plan. Statewide legislation such as AB 32 and SB 375 echo the need to pursue more sustainable development and transportation. The aforementioned policy goals related to sustainability and climate change can only be achieved with support from local agencies on all levels of planning.

A4-4

Caltrans is moving towards replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) when evaluating traffic impact. Per SB 743 requirements, Caltrans supports the City's efforts towards developing these metrics and any development that may reduce VMT. As a reminder, Senate Bill 743 (2013) mandates that VMT be used as the primary metric in identifying transportation impacts of all future development projects under CEQA, starting July 1, 2020. For information on determining transportation impacts in terms of VMT on the State Highway System, see the Technical Advisory on Evaluating Transportation Impacts in CEQA by the California Governor's Office of Planning and Research, dated December 2018: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

A4-5

With regards to parking, Caltrans supports reducing the amount of parking whenever possible. Research on parking suggests that abundant car parking enables and encourages driving. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation. For any future project to better promote public transit and reduce vehicle miles traveled, we recommend the implementation of Transportation Demand Management (TDM) strategies as an alternative to building excessive parking.

A4-6

Due to the sensitivity of wildfires in Los Angeles County, Caltrans suggests the project please consider planning future implementation/construction in a way that will not impede the ability to perform an emergency evacuation. Please consider taking steps to ensure that evacuation roadways are free of any debris or project equipment and are accessible to the public/emergency vehicles at all times. As power outages become more common due to wildfire prevention, please consider alternative power sources for emergency evacuation route streetlights and traffic signals.

A4-7

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. For any future projects Caltrans supports designs that discharge clean run-off water and/or incorporate green design elements that can capture storm water. Incorporating measures such as, but not limited to, permeable pavement, landscaping, and trees reduce urban water run-off and encourage a healthy, sustainable environment.

A4-8

If you have any questions or concerns regarding these comments, please contact project coordinator, Reece Allen at reece.allen@dot.ca.gov and refer to 07-LA-2018-02837.

A4-9

Sincerely,



MIYA EDMONSON

IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse


Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

October 31, 2019

Grace S. Lee, Senior Planner
City of Diamond Bar, Planning Division
21810 Copley Drive
Diamond Bar, CA 91765
Sent by Email: glee@diamondbarca.gov

RE: Diamond Bar General Plan Update and Climate Action Plan (CAP) – Draft Environmental Impact Report (DEIR)

Dear Ms. Lee:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed General Plan Update and CAP (Plan), located in the City of Diamond Bar (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Within the Plan area, Metro funds Metrolink commuter rail service operated by the Southern California Regional Rail Authority (SCRRA). The purpose of this letter is to briefly describe the proposed Plan (based on the DEIR's project description), outline recommendations from Metro concerning issues that are germane to our agency's statutory responsibility in relation to Metrolink facilities and services that may be affected by the proposed Plan, and help identify opportunities in the Plan to support transit ridership.

Plan Description

The Plan includes the Diamond Bar Plan 2040, which is a long-term document expressing the goals, objectives, and policies necessary to guide the community toward achieving its vision over a 20-year period. The Plan also includes a CAP, which is a comprehensive plan for addressing a community's greenhouse gas (GHG) emissions.

A5-1

A5-2

A5-3

Transit Service Considerations

1. Coordination Resource: To improve coordination between the City, adjacent development and Metro, Metro would like to provide the City with a user-friendly resource, the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metrolink ROW. This document and additional resources are available at www.metro.net/devreview/. Metro encourages the City to provide this document as a resource to all development projects adjacent to Metro ROW.

A5-4

2. Rail Operations, Noise & Vibration: Metrolink operates within the Plan area, serving Industry Station. Metrolink operates in and out of revenue service, 24 hours a day, seven days a week. Considering the proximity of the Plan area to Metrolink, it is expected that rail operations may produce noise and vibration.

A5-5

3. Plan Policies to address Transit: To further address the land use and noise compatibility of future development in the vicinity of Industry Station, Metro recommends that the Plan include policies to require future development projects in the Station's vicinity to record a notice to property owners and tenants to advise of the presence of railway noise and vibration sources. Any noise mitigation required for future development projects must be borne by the project applicants and not Metrolink.

A5-6

4. Climate Action Planning: Metro encourages the City to review the Plan's consistency with Metro's 2019 Climate Action and Adaptation Plan (CAAP) and the Southern California Association of Governments' 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy to ensure the Plan will not conflict with those plans. Metro's 2019 CAP is available at http://media.metro.net/projects_studies/sustainability/images/Climate_Action_Plan.pdf.

A5-7

Transit Orientation Considerations

Considering the Plan area's proximity to the Industry Station, Metro would like to identify the potential synergies associated with transit-oriented development:

A5-8

1. Transit-Supportive Planning: To achieve Metro's program objectives, Metro strongly recommends that the City review the Transit-Supportive Planning Toolkit which identifies 10 elements of transit-supportive places and applied collectively, has been shown to reduce vehicle miles traveled by establishing community-scaled density, diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at <https://www.metro.net/projects/tod-toolkit>.

2. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of

A5-9

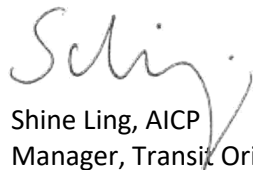
developments. Metro encourages the City to be mindful of the Plan’s proximity to the Industry Station, including orienting pedestrian pathways towards the station.	A5-9
3. <u>Transit Connections</u> :	A5-10
a. <u>Transfer Activity</u> : Given the Plan’s proximity to the Industry Station, proposed project design should consider and accommodate transfer activity between bus and rail lines that will occur along the sidewalks and public spaces. Metro has completed the Metro Transfers Design Guide, a best practices document on transit improvements. This can be accessed online at https://www.metro.net/projects/systemwidedesign .	A5-11
b. <u>Access</u> : The Plan should address first-last mile connections to transit, encouraging development that is transit-accessible with bicycle and pedestrian-oriented street design that connects transportation with housing and employment centers. The City is also encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf	A5-11
4. <u>Active Transportation</u> : Metro strongly encourages the City to install project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Industry Station and nearby destinations. The City should consider requiring the installation of such features as part of the conditions of approval for proposed projects. These features can include the following:	A5-12
a. <u>Walkability</u> : The installation of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby rail station.	A5-12
b. <u>Bicycle Use</u> : The provision of adequate short-term bicycle parking, such as ground level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, easy to locate, and equipment installed with preferred spacing dimensions, so they can be safely and conveniently accessed.	A5-12
5. <u>Parking</u> : Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.	A5-13

Diamond Bar General Plan Update and CAP
DEIR – Metro Comments
October 31, 2019

Metro looks forward to continuing to collaborate with the City to effectuate policies and implementation activities that promote transit oriented communities. If you have any questions regarding this response, please contact me by phone at 213-922-2671, by email at devreview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza MS 99-22-1
Los Angeles, CA 90012-2952

Sincerely,



Shine Ling, AICP
Manager, Transit Oriented Communities

Attachments and links:

- Adjacent Development Handbook: <https://www.metro.net/projects/devreview/>

A5-14

Los Angeles County
Metropolitan Transportation Authority

METRO ADJACENT DEVELOPMENT HANDBOOK

A GUIDE FOR CITIES AND DEVELOPERS

MAY 2018



Metro®

Table of Contents

Introduction	2
Who is Metro?	2
Why is Metro Interested in Adjacent Development?	5
 Metro Adjacent Development Handbook	 6
What are the Goals of the Handbook?	6
Who Should Use the Handbook?	6
How Should the Handbook be Used?	7
Types of Metro ROW and Transit Assets	8
 Metro Adjacent Development Review	 9
Metro Review Phases	9
 Metro Coordination	 11
Best Practices for Municipality Coordination	11
Best Practices for Developer Coordination	11
 1: Site Planning & Design	 14
1.1 Supporting Transit Oriented Communities	15
1.2 Enhancing Access to Transit	16
1.3 Building Setback	17
1.4 Shared Barrier Construction & Maintenance	18
1.5 Project Orientation & Noise Mitigation	19
1.6 Sightlines at Crossings	20
1.7 Transit Envelope Clearance	21
1.8 Bus Stops & Zones Design	22
1.9 Driveway/Access Management	23

Table of Contents

2:	Engineering	26
	2.1 Excavation Support System Design	27
	2.2 Proximity to Stations & Tunnels	28
	2.3 Protection from Explosion/Blast	29
3:	Construction Safety & Monitoring	32
	3.1 Pre-Construction Coordination	33
	3.2 Track Access and Safety	34
	3.3 Construction Hours	35
	3.4 Excavation/Drilling Monitoring	36
	3.5 Crane Operations	37
	3.6 Construction Barriers & Overhead Protection	38
	3.7 Pedestrian & Emergency Access	39
	3.8 Impacts to Bus Routes & Stops	40
	3.9 Utility Coordination	41
	3.10 Air Quality & Ventilation Protection	42
	Resources	43
	Metro Contact Information	43
	Metro Adjacent Development Review Tools	43
	Metro Right-of-Way GIS Data	43
	Metro Design Criteria & Standards	44
	Metrolink Standards & Procedures	44
	Metro Policies & Plans	44
	Metro Programs & Toolkits	45
	Useful Policies & Resources	45
	Glossary	47



Introduction

The Metro Adjacent Development Handbook provides guidance to local jurisdictions and developers constructing on, adjacent, over, or under Metro right of way, non-revenue property, or transit facilities to support transit-oriented communities, reduce potential conflicts, and facilitate clearance for building permits. The Handbook should be used for guidance purposes only. The Metro Adjacent Construction Design Manual and Metro Rail Design Criteria are documents that shall be strictly adhered to for obtaining approval for any construction adjacent to Metro facilities.

Who is Metro?

The Los Angeles County Metropolitan Transportation Authority (Metro) plans, funds, builds, and operates rail and bus service throughout Los Angeles County. Metro moves close to 1.3 million riders on buses and trains daily, traversing many jurisdictions in Los Angeles County. With funding from the passage of *Measure R* (2008) and *Measure M* (2016), the Metro system will expand significantly, adding over 100 miles of new transit corridors and up to 60 new stations. New and expanded transit lines will improve mobility across Los Angeles County, connecting riders to more destinations and expanding opportunities for adjacent construction and *Transit Oriented Communities (TOCs)*. Metro's bus and rail service spans over 1,433 square miles and includes the following transit service:



Metro Rail connects close to 100 stations along 98.5 miles of track and operates underground in tunnels, at grade within roadways and dedicated *rights-of-way (ROW)*, and above grade on aerial guideways. The Metro Rail fleet includes *heavy rail* and *light rail* vehicles. Heavy rail vehicles are powered by a third rail through a conductor along the tracks and light rail vehicles are powered by an *overhead catenary system (OCS)*. To operate rail service, Metro owns traction power substations, maintenance yards and shops, and supporting infrastructure.



Metro Bus-Rapid-Transit (BRT) operates accelerated bus transit, which serves as a hybrid between rail and traditional bus service. *BRT* operates along a dedicated ROW, separated from vehicular traffic to provide rapid service. Metro BRT may run within the center of a freeway or may be separated from traffic in its own corridor. BRT station footprints vary from integrated, more spacious stations to compact boarding areas along streets.



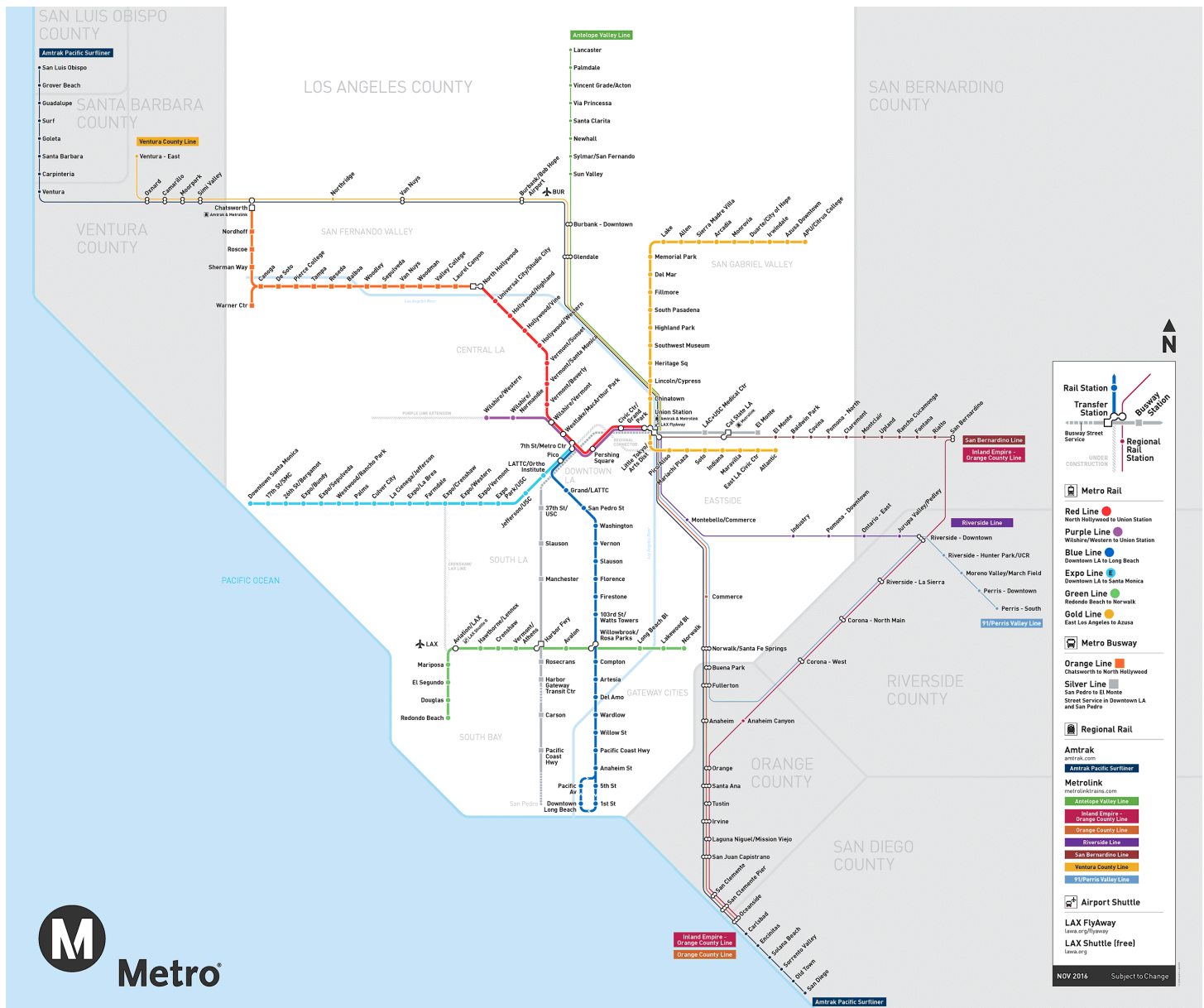
Metro Bus serves 15,967 bus stops, operates 170 routes and covers 1,433 square miles with a fleet of 2,228 buses. Metro "Local" and "Rapid" bus service runs within the street, typically alongside vehicular traffic, though occasionally in "bus-only" lanes. Metro bus stops are typically located on sidewalks within the public right-of-way, which is owned and maintained by local jurisdictions.



Metrolink/Regional Rail: Metro owns much of the ROW within Los Angeles County on which the *Southern California Regional Rail Authority (SCRRA)* operates *Metrolink* service. Metrolink is a commuter rail system with seven lines that span 388 miles throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties. As a SCRRA member agency and property owner, Metro reviews development activity adjacent to Metrolink ROW.

Introduction

Metro and Regional Rail Map



Metro is currently undertaking the largest rail infrastructure expansion effort in the United States. A growing fixed guideway system presents new adjacency challenges, but also new opportunities to catalyze land use investment and shape livable communities along routes and around stations.

Metro Bus and Rail System Map (Excerpt)



As a street-running transit service, Metro’s “Rapid” and “Local” buses share the public ROW with other vehicles, cyclists, and pedestrians, and travel through the diverse landscapes of Los Angeles County’s 88 cities and unincorporated areas.

Introduction

Why is Metro Interested in Adjacent Development?

Metro Supports Transit Oriented Communities

Metro is redefining the role of the transit agency by expanding mobility options, promoting sustainable urban design, and helping transform communities throughout Los Angeles County. Leading in this effort is Metro's vision to create TOCs, a mobility and development approach that is community-focused and context-responsive at its core. The TOC approach goes beyond the traditional transit oriented development (TOD) model to focus on shaping vibrant places that are compact, walkable, and bikeable community spaces, and acknowledge mobility as an integral part of the urban fabric.

Adjacent Development Leads to Transit Oriented Communities

Metro supports private development adjacent to transit as this presents a mutually beneficial opportunity to enrich the built environment and expand mobility options for users of developments. By connecting communities, destinations, and amenities through improved access to public transit, adjacent developments have the potential to reduce car dependency and greenhouse gas emissions; promote walkable and bikeable communities that accommodate more healthy and active lifestyles; improve access to jobs and economic opportunities; and create more opportunities for mobility – highly desirable features in an increasingly urbanized environment.

Metro is committed to working with stakeholders across the County to support the development of a sustainable, welcoming, and well-designed environment around its transit services and facilities. Acknowledging an unprecedented opportunity to influence how the built environment throughout Los Angeles County develops along and around transit and its facilities, Metro has created this Handbook – a resource for municipalities, developers, architects, and engineers to use in their land use planning, design, and development efforts. This Handbook presents a crucial first step in active collaboration with local stakeholders; finding partnerships that leverage Metro initiatives and support TOCs across Los Angeles County; and ensuring compatibility with transit infrastructure to minimize operational, safety, and maintenance issues.



Metro Adjacent Development Handbook

What are the Goals of the Handbook?

Metro is committed to partnering with local jurisdictions and providing information to developers early in project planning to identify potential synergies associated with building next to transit and reduce potential conflicts with transit infrastructure and services. Specifically, the Handbook is intended to guide the design, engineering, construction, and maintenance of structures within 100 feet of Metro ROW, including underground easements, on which Metro operates or plans to operate service, as well as in close proximity to or on Metro-owned non-revenue property and transit facilities.

Metro is interested in reviewing projects within 100 feet of its ROW – measured from the edge of the ROW outward – both to maximize integration opportunities with adjacent development and to ensure the structural safety of existing or planned transit infrastructure. As such, the Handbook seeks to:

- Improve communication, coordination, and understanding between developers, municipalities, and Metro.
- Streamline the development review process by coordinating a seamless, comprehensive agency review of all proposed developments near Metro facilities and properties.
- Highlight Metro operational needs and requirements to ensure safe, continuous service.
- Identify common concerns associated with developments adjacent to Metro ROW.
- Prevent potential impacts to Metro transit service or infrastructure.
- Maintain access to Metro facilities for patrons and operational staff.
- Avoid preventable conflicts resulting in increased development costs, construction delays, and safety impacts.
- Make project review transparent, clear, and more efficient.
- Assist in the creation of overall marketable and desirable developments.

Who Should Use the Handbook?

The Handbook is intended to be used by:

- Local jurisdictions who review, entitle, and permit development projects and/or develop policies related to land use, development standards, and mobility
- Developers, Project sponsors, architects, and engineers
- Entitlement consultants
- Property owners
- Builders/contractors
- Real estate agents
- Utility owners
- Environmental consultants

Metro Adjacent Development Handbook

How Should the Handbook be Used?

The Handbook complements requirements housed in the *Metro Adjacent Construction Design Manual*, which accompanies the *Metro Rail Design Criteria (MRDC)* and other governing documents that make up the *Metro Design Criteria and Standards*. This Handbook provides an overview and guide related to opportunities, common concerns, and issues for adjacent development and is organized into three categories to respond to different stages of the development process:



1 Site Planning & Design



2 Engineering









3 Construction Safety & Monitoring

Each page of the Handbook focuses on a specific issue and provides best practices to avoid potential conflicts and/or create compatibility with the Metro transit system. Links to additional resources listed at the bottom of each page may be found under Resources at the end of the Handbook. Definitions for words listed in *italics* may also be found at the end of this Handbook in the Glossary.

Metro will continue to revise the Handbook, as needed, to capture input from all parties and reflect evolving Best Practices in safety, operations, and transit-supportive development.



Types of Metro ROW & Transit Assets

Conditions	Description	Common Concerns for Metro with Adjacent Development
 <p>UNDERGROUND ROW</p>	Transit operates below ground in tunnels.	<ul style="list-style-type: none"> • Excavation support/tiebacks • Underground utilities • Shoring and structures • Ventilation shafts and street/sidewalk surface penetrations • Appendages (emergency exits, vents, etc.) • Surcharge loading of adjacent construction • Explosions • Noise and vibration/ground movement
 <p>ELEVATED ROW</p>	Transit operates on elevated structures, typically supported by columns.	<ul style="list-style-type: none"> • Upper level setbacks • Excavation support/tiebacks • Clearance from the OCS • Crane swings & overhead protection • Column foundations
 <p>OFF-STREET ROW</p>	Transit operates in dedicated ROW at street level, typically separated from private property or roadway by a fence or wall.	<ul style="list-style-type: none"> • Building setbacks from ROW • Travel sight distance/cone of visibility • Clearance from OCS • Crane swings & overhead protection • Storm water drainage for low impact development • Noise/vibration • Trackbed stability
 <p>ON-STREET ROW</p>	Transit operates within roadway at street level and is separated by fencing or a mountable curb.	<ul style="list-style-type: none"> • Setbacks from ROW • Travel sight distance/cone of visibility impeded by structures near ROW • Clearance from OCS • Crane swings & overhead protection • Driveways near ROW crossings • Noise/vibration • Trackbed stability
 <p>ON-STREET BUSES</p>	Metro buses operate on city streets. Bus stops are located on public sidewalks.	<ul style="list-style-type: none"> • Lane closures and re-routing • Bus stop access and temporary relocation
 <p>NON-REVENUE/ OPERATIONAL ASSETS</p>	Metro owns and maintains non-operational ROW and property used to support the existing and planned transit system (e.g. bus and rail maintenance facilities, transit plazas, traction power substations, park-and-ride lots).	<ul style="list-style-type: none"> • Adjacent structure setbacks • Adjacent excavation support/tiebacks • Ground movement • Underground utilities • Drainage • Metro access

Metro Adjacent Development Handbook

Metro Review Phases

To facilitate early and continuous coordination with development teams and municipalities, and to maximize opportunities for project-transit synergy, Metro employs a four-phase development review process for projects within 100 feet of its ROW and properties:



PRELIMINARY CONSULTATION

Project sponsor submits Metro In-Take Form and conceptual plans. Metro reviews and responds with preliminary considerations.

1. Project information is routed to impacted Metro departments for review and comment.
2. Metro coordinates a meeting at the request of the project sponsor or if Metro determines it necessary following preliminary review.
3. Metro submits comment letter with preliminary considerations for municipality and/or project sponsor. Metro recorded drawings and standards are provided as necessary.

2 Weeks



ENTITLEMENT

Metro receives CEQA notice from local municipality and responds with comments and considerations.

1. If project has not previously been reviewed, Metro routes project information to stakeholder departments for review and comment. If Project has been reviewed, Metro transmits the correspondence to departments to determine if additional comments are warranted. Municipality and project sponsor are contacted if additional information is required.
2. Metro coordinates design review meetings at the request of the project sponsor or if Metro determines them necessary following drawings review.
3. Metro prepares comment letter in response to CEQA notice and submits to municipality. Metro Engineering coordinates with project sponsor as necessary to approve project drawings.

2-4 Weeks



ENGINEERING & REFINEMENT

Dependent on the nature of the adjacent development, project sponsor submits architectural plans and engineering calculations for Metro review and approval.

1. Metro Engineering reviews project plans, calculations, and other materials. Review fees are paid as required.
2. Metro Engineering provides additional comments for further consideration or approves project drawings.
3. If required, Metro and project sponsor host additional meetings and maintain on-going coordination to ensure project design does not adversely impact Metro operations and facilities.

2-4 Weeks



CONSTRUCTION SAFETY & MONITORING

Dependent on the nature of the adjacent development, Metro coordinates with project sponsor to facilitate and monitor construction near transit services and structures.

1. As requested by Metro, project sponsor submits a Construction Work Plan for review and approval.
2. Project sponsor coordinates with Metro to temporarily relocate bus stops, reroute bus service, allocate track, and/or complete safety procedures in preparation for construction.
3. Metro representative monitors construction and maintains communication with project sponsor to administer the highest degree of construction safety provisions near Metro facilities.

Varies

Metro Coordination

Best Practices for Municipality Coordination

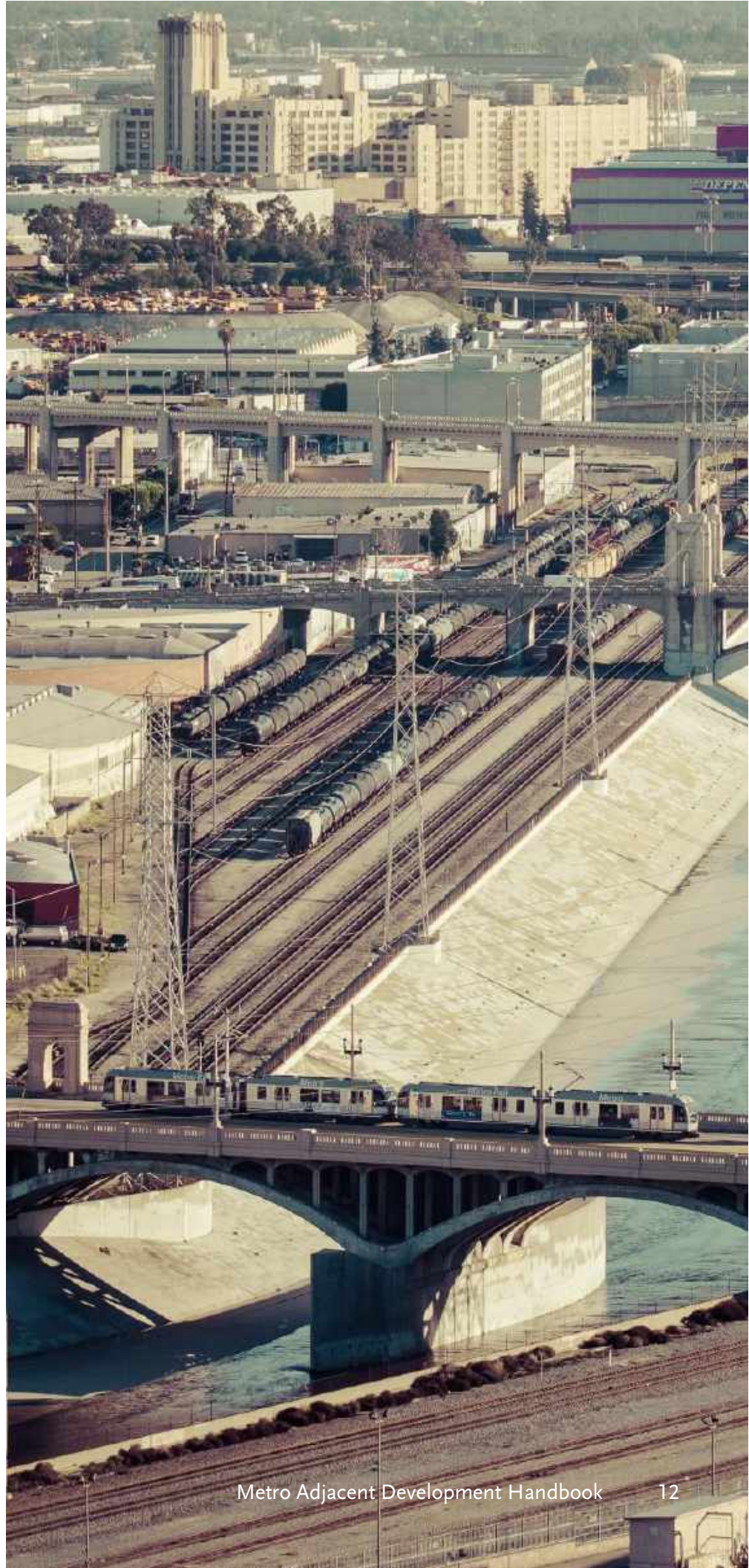
Metro suggests that local jurisdictions take the following steps to streamline the coordination process:

1. **Update GIS instruments with Metro ROW:** Integrate Metro ROW files into City GIS and/or Google Earth Files for all planning and development review staff.
2. **Flag Parcels:** Create an overlay zone through Specific Plans and/or Zoning Ordinance that “tags” parcels within 100’ from Metro ROW to require coordination with Metro early during the development process [e.g. City of Los Angeles Zone Information and Map Access System (ZIMAS)].
3. **Provide Resources:** Direct all property owners and developers interested in parcels within 100’ from Metro ROW to Metro resources (e.g. website, Handbook, In-Take Form, etc.).

Best Practices for Developer Coordination

Metro suggests that developers of projects adjacent to Metro ROW take the following steps to facilitate Metro project review and approval:

1. **Review Metro resources and policies:** The Metro Adjacent Development Review webpage and Handbook provide important resources for those interested in constructing on, adjacent, over, or under Metro right of way, non-revenue property, or transit facilities. Developers should familiarize themselves with these resources and keep in mind common adjacency concerns when planning a project.
2. **Contact Metro early during design process:** Metro welcomes the opportunity to provide feedback early in project design, allowing for detection and resolution of important adjacency issues, identification of urban design and system integration opportunities, and facilitation of permit approval.
3. **Maintain communication:** Frequent communication with stakeholder Metro departments during project design and construction will reinforce relationships and allow for timely project completion.







1

Site Planning & Design



1.1 Supporting Transit Oriented Communities

Adjacent development plays a crucial role in shaping TOCs along and around Metro transit services and facilities. TOCs require an intentional orchestration of physical, aesthetic, and operational elements, and close coordination by all stakeholders, including Metro, developers, and municipalities.

Recommendation: Conceive projects as an integrated system that acknowledges context, builds on user needs and desires, and implements elements of placemaking. Metro is interested in collaborating with projects and teams that, in part or wholly:

- Integrate a mix of uses to create lively, vibrant places that are active day and night.
- Include a combination of buildings and public spaces to define unique and memorable places.
- Explore a range of densities and massing to optimize building functionality while acknowledging context-sensitive scale and architectural form.
- Activate ground floor with retail and outdoor seating/activities to bring life to the public environment.
- Prioritize pedestrian scaled elements to create spaces that are comfortable, safe, and enjoyable.
- Provide seamless transitions between uses to encourage non-motorized mobility, improve public fitness and health, and reduce road congestion.
- Reduce and hide parking to focus on pedestrian activity.
- Prevent crime through environmental design.
- Leverage regulatory TOD incentives to design a more compelling project that capitalizes on transit adjacency and economy of scales.
- Utilize Metro policies and programs supporting a healthy, sustainable, and welcoming environment around transit service and facilities.



The Wilshire/Vermont Metro Joint Development project leveraged existing transit infrastructure to catalyze a dynamic and accessible urban environment. The project accommodates portal access into the Metro Rail system and on-street bus facilities.

Links to Metro policies and programs may be found in the [Resources Section](#) of this Handbook.



1.2 Enhancing Access to Transit

Metro seeks to create a comprehensive, integrated transportation network and supports infrastructure and design that allows safe and convenient access to its multimodal services. Projects in close proximity to Metro's services and facilities present an opportunity to enhance the public realm and connections to/from these services for transit patrons as well as users of the developments.

Recommendation: Design projects with transit access in mind. Project teams should capitalize on the opportunity to improve the built environment and enhance the public realm for pedestrians, bicyclists, persons with disabilities, seniors, children, and users of green modes. Metro recommends that projects:

- Orient major entrances to transit service, making access and travel intuitive and convenient.
- Plan for a continuous canopy of shade trees along all public right-of-way frontages to improve pedestrian comfort to transit facilities.
- Add pedestrian lighting along paths to transit facilities and nearby destinations.
- Integrate wayfinding and signage into project design.
- Enhance nearby crosswalks and ramps.
- Ensure new walkways and sidewalks are clear of any obstructions, including utilities, traffic control devices, trees, and furniture.
- Design for seamless, multi-modal pedestrian connections, making access easy, direct, and comfortable.



The City of Santa Monica leveraged investments in rail transit and reconfigured Colorado Avenue to form a multi-modal first/last mile gateway to the waterfront from the Expo Line Station.

Additional Resources:

[Metro Active Transportation Strategic Plan](#)

[Metro Complete Streets Policy](#)

[Metro First/Last Mile Strategic Plan](#)

[Metro Transit Supportive Planning Toolkit](#)



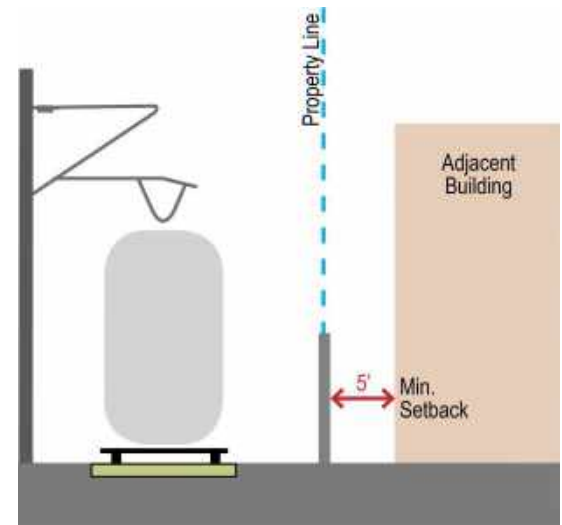
1.3 Building Setback

Buildings and structures with a zero lot setback abutting Metro ROW are of prime concern to Metro. Encroachment onto Metro property to construct or maintain buildings is strongly discouraged as this presents safety hazards and may disrupt transit service and/or damage Metro infrastructure.

Recommendation: Metro strongly encourages development plans include a minimum setback of five (5) feet to buildings from the Metro ROW property line to accommodate the construction and maintenance of structures without the need to encroach upon Metro property. As local jurisdictions also have building setback requirements, new developments should comply with the greater of the two requirements.

Entry into the ROW by parties other than Metro and its affiliated partners requires written approval. Should construction or maintenance of a development necessitate temporary or ongoing access to Metro ROW, a Metro *Right of Entry Permit* must be requested and obtained from Metro Real Estate for every instance access is required. Permission to enter the ROW is granted solely at Metro's discretion.

Refer to Section 3.2 –Track Access and Safety for additional information pertaining to ROW access in preparation for construction activities.



A minimum setback of five (5) feet between an adjacent structure and Metro ROW is strongly encouraged.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)



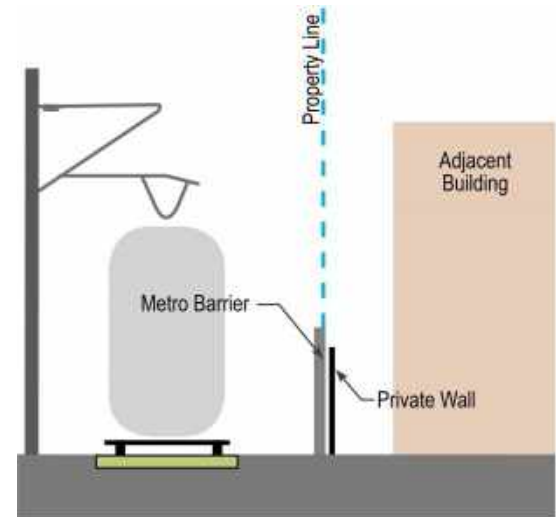
1.4 Shared Barrier Construction & Maintenance

In areas where Metro ROW abuts private property, barrier construction and maintenance responsibilities can rise to be a point of contention with property owners. When double barriers are constructed, the gap created between the Metro-constructed fence and a private property owner's fence can accumulate trash and make regular maintenance challenging without accessing the other party's property.

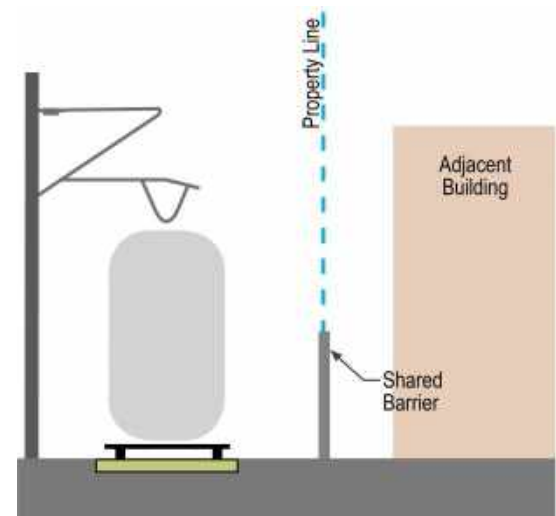
Recommendation: Metro strongly prefers a single barrier condition along its ROW property line. With an understanding that existing conditions along ROW boundaries vary throughout Los Angeles County, Metro recommends the following, in order of preference:

1. Enhance existing Metro barrier: if structural capacity allows, private property owners and developers should consider physically affixing improvements onto and building upon Metro's existing barrier. Metro is amenable to barrier enhancements such as increasing barrier height and allowing private property owners to apply architectural finishes to their side of Metro's barrier.
2. Replace existing barrier(s): if conditions are not desirable, remove and replace any existing barrier(s), including Metro's, with a new single barrier built on the property line.

Metro is amenable to sharing costs for certain improvements that allow for clarity in responsibilities and adequate ongoing maintenance from adjacent property owners without entering Metro's property. Metro Real Estate should be contacted with case-specific questions and will need to approve shared barrier design, shared-financing, and construction.



Double barrier conditions allow trash accumulation and create maintenance challenges for Metro and adjacent property owners.



Metro prefers a single barrier condition along its ROW property line.



1.5 Project Orientation & Noise Mitigation

Metro may operate in and out of revenue service 24 hours per day, every day of the year, and can create noise and vibration (i.e. horns, power washing). Transit service and maintenance schedules cannot be altered to avoid noise for adjacent developments. However, noise and vibration impacts can be reduced through building design and orientation.

Recommendations: Use building orientation, programming, and design techniques to reduce noise and vibration for buildings along Metro ROW:

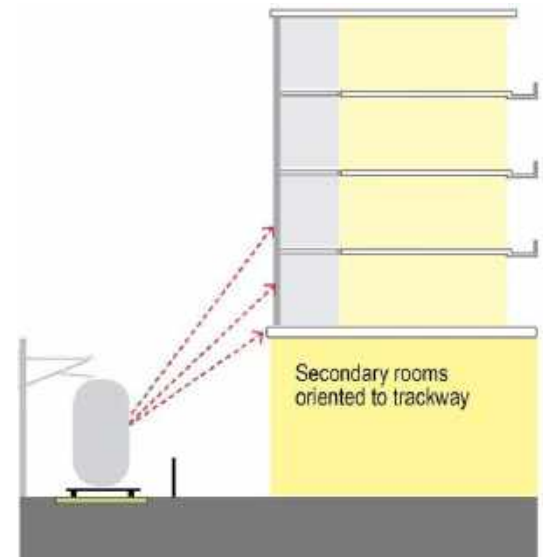
- Locate “back of house” rooms (e.g. bathrooms, stairways, laundry rooms) along ROW, rather than noise sensitive rooms (e.g. bedrooms and family rooms)
- Use upper level setbacks and locate living spaces away from ROW.
- Enclose balconies.
- Install double-pane windows.
- Include language disclosing potential for noise, vibration, and other impacts due to transit proximity in terms and conditions for building lease/sale agreements to protect building owners/sellers from tenant/buyer complaints.

Developers are responsible for any noise mitigation required, which may include engineering designs for mitigation recommended by Metro or otherwise required by local municipalities. A recorded *Noise Easement Deed* in favor of Metro may be required for projects within 100' of Metro ROW to ensure notification to tenants and owners of any proximity issues.

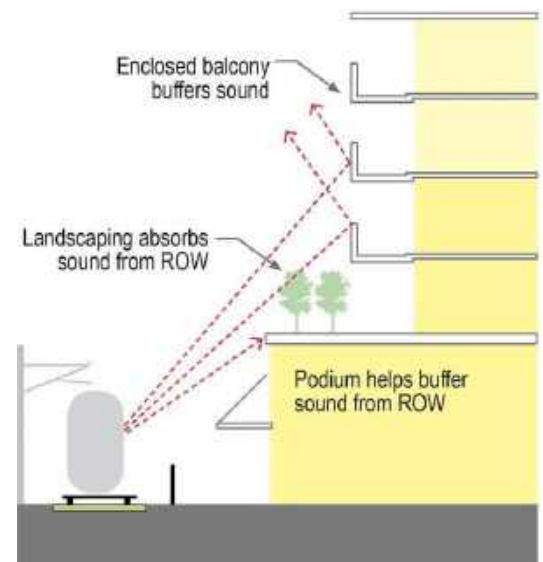
Additional Resources:

[Noise Easement Deed](#)

[MRDC, Section 2 – Environmental Considerations](#)



Building orientation can be designed to face away from tracks, reducing the noise and vibration impacts.



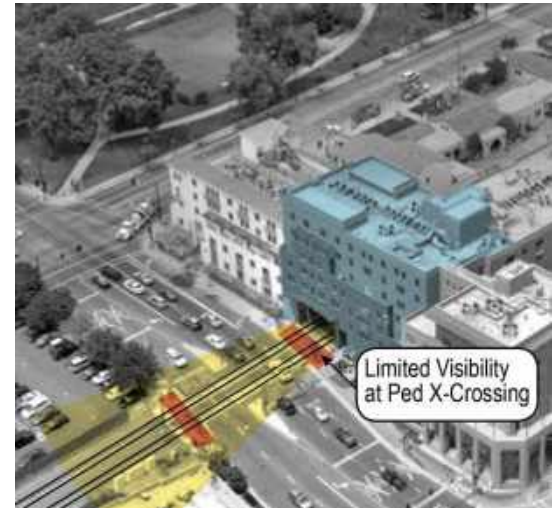
Strategic placement of podiums and upper-level setbacks on developments near Metro ROW can reduce noise and vibration impacts.



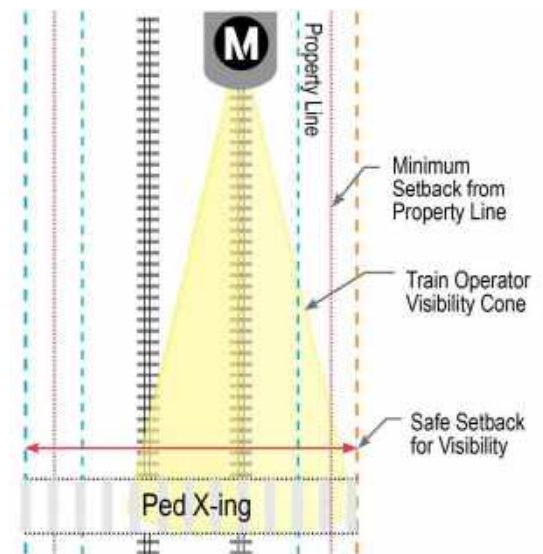
1.6 Sightlines at Crossings

Developments adjacent to Metro ROW can present visual barriers to transit operators approaching vehicular and pedestrian crossings. Buildings and structures in close proximity to transit corridors can reduce sightlines and create blind corners where operators cannot see pedestrians. This requires operations to reduce train speeds, which decreases the efficiency of transit service.

Recommendation: Design buildings to maximize transit service sightlines at crossings, leaving a clear *cone of visibility* to oncoming vehicles and pedestrians. Metro Operations will review, provide guidance, and determine the extent of operator visibility for safe operations. If the building envelope overlaps with the visibility cone near pedestrian and vehicular crossings, a building setback may be needed to ensure safe transit service. The cone of visibility at crossings and required setback will be determined based on vehicle approach speed.



Limited sightlines for trains approaching street crossings create unsafe conditions.



Visibility cones allow train operators to respond to safety hazards.

Additional Resources:

[MRDC, Section 4 – Guideway and Trackwork](#)

[MRDC, Section 12 – Safety, Security, & System Assurance](#)

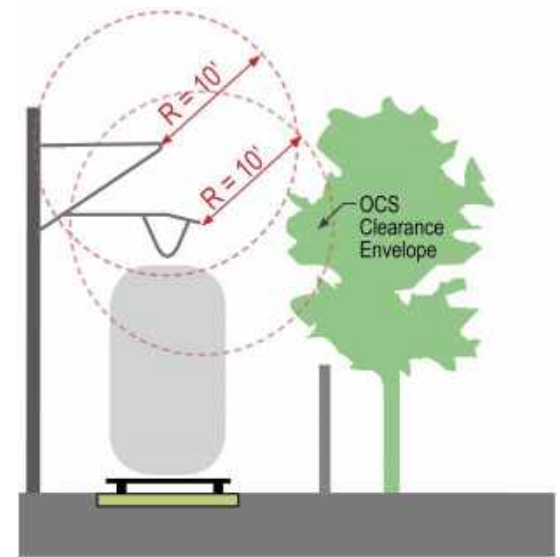


1.7 Transit Envelope Clearance

Metro encourages density along and around transit service as well as greening of the urban environment through the addition of street trees and landscaping. However, building appurtenances, such as balconies, facing rail ROW may pose threats to Metro service as clothing or other décor could blow into the OCS. Untended landscaping and trees can also grow into the OCS above light rail lines, creating electrical safety hazards as well as visual and physical impediments for trains.

Recommendation: Project elements facing or located adjacent to the ROW should be designed to avoid potential conflicts with Metro transit vehicles and infrastructure. Metro recommends that projects:

- Maintain building appurtenances and landscaping at a minimum distance of ten (10) feet from the OCS and support structures.
- Plan for landscape maintenance from private property and not allow growth into the Metro ROW. Property owners will not be permitted to access Metro property to maintain private development.
- Design buildings such that balconies do not provide direct access to ROW access.



Adjacent structures and landscaping should be sited to avoid conflicts with the rail OCS.

Additional Resources:

[MRDC, Section 4 – Guideway and Trackwork](#)

[MRDC, Section 6 – Architectural](#)

[MRDC, Section 12 – Safety, Security, & System Assurance](#)

1 Site Planning & Design



1.8 Bus Stops & Zones Design

Metro Bus serves 15,967 bus stops throughout the diverse landscape that is Los Angeles County. Typically located on sidewalks within the public right-of-way owned and maintained by local jurisdictions, existing bus stop conditions vary from well-lit and sheltered spaces to uncomfortable and unwelcoming zones. Metro is interested in working with developers and local jurisdiction to create a vibrant public realm around new developments by strengthening multi-modal access to/from Metro transit stops and enhancing the pedestrian experience.

Recommendation: When designing around existing or proposed bus stops, Metro recommends project teams:

- Review Metro's Transit Service Policy: Appendix D, which provides standards for design and operation of bus stops and zones for near-side, far-side, and mid-block stops. In particular, adjacent projects should:
 - Accommodate 6' x 8' landing pads at bus doors.
 - Install a concrete bus pad within each bus stop zone to avoid asphalt damage.
- Replace stand-alone bus stop signs with bus shelters that include benches and adequate lighting.
- Design wide sidewalks (15' preferred) that accommodate bus landing pads as well as street furniture, landscape, and user travel space.
- Ensure final design of stops and surrounding sidewalk allows passengers with disabilities a clear path of travel.
- Place species of trees in quantities and spacing that will provide a continuous shade canopy in paths of travel to access transit stops. These must be placed far enough away from the curb and adequately maintained to prevent visual and physical impediments for buses when trees reach maturity.
- Locate and design driveways to avoid conflicts with on-street services and pedestrian traffic.

Additional Resources:

[Metro Transit Service Policy](#)



Well-designed and accessible bus stops are beneficial amenities for both transit riders and users of adjacent developments.



1.9 Driveways/Access Management

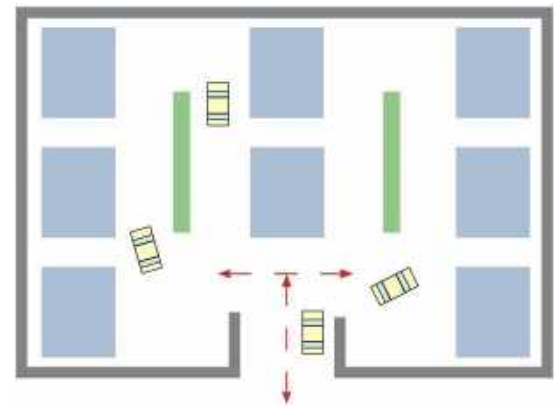
Driveways adjacent to on-street bus stops can create conflict for pedestrians walking to/from or waiting for transit. Additionally, driveways accessing parking and loading at project sites near Metro Rail and BRT crossings can create queuing issues along city streets and put vehicles in close proximity with fast moving trains and buses.

Recommendation: Metro encourages new developments to promote a lively public space mutually beneficial to the project and Metro by providing safe, comfortable, convenient, and direct connections to transit. Metro recommends that projects:

- Place driveways along side streets and alleys, away from on-street bus stops and transit crossings to minimize safety conflicts between active tracks, transit vehicles, and people, as well as queuing on streets.
- Locate vehicular driveways away from transit crossings or areas that are likely to be used as waiting areas for transit services.
- Program loading docks away from sidewalks where transit bus stop activity is/will be present.
- Consolidate vehicular entrances and reduce width of driveways.
- Raise driveway crossings to be flush with the sidewalk, slowing automobiles entering and prioritizing pedestrians.
- Separate pedestrian walkways to minimize conflict with vehicles and encourage safe non-motorized travel.



Driveways in close proximity to each other compromise safety for those walking to/from transit and increase the potential for vehicle-pedestrian conflicts.



A consolidated vehicular entrance greatly reduces the possibility for vehicle-pedestrian conflicts.

Additional Resources:

[Metro First/Last Mile Strategic Plan](#)
[MRDC, Section 3 – Civil](#)







2 Engineering

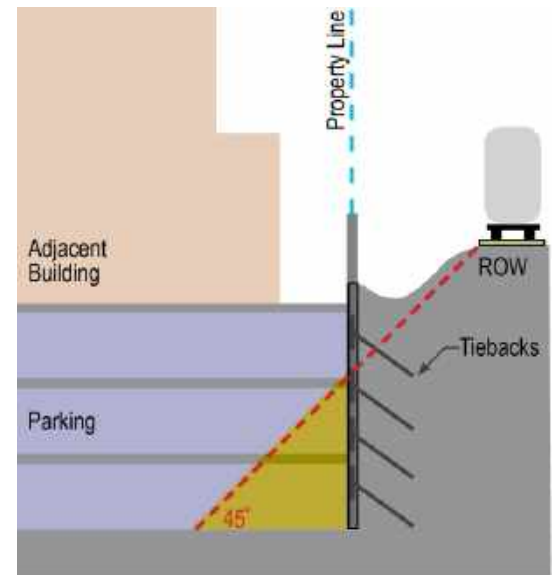


2.1 Excavation Support System Design

Excavation near Metro ROW has the potential to disturb adjoining soils and jeopardize the support of existing Metro infrastructure. Any excavation which occurs within the geotechnical *foul zone* is subject to Metro review and approval. The geotechnical zone of influence shall be defined as the area below the track-way as measured from a 45-degree angle from the edge of the rail track ballast. Construction within this vulnerable area poses a potential risk to Metro service and safety and triggers additional safety regulations.

Recommendation: Coordinate with Metro Engineering staff for review and approval of structural and support of excavation drawings prior to the start of excavation or construction. Tie backs encroaching into Metro ROW may require a tie back easement or license, at Metro's discretion.

Any excavation/shoring within Metrolink operated and maintained ROW would require compliance with Metrolink Engineering standards and guidelines.



An underground structure located within the ROW foul zone would require additional review by Metro.

Additional Resources:

[Metrolink Engineering & Construction Requirements](#)

[MRDC, Section 3 – Civil](#)

[MRDC, Section 5 – Structural/Geotechnical](#)

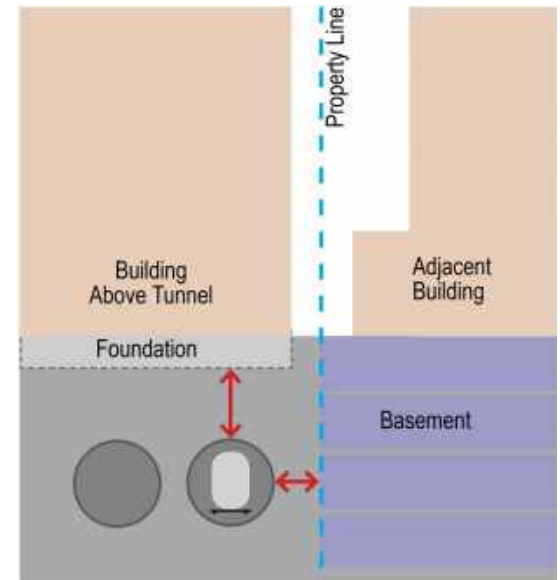


2.2 Proximity to Stations & Tunnels

Metro supports development of commercial and residential properties near transit services and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of the developments. However, construction adjacent to, over, or under underground Metro facilities (tunnels, stations and appendages) is of great concern and should be coordinated closely with Metro Engineering.

Recommendation: Dependent on the nature of the adjacent construction, Metro will need to review the geotechnical report, structural foundation plans, sections, shoring plan sections and calculations. Metro typically seeks to maintain a minimum eight (8) foot clearance from existing Metro facilities to new construction (shoring or tiebacks). It will be incumbent upon the developer to demonstrate, to Metro's satisfaction, that both the temporary support of construction and the permanent works do not adversely affect the structural integrity, safety or continued efficient operation of Metro facilities.

Metro may require monitoring where such work will either increase or decrease the existing overburden (i.e. weight) to which the tunnels or facilities are subjected. When required, the monitoring will serve as an early indication of excessive structural strain or movement. Additional information regarding monitoring requirements, which will be determined on a case-by-case basis, may be found in Section 3.4, Excavation Drilling/Monitoring.



Underground tunnels in close proximity to adjacent basement structure.

Additional Resources:

[MRDC, Section 3 – Civil](#)

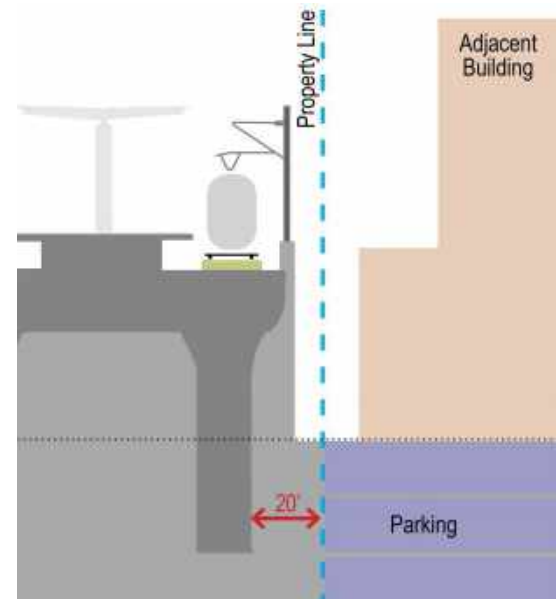
[MRDC, Section 5 – Structural/Geotechnical](#)



2.3 Protection from Explosion/Blast

Metro is obligated to ensure the safety of public transit infrastructure from potential explosive sources which could originate from adjacent underground structures or from at grade locations, situated below elevated *guideways* or stations. Blast protection setbacks or mitigation may be required for large projects constructed near critical Metro facilities.

Recommendation: Avoid locating underground parking or basement structures within twenty (20) feet from an existing Metro tunnel or facility (exterior face of wall to exterior face of wall). Adjacent developments which are within this 20-foot envelope may be required to undergo a *Threat Assessment and Blast/Explosion Study* subject to Metro review and approval.



An underground structure proposed within twenty (20) feet of a Metro structure may require a threat assessment and blast/explosion study.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

[MRDC, Section 3 – Civil](#)

[MRDC, Section 5 – Structural/Geotechnical](#)







3

Construction Safety & Monitoring

3 Construction Safety & Monitoring



3.1 Pre-Construction Coordination

Metro is concerned with impacts on service requiring single tracking, line closures, speed restrictions, and *bus bridging* occurring as a result of adjacent project construction. Projects that will require work over, under, adjacent, or on Metro property or ROW and include operation of machinery, scaffolding, or any other potentially hazardous work are subject to evaluation in preparation for and during construction to maintain safe operations and passenger wellbeing.

Recommendation: Following an initial screening of the project, additional coordination may be determined to be necessary. Dependent on the nature of the adjacent construction, developers may be requested to perform the following as determined on a case-by-case basis:



Metro staff oversees construction for the Purple Line extension.

- Submit a construction work plan and related project drawings and specifications for Metro review.
- Submit a contingency plan, show proof of insurance coverage, and issue current certificates.
- Provide documentation of contractor qualifications.
- Complete pre-construction surveys, perform baseline readings, and install movement instrumentation.
- Complete readiness review and perform practice run of shutdown per contingency plan.
- Confirm a ROW observer or other safety personnel and an inspector from the parties.
- Establish a coordination process for access and work in or adjacent to ROW for the duration of construction.

Project teams will be responsible for the costs of adverse impacts on Metro transit operations caused by work on adjacent developments, including remedial work to repair damage to Metro property, facilities, or systems. Additionally, a review fee may be assessed based on an estimate of required level of effort provided by Metro.

All projects adjacent to Metrolink infrastructure will require compliance with SCRRRA Engineering Standards and Guidelines.

Additional Resources:

[Metrolink Engineering & Construction Requirements](#)

[Metro Adjacent Construction Design Manual](#)

3 Construction Safety & Monitoring



3.2 Track Access and Safety

Permission is needed from Metro to enter Metro property for construction and maintenance along, above, or under Metro ROW as these activities can interfere with Metro utilities and service and pose a safety hazard to construction teams and transit riders. Track access is solely at Metro's discretion and is discouraged to prevent electrocution and collisions with construction workers or machines.

Recommendation: To work in or adjacent to Metro ROW, the following must be obtained and/or completed:



Trained flaggers ensure the safe crossing of pedestrians and workers of an adjacent development.

- Right-of-Entry Permit/Temporary Construction Easement: All access to and activity on Metro property, including easements necessary for construction of adjacent projects, must be approved through a Right-of-Entry Permit and/or a Temporary Construction Easement obtained from Metro Real Estate and may require a fee.
- Track Allocation: All work on Metro Rail ROW must receive prior approval from Metro Rail Operations Control. Track Allocation identifies, reserves, and requests changes to normal operations for a specific track section, line, station, location, or piece of equipment to allow for safe use by a non-Metro entity.
- Safety Training: All members of the project construction team will be required to attend Metro Safety Training in advance of work activity.
- Construction Work Plan: Dependent on the nature of adjacent construction, Metro may request a construction work plan, which describes means and methods and other construction plan details, to ensure the safety of transit operators and patrons.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

[Safety Training](#)

[Track Allocation](#)

3 Construction Safety & Monitoring



3.3 Construction Hours

To maintain public safety and access for Metro riders, construction should be planned, scheduled, and carried out in a way to avoid impacts to Metro service and maintenance. Metro may limit hours of construction which impact Metro ROW to night or off-peak hours so as not to interfere with Metro revenue service.

Recommendations: In addition to receiving necessary construction approvals from the local municipality, all construction work on or in close proximity to Metro ROW must be scheduled through the Track Allocation Process, detailed in Section 3.2.

Metro prefers that adjacent construction that has the potential to impact normal, continuous Metro operations take place during non-revenue hours (approximately 1:00a.m.-4:00a.m.) or during non-peak hours to minimize impacts to service. The project sponsor may be responsible for additional operating costs resulting from disruption to normal Metro service.



Construction during approved hours ensures the steady progress of adjacent development construction as well as performance of Metro's transit service.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

[MRDC, Section 10 – Operations](#)

[Track Allocation](#)

3 Construction Safety & Monitoring



3.4 Excavation/Drilling Monitoring

Excavation is among the most hazardous construction activities and can pose threats to the structural integrity of Metro's transit infrastructure.

Recommendation: Excavation and shoring plans adjacent to the Metro ROW shall be reviewed and approved by Metro Engineering prior to commencing construction.

Geotechnical instrumentation and monitoring will be required for all excavations occurring within Metro's *geotechnical zone of influence*, where there is potential for adversely affecting the safe and efficient operation of transit vehicles. Monitoring of Metro facilities due to adjacent construction may include the following as determined on a case-by-case basis:

- Pre- and post-construction condition surveys
- Extensometers
- Inclinometers
- Settlement reference points
- Tilt-meters
- Groundwater observation wells
- Movement arrays
- Vibration monitoring



Rakers and tiebacks provide temporary support during construction.



A soldier pile wall supports adjacent land during construction.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

[MRDC, Section 3 – Civil](#)

[MRDC, Section 5 – Structural/Geotechnical](#)

3 Construction Safety & Monitoring



3.5 Crane Operations

Construction activities adjacent to Metro ROW will often require moving large, heavy loads of building materials and machinery by cranes. Cranes referred to in this section include all power operated equipment that can hoist, lower, and horizontally move a suspended load. There are significant safety issues to be considered for the operators of crane devices as well as Metro patrons and operators.

Recommendations: Per California Occupational Safety and Health Administration (Cal/OSHA) standards, cranes operated near the OCS must maintain a twenty (20) foot clearance from the OCS. In the event that a crane or its load needs to enter the 20-foot envelope, OCS lines must be de-energized.

Construction activities which involve swinging a crane and suspended loads over Metro facilities or bus passenger areas shall not be performed during revenue hours. The placement and swing of this equipment are subject to Metro review and possible work plan.



Construction adjacent to the Pico Rail Station in Downtown Los Angeles.



Construction adjacent to the Chinatown Rail Station.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)
[Cal/OSHA](#)

3 Construction Safety & Monitoring



3.6 Construction Barriers & Overhead Protection

During construction, falling objects can damage Metro facilities, and pose a safety concern to the patrons accessing them.

Recommendations: Vertical construction barriers and overhead protection compliant with Metro and Cal OSHA requirements shall be constructed to prevent objects from falling into the Metro ROW or areas designed for public access to Metro facilities. A protection barrier shall be constructed to cover the full height of an adjacent project and overhead protection from falling objects shall be provided over Metro ROW as necessary. Erection of the construction barriers and overhead protection for these areas shall be done during Metro non-revenue hours.



A construction barrier is built at the edge of the site to protect tracks from adjacent work.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

3 Construction Safety & Monitoring



3.7 Pedestrian & Emergency Access

Metro's ridership relies on the consistency and reliability of access and *wayfinding* to/from stations, stops, and facilities. Construction on adjacent developments must not obstruct fire department access, emergency egress, or otherwise present a safety hazard to Metro operations, its employees, patrons, and the general public. Fire access and safe escape routes within all Metro stations, stops, and facilities must be maintained.

Recommendations: The developer shall ensure pedestrian access to Metro stations, stops, and transit facilities is compliant with the Americans with Disabilities Act (ADA) and maintained during construction:

- Temporary fences, barricades, and lighting should be installed and watchmen provided for the protection of public travel, the construction site, adjacent public spaces, and existing Metro facilities.
- Temporary signage should be installed where necessary and in compliance with the latest California Manual on Uniform Traffic Control Devices and in coordination with Metro Art and Design Standards.
- Emergency exits shall be provided and be clear of obstructions at all times.
- Access shall be maintained for utilities such as fire hydrants, stand pipes/connections, and fire alarm boxes as well as Metro-specific infrastructure such as fan and vent shafts.



Sidewalk access is blocked for construction project, forcing pedestrians into street or to use less direct paths to the Metro facility.

Additional Resources:

[California Manual on Uniform Traffic Control Devices](#)

[Metro Adjacent Construction Design Manual](#)

[Metro Signage Standards](#)

3 Construction Safety & Monitoring



3.8 Impacts to Bus Routes & Stops

During construction, bus stops and routes may need to be temporarily relocated. Metro needs to be informed of activities that require removal and/or relocation in order to ensure uninterrupted service.

Recommendations: During construction, existing bus stops must be maintained or relocated consistent with the needs of Metro Bus Operations. Design of temporary and permanent bus stops and surrounding sidewalk area must be ADA-compliant and allow passengers with disabilities a clear path of travel to the transit service. Metro Bus Operations Control Special Events and Metro Stops & Zones Department should be contacted at least 30 days in advance of initiating construction activities



Temporary and permanent relocation of bus stops and layover zones will require coordination between developers, Metro, and other municipal bus operators, and local jurisdictions.

Additional Resources:

[Metro Transit Service Policy](#)
[MRDC, Section 3 – Civil](#)

3 Construction Safety & Monitoring



3.9 Utility Coordination

Construction has the potential to interrupt utilities that Metro relies on for safe operations and maintenance. Utilities of concern to Metro include but are not limited to: condenser water piping, potable/fire water, and storm and sanitary sewer lines, as well as electrical/telecommunication services.

Recommendations: Temporary and permanent utility impacts and relocation near Metro facilities should be addressed during project design and engineering to avoid conflicts during construction.

The contractor shall protect existing aboveground and underground Metro utilities during construction and coordinate with Metro to receive written approval for any utilities pertinent to Metro facilities that may be verified, used, interrupted, or disturbed.

When electrical power outages or support functions are required, the approval must be obtained through Metro Track Allocation.



Coordination of underground utilities is critical.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)

3 Construction Safety & Monitoring



3.10 Air Quality & Ventilation Protection

Hot or foul air, fumes, smoke, steam, and dust from adjacent construction activities can negatively impact Metro facilities, service, and users.

Recommendation: Hot or foul air, fumes, smoke, and steam from adjacent facilities must not be discharged within 40 feet of existing Metro facilities, including but not limited to: ventilation system intake shafts or station entrances. Should fumes be discharged within 40 feet of Metro intake shafts, a protection panel around each shaft shall be required.



A worker breaks up concrete creating a cloud of silica dust.

Additional Resources:

[Metro Adjacent Construction Design Manual](#)
[MRDC, Section 8 – Mechanical](#)

Resources

The following provides Metro contact information and a list of programs, policies, and online resources that should be considered when planning projects within 100 feet of Metro ROW – including underground easements – and in close proximity to non-revenue transit facilities and property:



Metro encourages developers and municipalities to leverage digital resources and data sets to maximize opportunities inherent in transit adjacency.

Metro Adjacent Development Contact Information & Resources

Please direct any questions to the Metro Adjacent Development team at:

- 213-418-3484
- DevReview@metro.net

Metro Adjacent Development Review Webpage:

<https://www.metro.net/projects/devreview/>

Metro Right-of-Way GIS Data

Metro maintains a technical resource website housing downloadable data sets and web services. Developers and municipalities should utilize available Metro right-of-way GIS data to appropriately plan and coordinate with Metro when proposing projects within 100' of Metro right-of-way:

<https://developer.metro.net/portfolio-item/metro-right-of-way-gis-data/>

Metro Design Criteria & Standards

Metro standard documents are periodically updated and are available upon request:

- Metro Adjacent Construction Design Manual
- Metro Rail Design Criteria (MRDC)
- Metro Rail Directive Drawings
- Metro Rail Standard Drawings
- Metro Signage Standards

Metrolink Standards & Procedures

Engineering & Construction

<https://www.metrolinktrains.com/about/agency/engineering--construction/>

Metro Policies & Plans

Active Transportation Strategic Plan, 2016

<https://www.metro.net/projects/active-transportation-strategic-plan/>

Complete Streets Policy, 2014

<https://www.metro.net/projects/countywide-planning/metros-complete-streets-policy-requirements/>

Countywide Sustainability Planning Policy & Implementation Plan, 2012

https://media.metro.net/projects_studies/sustainability/images/countywide_sustainability_planning_policy.pdf

First/Last Mile Strategic Plan, 2014

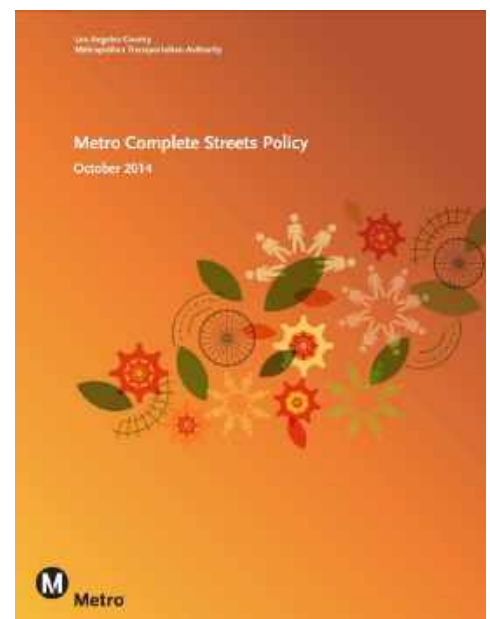
https://media.metro.net/docs/First_Last_Mile_Strategic_Plan.pdf

Transit Service Policy, 2015

https://media.metro.net/images/service_changes_transit_service_policy.pdf



Major construction at the Metrolink San Bernardino Station.



Metro Complete Streets Policy

Resources



Metro Bike Hub at Los Angeles Union Station

Metro Programs & Toolkits

Bike Hub

<https://bikehub.com/metro/>

Bike Share for Business

<https://bikeshare.metro.net/for-business/>

Green Places Toolkit

<https://www.metro.net/interactives/greenplaces/index.html>

Transit Oriented Communities

<https://www.metro.net/projects/transit-oriented-communities/>

Transit Passes

Annual and Business Access Passes

<https://www.metro.net/riding/eapp/>

College/Vocational Monthly Pass

<https://www.metro.net/riding/fares/collegevocational/>

Transit Supportive Planning Toolkit

<https://www.metro.net/projects/tod-toolkit/>

Useful Policies & Resources

ADA Standards for Accessible Design, 2010

U.S. Department of Justice.

https://www.ada.gov/2010ADASTandards_index.htm

California Manual on Uniform Traffic Control Devices.

State of California Department of Transportation

<http://www.dot.ca.gov/trafficops/tcd/signcharts.html>

California Occupational Safety and Health Administration (Cal/OSHA)

State of California Department of Industrial Relations

<http://www.dir.ca.gov/dosh/>



Glossary

Cone of Visibility – a conical space at the front of moving transit vehicles allowing for clear visibility of travel way and/or conflicts.

Construction Work Plan (CWP) – project management document outlining the definition of work tasks, choice of technology, estimation of required resources and duration of individual tasks, and identification of interactions among the different work tasks.

Flagger/Flagman – person who controls traffic on and through a construction project. Flaggers must be trained and certified by Metro Rail Operations prior to any work commencing in or adjacent to Metro ROW.

Geotechnical Foul Zone – area below a track-way as measured from a 45-degree angle from the edge of the rail track ballast.

Guideway – a channel, track, or structure along which a transit vehicle moves.

Heavy Rail Transit (HRT) – Metro HRT systems include exclusive ROW (mostly subway) trains up to six (6) cars long (450') and utilize a contact rail for traction power distribution (e.g. Metro Red Line).

Light Rail Transit (LRT) – Metro LRT systems include exclusive, semi-exclusive, or street ROW trains up to three (3) cars long (270') and utilize OCS for traction power distribution (e.g. Metro Blue Line).

Measure R – half-cent sales tax for Los Angeles County approved in November 2008 to finance new transportation projects and programs. The tax expires in 2039.

Measure M – half-cent sales tax for LA County approved in November 2016 to fund transportation improvements, operations and programs, and accelerate projects already in the pipeline. The tax will increase to one percent in 2039 when Measure R expires.

Metrolink – a commuter rail system with seven lines throughout Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego counties governed by the Southern California Regional Rail Authority.

Metro Adjacent Construction Design Manual – Volume III of the Metro Design Criteria & Standards which outlines the Metro adjacent development review procedure as well as operational requirements when constructing over, under, or adjacent to Metro facilities, structures, and property.

Metro Bus – Metro “Local” and “Rapid” bus service runs within the street, typically alongside vehicular traffic, though occasionally in “bus-only” lanes.

Metro Bus Rapid Transit (BRT) – high quality bus service that provides faster and convenient service through the use of dedicated ROW, branded vehicles and stations, high frequency and intelligent transportation systems, all door boarding, and intersection crossing priority. Metro BRT generally runs within the center of freeways and/or within dedicated corridors.

Metro Design Criteria and Standards – a compilation of documents that govern how Metro transit service and facilities are designed, constructed, operated, and maintained.

Metro Rail – urban rail system serving Los Angeles County consisting of six lines, including two subway lines (Red and Purple Lines) and four light rail lines (Blue, Green, Gold, and Expo Lines).

Metro Rail Design Criteria (MRDC) – Volume IV of the Metro Design Criteria & Standards which establishes design criteria for preliminary engineering and final design of a Metro Project.

Metro Transit Oriented Communities – land use planning and community development program that seeks to

maximize access to transportation as a key organizing principle and promote equity and sustainable living by offering a mix of uses close to transit to support households at all income levels, as well as building densities, parking policies, urban design elements and first/last mile facilities that support ridership and reduce auto dependency.

Noise Easement Deed – easement completed by property owners abutting Metro ROW acknowledging use and possible results of transit vehicle operation on the ROW.

Overhead Catenary System (OCS) – one or more electrified wires (or rails, particularly in tunnels) situated over a transit ROW that transmit power to light rail trains via pantograph, a current collector mounted on the roof of an electric vehicle. Metro OCS is supported by hollow poles placed between tracks or on the outer edge of parallel tracks.

Right of Entry Permit – written approval granted by Metro Real Estate to enter Metro ROW and property.

Right of Way (ROW) – the composite total requirement of all interests and uses of real property needed to construct, maintain, protect, and operate the transit system.

Southern California Regional Rail Authority (SCRRA) – a joint powers authority made up of an 11-member board representing the transportation commissions of Los Angeles, Orange, Riverside, San Bernardino and Ventura counties. SCRRA governs and operates Metrolink service.

Threat Assessment and Blast/Explosion Study – analysis performed when adjacent developments are proposed within twenty (20) feet from an existing Metro tunnel or facility.

Track Allocation/Work Permit – permit granted by Metro Rail Operations Control to allocate a section of track and perform work on Metro Rail ROW. This permit should be

submitted for any work that could potentially foul the envelope of a train.

Wayfinding – signs, maps, and other graphic or audible methods used to convey location and directions to travelers.



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October 31, 2019

Ref. DOC 5311089

A6-1

Ms. Grace S. Lee, Senior Planner
 Planning Division
 City of Diamond Bar
 21810 Copley Drive
 Diamond Bar, CA 91765

Dear Ms. Lee:

**DEIR Response to the Diamond Bar
Comprehensive General Plan Update and Climate Action Plan**

The Sanitation Districts of Los Angeles County (Districts) received a Draft Environmental Impact Report (DEIR) for the subject project on September 20, 2019. The City of Diamond Bar (City) is located within the jurisdictional boundaries of District No. 21. We offer the following comments:

1. Future Development, *page 2-26*, paragraph one – The Districts should review individual developments within the City in order to determine whether or not sufficient trunk sewer capacity exists to serve each project and if Districts' facilities will be affected by the project. A6-2
2. Table 2.3-2, *page 2-26*, Projected Residential Buildout and Population (2040) – The table lists 3,264 housing units as future development within the City and breaks it down to 142 single-family residential units and 3,122 multi-family residential units. The expected average wastewater flow from 142 single family homes is 36,920 gallons per day (gpd). Depending on the type of multi-family unit, the expected average wastewater flow from 3,122 multi-family residential units could range from 487,032 gpd to 608,790 gpd. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link. A6-3
3. Table 2.3-3, *page 2-26*, Projected Residential Buildout and Population (2040) – The table breaks down non-residential by square feet listing future development as 607,283 square feet of retail development, 519,892 square feet of office space, removal of 203,001 square feet of industrial use structure, and 693,409 square feet within the "other" category. The expected average wastewater flow for the non-residential future development is 400,282 gpd, after all scheduled industrial structures on the project site are demolished. A6-4
4. Impact 3.6-5, *page 3.6-32*, paragraph four – It should also be noted that the Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that A6-5

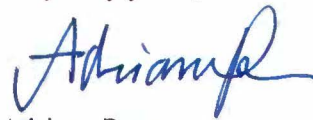
is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before this project is permitted to discharge to the Districts' Sewerage System.

A6-5

All other information concerning Districts' facilities and sewerage service contained in the document is current. If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

A6-6

Very truly yours,



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

October 31, 2019



Grace Lee
Diamond Bar, City of
21810 Copley Drive
Diamond Bar, CA 91765

Subject: Diamond Bar Comprehensive General Plan Update and Climate Action Plan
SCH#: 2018051066

Dear Grace Lee:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 10/30/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2018051066/2>. Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

Diamond Bar General Plan EIR comment
October 8, 2019

B1-A-1

Section 3 Transit Noise, Section 3.1 Noise of the 2018 Metrics Transit Noise and Vibration Impact Assessment Manual by the Federal Transit Administration:

Railroad sound levels were measured using A-weighting that approximates typical human hearing and reported as dBA from the Google Earth reported distance from the railroad tracks with passing locomotives and rail cars to the receiving location near the intersection of N. Rock River Dr. and Red Cloud Dr. in Diamond Bar. The actual Sound Level Exposure (SEL) 50 feet from the source would require additional information and calculations or measurement at the source, which is easier than calculations. Note that Table 3-1 describes a human-perceived 10 dB increase above the actual measurements between 10 p.m. and 7 a.m. Therefore, a sound level of 60 dBA would be perceived as 70 dBA, and a 10 dB increase is perceived as a doubling of sound levels by the human ear.

Section 3.3 Paths of Transit Noise from Source to Receiver

This section states: "Sound paths from source to receiver are predominantly through the air. Along these paths, sound reduces with distance due to divergence, absorption/diffusion, and shielding." Per Figure 3-3 below, the approximate attenuation of the generator SEL at 50 feet would decrease by 20 dBA at 800 feet from the source and this is a logarithmic decrease. Instead of calculating the attenuation, it is somewhat easier to extrapolate from Figure 3-3. It is estimated that there is a 30 dBA attenuation at 2,000 feet from the source. However, when one considers Figure 3-4 attenuation over soft ground, it is clear that height above terrain determines attenuation, and the neighborhoods south of Dry Creek are more than 40 feet above the source and would have negligible sound level attenuation by the ground. This corresponds reasonably well with trains passing west, northwest, and north of the receiving location, but not trains passing further west by the warehouses along Ferrero Parkway in the City of Industry. Direction of travel is critical in determining cumulative sound levels.

B1-A-2

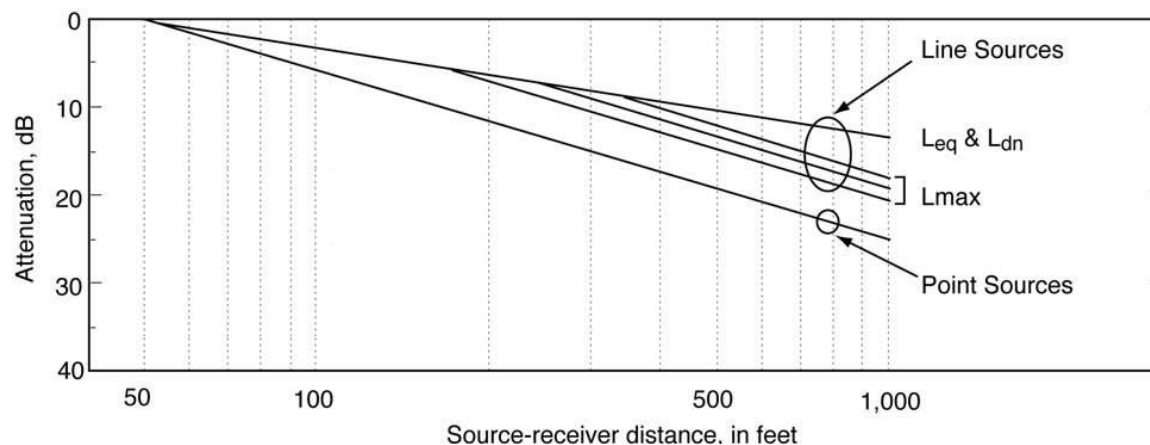


Figure 3-3 Attenuation Due to Distance (Divergence)

In the section on shielding, it is noted that noise barriers are one of the most effective means of mitigating noise, such as a wall. Walls also reflect sound. When the City of Industry permitted warehouses with flat vertical walls to be built along Ferrero Parkway near the Union Pacific Railroad tracks, railroad sound was amplified and reflected south and southeast into the Diamond Bar neighborhoods along Sunset Crossing Road and Prospectors Road. The noise intrudes into homes.

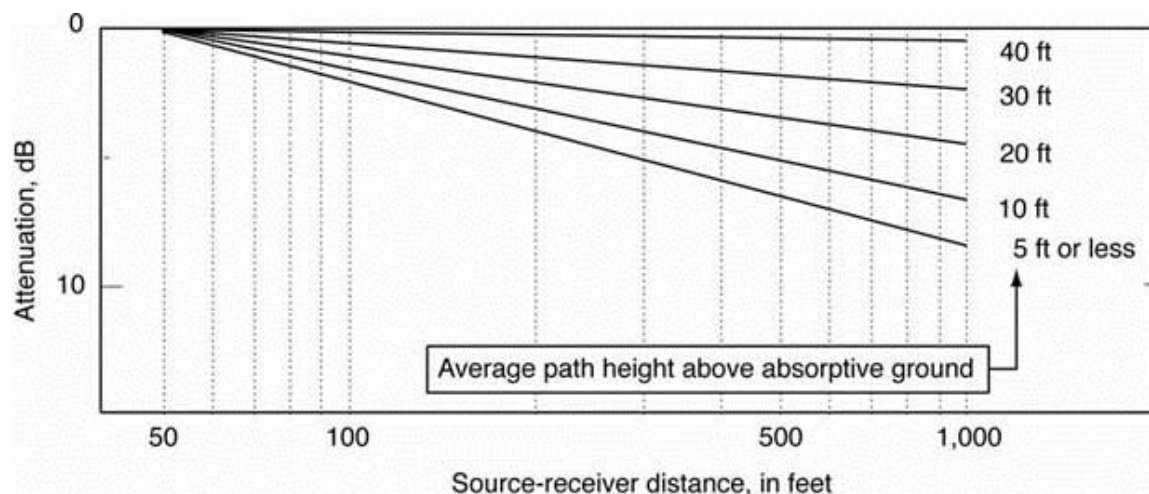


Figure 3-4 Attenuation Due to Soft Ground

Note that the time period when locomotives pass by those warehouses, sound is further amplified and reflected. There is no mitigation of that reflected sound. Possible mitigation could include sound deadening treatment of the warehouse walls. Further, when buildings are built on the flat-topped hill south of the railroad tracks, railroad noise would be reflected to the northwest and north and then reflected again off the walls of warehouses (in ellipse) along Ferrero Parkway. Whether phasing of that sound will amplify or attenuate the railroad noise is unknown. Sound/noise mitigation is warranted.



When it comes to community annoyance to the noise, Figure 3-7 describes it well, and no further discussion on annoyance is warranted.

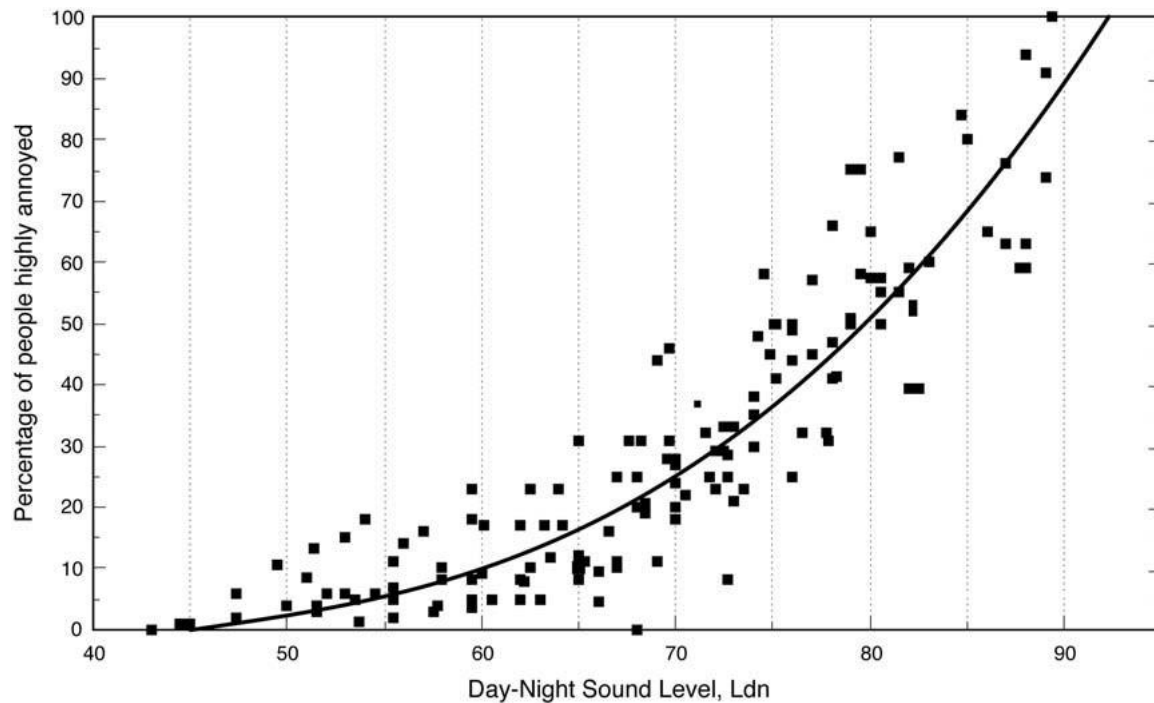


Figure 3-7 Community Annoyance Due to Noise

Lastly, none of this means anything without actual data to assess the situation and how the Diamond Bar 2040 General Plan Environmental Impact Report will address the situation. Since there is no supporting data, I collected some from near the intersection of N. Rock River Dr. and Red Cloud Dr. in Diamond Bar, as specified in the table below. Note the time of collection, the distance from the railroad tracks, and the decibel measurements. It should be possible to estimate the noise levels at distances closer to the passing trains.

Train Noise @ N. Rock River Dr. and Red Cloud Dr., Diamond Bar

Baseline Level < 50 dB A-Weighting 500 Hz – 10 kHz Fast

Date	Time	Location	Distance (ft)	Source	Level (dBA)
9/15/19	0240	WB N. Track	3400	Train	56 dB max
9/15/19	0301-0306	EB S. Track	2100-2600	Train	56 dB - 64dB
9/16/19	0110	WB S. Track	2700	Train+Horn	75 dB
9/16/19	0146	WB S. Track	2400	Train	58 dB
9/16/19	0215	WB S. Track	2100-2700	Train	56 dB - 58dB
9/16/19	0220	WB S. Track	2400	Train	58 dB - 62 dB
9/16/19	0226	EB S. Track	2100-2700	Train	57 dB Sustain

Date	Time	Location	Distance (ft)	Source	Level (dBA)
9/17/19	0050	WB N. Track	3400	Train+Horn	53 dB - 60 dB
9/17/19	0255	WB S. Track	2200	Train	60 dB
9/17/19	0300	WB S. Track	2400	Train	64 dB
9/17/19	0308	WB. S. Track	2400	Train	60 dB
9/17/19	0343-0347	WB/EB S. Track	2300	Train	58 dB - 62 dB
9/17/19	0359-0403	WB/EB S. Track	2300	Train	56 dB
9/17/19	1600	WB S. Track	2200	Train	57 dB
10/8/19	1118-1124	EB S. Track	2100-2700	Train *	52 dB – 62 dB

Measurement Equipment: Realistic Sound Level Meter No: 33-2050

* Note: The very long train on 10/8/2019 also had a locomotive in the middle and two at the end.

Freight trains have no posted schedule and pass at random times. During the measurement period, there were no EB heavy load trains and no braking. Only one very loud horn was measured (9/16/2019 at 0110), and it was west of the receiving location and directed west. Levels hover around reported values within 1-2 dB. Where levels are a range, the upper level is a peak.

Data captured and logged by Douglas Barcon

Submitted by:



Dr. Douglas Barcon

The following is based on Section 3 Transit Noise; Section 3.1 Noise Metrics of the 2018 Transit Noise and Vibration Impact Assessment Manual by the Federal Transit Administration, which was provided as a reference in Chapter 3.10 Noise in the EIR and Chapter 7.8 in the 2040 General Plan.

Railroad sound levels were measured using A-weighting that approximates typical human hearing and reported as dBA from the Google Earth reported distance from the railroad tracks with passing locomotives and rail cars to the receiving location near the intersection of N. Rock River Dr. and Red Cloud Dr. in Diamond Bar. The actual Sound Level Exposure (SEL) 50 feet from the source would require additional information and calculations or measurement at the source, which is easier than calculations. Note that Table 3-1 describes a human-perceived 10 dB increase above the actual measurements between 10 p.m. and 7 a.m. Therefore, a sound level of 60 dBA would be perceived as 70 dBA, and a 10 dB increase is perceived as a doubling of sound levels by the human ear.

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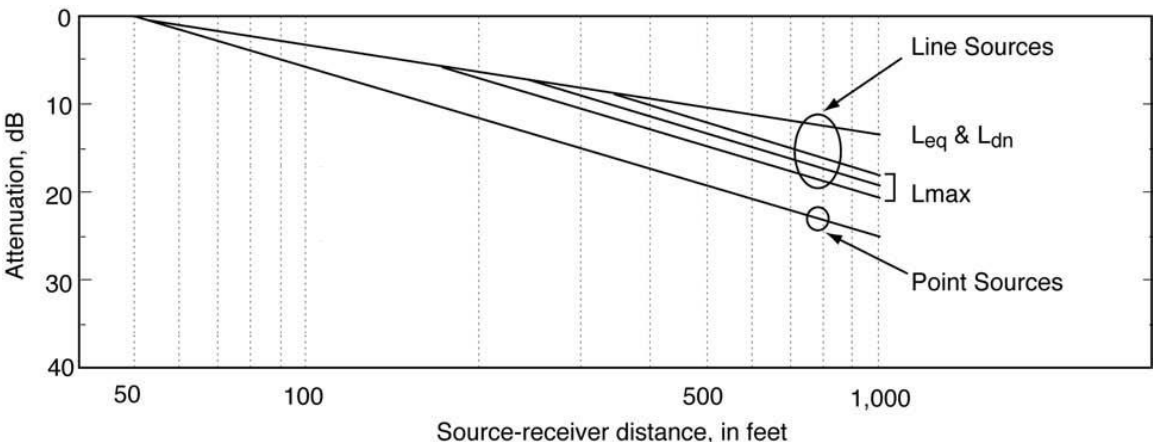


Figure 3-3 Attenuation Due to Distance (Divergence)

In the section on shielding, it is noted that noise barriers are one of the most effective means of mitigating noise, such as a wall. Walls also reflect sound. When the City of Industry permitted warehouses with flat vertical walls to be built along Ferrero Parkway near the Union Pacific railroad

tracks, railroad sound was amplified and reflected south and southeast into the Diamond Bar neighborhoods along Sunset Crossing Road and Prospectors Road. The noise intrudes into homes.

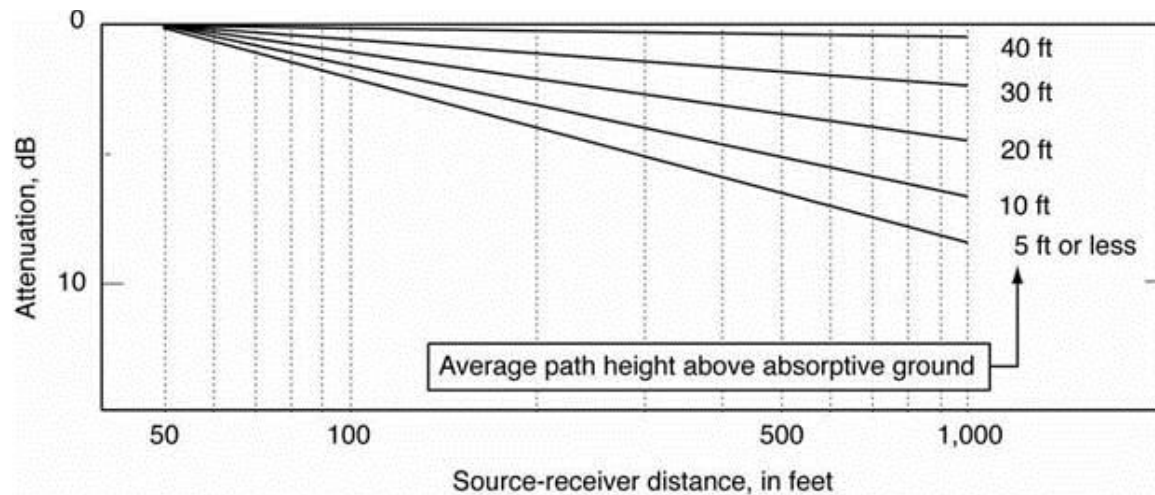


Figure 3-4 Attenuation Due to Soft Ground

Note that the time period when locomotives pass by those warehouses, sound is further amplified and reflected. There is no mitigation of that reflected sound. Possible mitigation could include sound deadening treatment of the warehouse walls. Further, when buildings are built on the flat-topped hill south of the railroad tracks, railroad noise would be reflected to the northwest and north and then reflected again off the walls of warehouses (in ellipse) along Ferrero Parkway. Whether phasing of that sound will amplify or attenuate the railroad noise is unknown. Sound/noise mitigation is warranted as addressed in General Plan 2040 Chapter 7.8; policy PS-P-51 and Chapter 8.0; policy CHS-P-29.



When it comes to community annoyance to the noise, Figure 3-7 describes it well, and no further discussion on annoyance is warranted.

B1-B-3

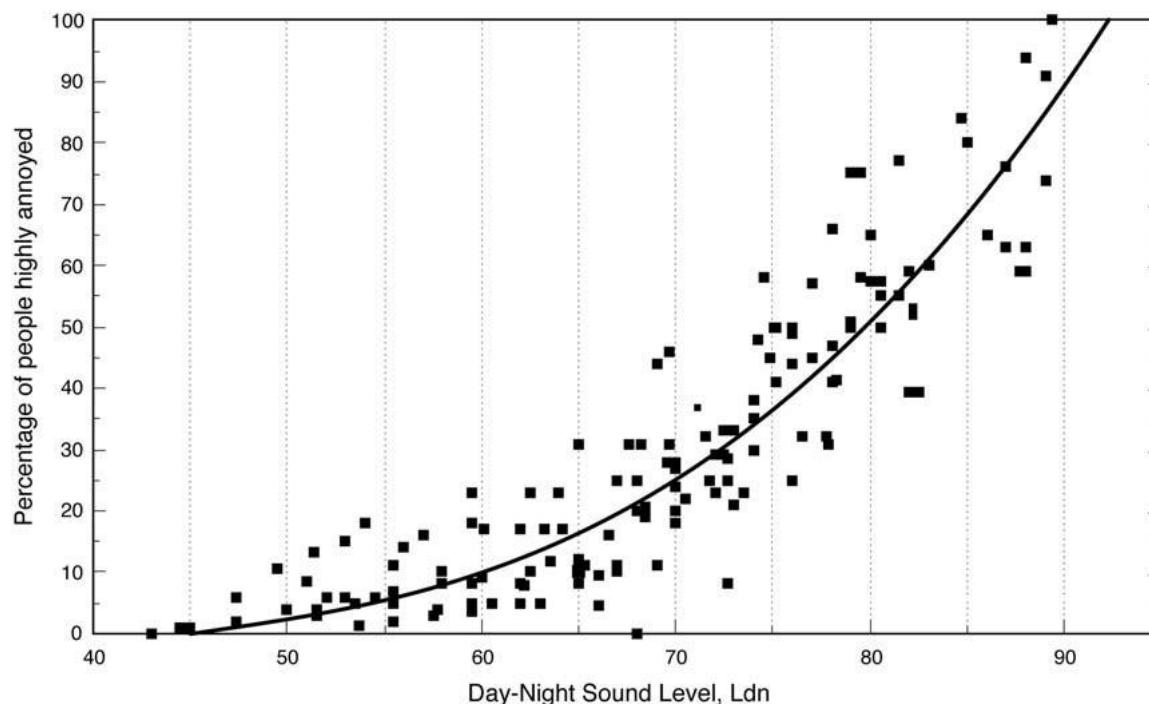


Figure 3-7 Community Annoyance Due to Noise

Lastly, none of this means anything without actual data to assess the situation and how the Diamond Bar 2040 General Plan Environmental Impact Report will address the situation. Since there is no supporting data, I collected some from near the intersection of N. Rock River Dr. and Red Cloud Dr. in Diamond Bar, as specified in the table below. Note the time of collection, the distance from the railroad tracks, and the decibel measurements. It should be possible to estimate the noise levels at distances closer to the passing trains, such as along Big Falls Drive and Strongbow Drive.

B1-B-4

Train Noise @ N. Rock River Dr. and Red Cloud Dr., Diamond Bar

Baseline Level < 50 dB A-Weighting 500 Hz – 10 kHz Fast

Date	Time	Location	Distance (ft)	Source	Level (dBA)
9/15/19	0240	WB N. Track	3400	Train	56 dB max
9/15/19	0301-0306	EB S. Track	2100-2600	Train	56 dB - 64dB
9/16/19	0110	WB S. Track	2700	Train+Horn	75 dB
9/16/19	0146	WB S. Track	2400	Train	58 dB
9/16/19	0215	WB S. Track	2100-2700	Train	56 dB - 58dB
9/16/19	0220	WB S. Track	2400	Train	58 dB - 62 dB
9/16/19	0226	EB S. Track	2100-2700	Train	57 dB Sustain

Date	Time	Location	Distance (ft)	Source	Level (dBA)
9/17/19	0050	WB N. Track	3400	Train+Horn	53 dB - 60 dB
9/17/19	0255	WB S. Track	2200	Train	60 dB
9/17/19	0300	WB S. Track	2400	Train	64 dB
9/17/19	0308	WB. S. Track	2400	Train	60 dB
9/17/19	0343-0347	WB/EB S. Track	2300	Train	58 dB - 62 dB
9/17/19	0359-0403	WB/EB S. Track	2300	Train	56 dB
9/17/19	1600	WB S. Track	2200	Train	57 dB
10/8/19	1118-1124	EB S. Track	2100-2700	Train *	52 dB - 62 dB

Measurement Equipment: Realistic Sound Level Meter No: 33-2050

* Note: The very long train on 10/8/2019 also had a locomotive in the middle and two at the end. There was a parallel train parked on the closer track that attenuated the noise level somewhat.

Freight trains have no posted schedule and pass at random times. During the measurement period, there were no EB heavy load trains and no braking. Only one very loud horn was measured (9/16/2019 at 0110), and it was west of the receiving location and directed west. Levels hover around reported values within 1-2 dB. Where levels are a range, the upper level is a peak.

As a final point, in Chapter 7.8 of the 2040 General Plan, Figure 7-11 on page 7-41, the map shows existing noise contours in 2016 but does not show any railroad noise contour in the neighborhood bordered by SR 57 on the east, City of Industry on the west, and the SR 57/SR 60 confluence on the south. The same map is present in Chapter 3.10 of the EIR as Figure 3.10-2. The sound levels I measured and noted in the table above show that this residential area should have a noise contour included on the map and on the projected 2040 noise contour shown in Figure 7-12 on page 7-42 of the General Plan and in Figure 3.10-2 (or a revision) in the EIR. I will postulate that the railroad noise levels will decrease to the south of the highest points on Red Cloud Drive and Prospectors Road as both roads descend.

Data captured and logged by Douglas Barcon

Submitted by:



Dr. Douglas Barcon
Diamond Bar Resident

Dr. Douglas Barcon
XXXX N. Rock River Dr.
Diamond Bar, CA 91765

Grace Lee
Senior Planner
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765

October 29, 2019

Dear Grace,


Please add this additional information to my previous comment on railroad noise for the draft EIR.

Since I submitted my comment on the subject of railroad noise in Chapter 3.10 Noise in the EIR and Chapter 7.8 in the 2040 General Plan, I was able to measure the sound levels of an additional Union Pacific freight train early morning on October 24, 2019. This was one of the trains where the locomotive horn was excessively loud and measured 82 dBA 2200 - 2500 feet from the source locomotive, which was facing west away from the homes in Diamond Bar in the area around N. Rock River Dr. and Red Cloud Dr. It was the loudest train horn I was able to measure. Occasional other trains have a horn sound level that the human ear can sense is even louder. In comparison to the 82 dBA sound level, I will estimate the loudest horn sound level to be in the range of 86 - 88 dBA. Some of these horns also sound at night when the ambient sound level is in the 40 dBA range. There are no roads where the locomotives sound their horns, so a quiet zone designation could mitigate the horn sounding without spending millions of dollars modifying intersections. A quiet zone will not impact the other railroad noises.

Date	Time	Location	Distance (ft)	Source	Level (dBA)
10/24/19	0143-0149	WB S. Track	2200 - 2500	Train	60 dB – 62 dB Sustain + Horn 82 dB

Measurement Equipment: Realistic Sound Level Meter No: 33-2050

Respectfully,



Dr. Douglas Barcon

Data captured and logged by Douglas Barcon

Dr. Douglas Barcon
XXXX N. Rock River Dr.
Diamond Bar, CA 91765

Grace Lee
Senior Planner
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765

October 31, 2019

Re: Draft Environmental Impact Report

Dear Ms. Lee,

I have been reviewing the draft Environmental Impact Report and have additional comments on other topics beyond those I have previously submitted regarding railroad noise.

In the Executive Summary of the Draft Environmental Impact Report for the Diamond Bar General Plan 2040 and Climate Action Plan Table ES-4: Summary of Impacts and Mitigation Measures in section 3.6 Geology, Soils, Seismicity, and Paleontology starting on page ES-46 shows no mitigation measures are necessary for section 3.6-3 Implementation of the Proposed Project and would not result in significant development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. I must question the statement that mitigation is not necessary. Specifically, I am addressing the mixed-use area on North Diamond Bar Boulevard between SR-60 and Sunset Crossing Road. This is the area next to the Diamond Bar Boulevard exit from the westbound SR-60.

The area in question is shown in the excerpt Figure 3.6-1: Steep Slopes below.



Note the green areas (steep slopes) beside the Diamond Bar Boulevard off-ramp (red-brown) from the WB SR-60 and along the right side of Diamond Bar Boulevard (gray line parallel to SR-57) toward Sunset Crossing Road. There are homes at the top of those slopes. The beige area at the off-ramp and extending to Sunset Crossing Road is flat land sandwiched between Diamond Bar Boulevard and the steep slopes in green. This flat land has been incorporated into the North Diamond Bar Boulevard mixed-use area. Civil engineers have previously stated that the slopes can be damaged, and their stability compromised by cutting into them to develop the narrow ribbon of flat land to the right of Diamond Bar Boulevard north of the off-ramp. Further, building a driveway adjacent to a busy freeway off-ramp is a safety issue that can lead to collisions and injuries. The flat land should remain as open space that could be landscaped, providing weeds on the hillsides can be removed to mitigate fire danger to the houses above. Developers should not be permitted to develop a property that jeopardizes the environment and creates a risk to others. Such development of this property is also addressed in section 3.6-4, which also states no mitigation measures are required. The direct risk is a possible collapse of the hillside by carving into it a non-specified distance to enlarge the flat pad. This area should be removed from the mixed-use designation in the General Plan Update and left as open space, perhaps with landscaping. Policies LU-P-55, LU-P-56, PS-G-1, and PS-P-2 address some of this.

B1-D-2

The colors shown in Figure 3.8-1: FEMA Flood Insurance Rate Map on page 3.8-5 are incorrect. Diamond Bar is shown in white on the map, but the map key shows it is cream-colored. The key currently indicates that white is a county boundary.

B1-D-3

In Chapter 3.9: Land Use, Population, and Housing, the 2040 projections on page 3.9-7 state that Diamond Bar's population will increase to 66,685 residents from the current 57,853 residents or an increase of 8,832 residents according to SCAG. At a population of 3.16 persons per occupied unit, that equates to 2,795 new residential units. Where are these units going to be built, and what is their impact on circulation, land use, and public safety? Transit-oriented-development and mixed-use will accommodate some of these units. If the city intends to preserve open space, it may not be possible with the SCAG projected growth.

B1-D-4

Table 3.12-11: Commuter Mode Split in Diamond Bar and Surrounding Areas on page 3.12-4 indicates that Diamond Bar currently had 0.7% of the population commuting by bicycle and walking compared to 3.6% in Los Angeles County. Figure 3.12-2: Proposed Bicycle Network on page 3.12-11 is a map that shows the proposed bicycle network in Diamond Bar. The location of Diamond Bar to jobs and the hilly area probably explains the variation. The likelihood of bicycling and walking increasing by even 2 percent over the next 20 years is questionable regardless of any state mandates. The state cannot dictate how a person commutes or travels.

B1-D-5

The draft general plan has proposed bike lanes where bike travel is difficult, such as up Sunset Crossing Road to Golden Springs Drive and up Gold Rush Drive from Diamond Bar Boulevard to the top of the hill at Leyland. Traffic mitigation is also planned for Gold Rush Drive. Bicycle riders are at risk of injury on either of these routes, and the likelihood of a bicycle rider using such bike lanes is minimal. Type IV bikeways are impractical on Sunset Crossing Road or Gold Rush Drive, so any bicyclists are not protected from motor vehicle traffic. It is the same issue along Prospectors Road because cars are parked along the sides of the road where a bike lane also exists. It is not practical to eliminate street parking to accommodate bicycles. Various policies in

B1-D-6

Circulation address bicycles. Providing expanded bike lanes is reasonable, but expanding bike lanes into areas where they are impractical and can result in increased risk and injury to the bicycle rider should be reconsidered. The concept of bicycle riders switching to motorized bicycles has DMV licensing issues and additional safety issues and is not an answer to riding a bicycle up a steep roadway. There are lofty goals in the Circulation policies that are not practical regardless of whether the wording uses encourage instead of another word. Circulation policy CR-P-4 cited on page 3.12-33 will have minimal impact on the few pedestrians who walk from Temple Avenue to Sunset Crossing Road, but it will have a significant impact on vehicular traffic. The southbound side of Diamond Bar Boulevard to SR-60 is bordered by SR-57 to the right; there is nothing built on that side of the street. Traffic calming serves no purpose on that side of the street, but it will impact a bike lane on that side of the street if there are bump-outs placed that require a bicycle rider to navigate around and move them closer to vehicular traffic.

B1-D-6

Respectfully,

A handwritten signature in cursive script that reads "Douglas Barcon".

Dr. Douglas Barcon

B1-D-7

H i l l s F o r E v e r y o n e

Southern California comes
together at the Puente-Chino Hills



October 29, 2019

B2-1

Submitted via email to: GLee@DiamondBarCA.Gov

Grace Lee, Senior Planner
City of Diamond Bar
21810 Copley Drive
Diamond Bar California 91765

RE: Comments on the Diamond Bar General Plan Update and EIR

Dear Ms. Lee:

I'm writing on behalf of Hills For Everyone (HFE), to provide comments on the City of Diamond Bar's (City) General Plan Update (GPU). HFE is a non-profit organization that strives to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations. We are closely following the City's GPU as there are natural lands within the city proper and its sphere of influence.

B2-2

Public Process Comments

This letter serves as a follow up to our comment letter from July 6, 2018 and focuses on the policies in the new General Plan. It is our understanding from the Diamond Bar General Plan Update website (<http://www.diamondbargp.com/>) that the documents (Environmental Impact Report, GPU, and Climate Action Plan) were released for a 45 day review period beginning September 16, 2019 and set to end October 31, 2019.

B2-3

In our 2018 letter, we specifically requested notification per Public Resources Code §21092.2 to receive updates about the project. However, it appears that two meetings (listed as Study Sessions on the website) from September 25 and October 8, 2019 literally changed the documents we were reviewing **during** the public comment period. These Study Sessions and document changes should have occurred **prior** to the document's release for public review.

We have accessed the changes published on the website, but must relay our dismay at the public process. As a governmental entity, as public officials, and as planners you should know better.

We do not understand why after release for public review, these documents were then significantly modified. This is exactly the type of poor public process that confuses the public, limits engagement, clouds transparency, and leads to distrust toward government. We request that you officially re-notice and recirculate the entire suite of documents (with the updates from September and October 2019 included) for a new 45-day review period.

B2-3

Further, it appears that most of the modifications made essentially eliminate any enforceability of the General Plan policies. The General Plan needs to be the document that sets the ground rules for the future of the city. When you change “require” to “encourage,” there is too much flexibility in the policy. Using the flexible policy language implies interest in the policy, but no real commitment to it or its enforcement. Flexible policy language does not carry the force of law.

B2-4

According to the General Plan Guidelines developed by the comprehensive state planning agency, the Office of Planning and Research (OPR), “It is better to adopt no policy than to adopt a policy with no backbone.” (Office of Planning and Research. “General Plan Guidelines.” 15.) In addition, for a policy to be counted towards “mitigating of a plan’s impacts,” it must be expressed as mandatory. We urge you to reconsider the edits made in September and October 2019 and require enforceability through stronger policy language.

General Plan Policy Comments

B2-5

Hills For Everyone provided a suite of topics to consider during the Notice of Preparation of an Environmental Impact Report for the GPU. These bulleted items relay what we noticed from the draft GPU.

- We support the focus of infill and preservation of open space (LU-G-2 and -4) and we support the plan’s attempt to limit impacts to existing residential areas by ensuring there are compatible adjacent land uses (LU-P-8 and -9).¹ LU-P-10 is a good goal (incentivize affordable housing) and should help (if implemented) meet the new Regional Housing Needs Assessment numbers for Diamond Bar.
- The inclusion of density and massing in several policies and setting a maximum dwelling unit/acre for the Transit-Oriented Mixed Use designation is appreciated. This should help stable residential neighborhoods understand what may or may not be possible to build next to them.
- Ensuring existing vistas of significant hillside features are preserved will help maintain Diamond Bar’s character. This sets a good tone for the community too.
- In LU-P-2, we appreciate your inclusion of sensitive species and wildlife corridors. Further, RC-P-11² helps maintain more natural characteristics of wildland areas especially with the inclusion of wildlife movement linkages, reduced night lighting, and vegetative buffering. These policies should help the Puente-Chino Hills Wildlife Corridor lands function and maintain their integrity across multiple counties and multiple cities.

B2-6

B2-7

B2-8

¹ The policies have since been modified to a less enforceable policy; we instead support the original language.

² Ibid.

B2-5

B2-6

- We appreciate the inclusion of language to not only acknowledge Significant Ecological Areas, but also to maintain, protect and preserve those biologically significant lands (RC-G-4 and RC-P-8).³

B2-9

Missed Opportunities

We noticed that there were no opportunities for streamlined permitting for land uses like mixed use. This could help Diamond Bar residents reduce their single occupancy vehicle use and reduce greenhouse gas emissions. We encourage Diamond Bar to consider adding streamlined/incentivized permitting for mixed use and transit-oriented projects.

B2-10

With new legislation regarding Accessory Dwelling Units (ADUs), Diamond Bar missed a chance to memorialize policies related to ADUs. This should be considered and incorporated so that it is vertically consistent with the zoning code (§22.42.120).

B2-11

We again recommend defining what a “major project” is in this document (either by the number of units, project size, acreage, or amount of grading). For example, this applies to LU-P-4: “Monitor and evaluate potential impacts of major proposed adjacent, local, and regional developments...” What exactly triggers this “monitoring and evaluating?”

B2-12

We recommend, again, setting consistent guidelines that link density, massing, and design. It would make the document more consistent throughout and set the tone for the City.

Errors in the Document


We again remind you that the area labeled Firestone Scout Reservation on several figures in the document are not accurate. Firestone Scout Reservation was the former name, but that land has been owned by the City of Industry since 2001. This naming error should be corrected on Figures 1-1, 5-1, 6-1, 6-2, 6-3, and 7-9, and Table 5.2 (in two places). Additionally, this land is not designated parks/open space. We recommend labeling this land as Significant Ecological Area instead.

B2-13

Thank you for the opportunity to provide substantive feedback on the GPU. To reiterate, we urge the City to re-notice and recirculate the documents. Should you have any questions, I can be reached at 714-996-0502.

B2-14

Sincerely,



Claire Schlotterbeck
Executive Director

B2-15

³ Ibid.



HAMILTON BIOLOGICAL

B3-1

October 31, 2019

Mr. Greg Gubman
Director of Community Development
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765

**SUBJECT: COMMENTS ON DRAFT EIR
DIAMOND BAR GENERAL PLAN UPDATE**

Dear Mr. Gubman,

Working on behalf of a consortium of Diamond Bar residents, including Diamond Bar Preservation Foundation, Responsible Land Use, and the Diamond Bar/Pomona Valley Sierra Club Task Force, Hamilton Biological, Inc., (hereafter "Hamilton Biological") provides these comments on a proposed update to the City of Diamond Bar (hereafter the "City") General Plan. My comments focus on Chapter 3.3 (Biological Resources) and Chapter 5.0 (Conservation Element).

B3-2

As described in the attached Curriculum Vitae, Hamilton Biological specializes in third-party review of technical biological reports and CEQA documentation. Relevant to this project, Hamilton Biological prepared the following documents that were submitted to the City in February 2019:

- *Biological Resources Report, City of Diamond Bar*. Report dated February 25, 2019, prepared for a consortium of Diamond Bar residents and submitted to Mr. Greg Gubman, Director of Community Development, City of Diamond Bar. 35 pp. plus Appendix A (Methods and Technical Information).
- Cover letter dated February 21, 2019, accompanying the above-referenced Biological Resources Report, submitted to Mr. Greg Gubman, Director of Community Development, City of Diamond Bar. 10 pp. plus Curriculum Vitae. [copy attached]

This letter addresses Chapter 3.3 (Biological Resources) and Chapter 5.0 (Conservation Element).

EIR'S CONTENT AND ANALYSES STRAY FROM THE STATED METHODS

B3-3

The DEIR does not identify the biologist(s) responsible for preparing its analyses, but Steve Nelson of ESA has served as the City's biological consultant during public meetings and Chapter 7.1 lists him as a preparer of the DEIR, so it appears that Mr. Nelson and ESA was responsible for the analyses contained in Chapter 3.3 (Biological Resources) and Chapter 5.0 (Conservation Element).

Page 3-3.1 of the DEIR states:

The assessment of sensitive habitats and watersheds in this EIR is based on literature review and the Hamilton Biological Resources Report, as discussed below, rather than on the Existing Conditions Report.

If the EIR's assessment of these core issues were truly based upon the Hamilton Biological Resources Report, with certain modifications based upon the EIR preparer's review of the relevant literature, my comments on the DEIR would be few and mostly complimentary. Such is not the case.

As a start, the DEIR fails to incorporate numerous records of special-status species documented in the City limits during recent years. For example, Dan Cooper's records of California Gnatcatchers at Pantera Park was available on the California Natural Diversity Database (CNDDDB) as of February 27, 2019, and on eBird (<http://ebird.org>) in 2017. Records of several Red-diamond Rattlesnakes at Summitridge Park from 2014 to 2017 were available on the CNDDDB on March 22, 2019. The EIR preparer claims to have reviewed both the CNDDDB and eBird in "May 2019," yet these records are missing from Figure 5.4 in the DEIR (Special Status Animals). The CNDDDB has not yet entered my observations of special-status birds from January 2019, but they have been available on eBird since that month. My cover letter to the City dated February 21, 2019, provided specific following links to eBird checklists that report/document the relevant following records, including UTM coordinates:

- **California Gnatcatchers** and **Cactus Wrens** — Steep Canyon near Diamond Bar Boulevard, 1/4/19: <https://ebird.org/view/checklist/S51322203>
- **Cactus Wrens** — Pantera Park, 1/4/19: <https://ebird.org/view/checklist/S51324514>
- **California Gnatcatcher** and **Cactus Wrens** — vic. northwestern part of Tres Hermanos Ranch, 1/4/19: <https://ebird.org/view/checklist/S51324625>
- **California Gnatcatchers** — vic. Diamond Ranch High School, 1/4/19: <https://ebird.org/view/checklist/S51324760>
- **Northern Harrier** — Tres Hermanos Ranch north of Grand Avenue, 1/4/19: <https://ebird.org/view/checklist/S51324857>
- **California Gnatcatchers** and **Cactus Wrens**, plus **Golden Eagle** seen soaring over Tres Hermanos Ranch — Summitridge Trail, 1/8/19: <https://ebird.org/checklist/S51487531>



Occurrence Report
California Department of Fish and Wildlife
California Natural Diversity Database



Map Index Number: B2404 Key Quad: San Dimas (3411717) Occurrence Number: 963	EO Index: 114336 Element Code: ABPB08081 Occurrence Last Updated: 2019-02-27
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Scientific Name: <i>Poliopitila californica californica</i> Listing Status: Federal: Threatened State: None CNDDDB Element Ranks: Global: G4G5T2Q State: S2	Common Name: coastal California gnatcatcher Rare Plant Rank: Other Lists: CDFW_SSC-Species of Special Concern NABCI_YWL-Yellow Watch List
--	---

General Habitat: OBLIGATE, PERMANENT RESIDENT OF COASTAL SAGE SCRUB BELOW 2500 FT IN SOUTHERN CALIFORNIA.	Micro Habitat: LOW, COASTAL SAGE SCRUB IN ARID WASHES, ON MESAS AND SLOPES. NOT ALL AREAS CLASSIFIED AS COASTAL SAGE SCRUB ARE OCCUPIED.
---	--

Last Date Observed: 2017-06-12 Last Survey Date: 2017-06-12 Owner/Manager: CITY OF DIAMOND BAR Presence: Presumed Extant Location: PANTERA PARK, ABOUT 0.25 MI SE OF PANTERA DR AT BOWERCREEK DR & 1.3 MI SW OF HWY 60 AT PHILLIPS RANCH RD, DIAMOND BAR. Detailed Location: MAPPED TO COORDINATES PROVIDED FOR DETECTION LOCATIONS. SURVEYOR NOTED THAT THIS SPECIES COULD WELL BE IN SIMILAR HABITAT THROUGHOUT DIAMOND BAR. Ecological: LUSH, INTACT COASTAL SAGE SCRUB DOMINATED BY ARTEMISIA CALIFORNICA ON RIDGELINE WITH SMALL PARK/OPEN SPACE TO WEST, PRIVATELY OWNED OPEN SPACE TO EAST, AND RESIDENTIAL AREAS BEYOND. HEAVY RECREATIONAL USE. EVIDENCE OF BRUSH CLEARING (2017). Threats: BRUSH CLEARANCE, DISCING OF HILLSIDES, DOG-WALKERS, FIRE (ARSON) (2017). General: 1 HEARD CALLING ON 10 MAR 2009. AT LEAST 2 DETECTED IN 2012. FAMILY GROUP OF 2 ADULTS AND 2 RECENTLY FLEDGED YOUNG HEARD AND SEEN ON 12 JUN 2017.	Occurrence Type: Natural/Native occurrence Occurrence Rank: Fair Trend: Unknown
--	--

PLSS: T02S, R09W, Sec. 11, NE (S)	Accuracy: specific area	Area (acres): 11
UTM: Zone-11 N3763813 E427145	Latitude/Longitude: 34.01241 / -117.78903	Elevation (feet): 1,335

County Summary:	Quad Summary:
Los Angeles	San Dimas (3411717)

Sources:

COO09F0038	COOPER, D. (COOPER ECOLOGICAL MONITORING, INC.) - FIELD SURVEY FORM FOR POLIOPTILA CALIFORNICA CALIFORNICA 2009-03-10
COO17F0026	COOPER, D. - FIELD SURVEY FORM FOR POLIOPTILA CALIFORNICA CALIFORNICA 2017-06-12
COO17U0002	COOPER, D. ET AL. - CORRESPONDENCE REGARDING CALIFORNIA GNATCATCHERS IN DIAMOND BAR. 2017-06-12
KUS12D0002	KUS, B. (U.S. GEOLOGICAL SURVEY-WESTERN ECOLOGICAL RESEARCH CENTER) - GEODATABASE FOR NETTED CALIFORNIA GNATCATCHER LOCATIONS DURING NON-PROTOCOL SURVEYS IN 2012 2012-XX-XX



Occurrence Report
California Department of Fish and Wildlife
California Natural Diversity Database



Map Index Number: B2709 Key Quad: San Dimas (3411717) Occurrence Number: 191	EO Index: 114643 Element Code: ARADE02090 Occurrence Last Updated: 2019-03-22
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Scientific Name: <i>Crotalus ruber</i> Listing Status: Federal: None State: None CNDDDB Element Ranks: Global: G4 State: S3	Common Name: red-diamond rattlesnake Rare Plant Rank: Other Lists: CDFW_SSC-Species of Special Concern USFS_S-Sensitive
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General Habitat: CHAPARRAL, WOODLAND, GRASSLAND, & DESERT AREAS FROM COASTAL SAN DIEGO COUNTY TO THE EASTERN SLOPES OF THE MOUNTAINS.	Micro Habitat: OCCURS IN ROCKY AREAS AND DENSE VEGETATION. NEEDS RODENT BURROWS, CRACKS IN ROCKS OR SURFACE COVER OBJECTS.
---	--

Last Date Observed: 2017-07-05 Last Survey Date: 2017-07-05 Owner/Manager: CITY OF DIAMOND BAR Presence: Presumed Extant Location: SUMMIT RIDGE PARK & AREA TO N, 0.1-0.6 MI NW OF GRAND AVE AT SUMMITRIDGE DR & 0.2-0.6 MI SW OF SUNNYHILL PL AT PEAK CT. Detailed Location: MAPPED TO PROVIDED COORDINATES. Ecological: COASTAL SAGE SCRUB AND CACTUS SCRUB ON PUBLIC OPEN SPACE (SUMMIT RIDGE PARK) SURROUNDED BY RESIDENTIAL DEVELOPMENT. Threats: VEHICLE COLLISIONS. General: 7 ADULTS & 1 ROADKILLED JUVENILE OBSERVED, MAR -MAY 2014. 6 ADULTS OBSERVED, MAR-APR 2015. 1 ADULT OBSERVED ON 15 MAR, 1 ADULT PHOTOGRAPHED ON 5 JUL 2017.	Occurrence Type: Natural/Native occurrence Occurrence Rank: Good Trend: Unknown
--	--

PLSS: T02S, R09W, Sec. 14, SW (S) UTM: Zone-11 N3762624 E426121	Accuracy: specific area Latitude/Longitude: 34.00162 / -117.80001	Area (acres): 46 Elevation (feet): 1,032
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County Summary: Los Angeles	Quad Summary: Yorba Linda (3311787), San Dimas (3411717)
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Sources:

HER16D0001	HERP, INC. - HERPETOLOGICAL EDUCATION AND RESEARCH PROJECT (HERP) DATABASE. FORMERLY A PROJECT OF THE NORTH AMERICAN FIELD HERPING ASSOCIATION 2016-10-11
HER17D0001	HERP, INC. - HERPETOLOGICAL EDUCATION AND RESEARCH PROJECT (HERP) DATABASE, 2017 UPDATES 2017-12-27
SMI17F0007	SMITH, C. ET AL. - FIELD SURVEY FORM FOR CROTALUS RUBER 2017-07-05

Photos from my eBird reports, showing special-status species recorded in the City:

B3-6



Photo 1. California Gnatcatcher, Diamond Ranch High School, January 4, 2019.

UTM 428495 3764853

Photo: Robert A. Hamilton

Photo 2. California Gnatcatcher, Summitridge Park, January 8, 2019.

UTM 425808 3762536

Photo: Robert A. Hamilton



Photo 3. Cactus Wren pair, Summitridge Park, January 8, 2019.

UTM 425811 3762529

Photo: Robert A. Hamilton

Chapter 6 of the DEIR shows that the EIR preparer's "literature review" for biological resources includes only seven entries:

Beier, P. and R.H. Barrett. 1993. The cougar in the Santa Ana Mountain Range, California. Final report. Orange County Cooperative Mountain Lion Study, Department of Forestry and Resource Management, University of California, Berkeley, USA.

Beier, P. 1993. Determining minimum habitat areas and habitat corridors for cougars. *Conservation Biology* 7:94-108.

California Native Plant Society. 2019. Electronic Inventory of Rare and Endangered Vascular Plants of California. <http://www.rareplants.cnps.org/>. Accessed May 2019.

California Department of Fish and Wildlife. 2019. California Natural Diversity Database: Rarefind. <https://www.wildlife.ca.gov/Data/CNDDDB>. Accessed May 2019.

eBird. 2019. Explore Species. <https://ebird.org/explore>. Accessed May 2019.

Hamilton Biological, Inc. 2019. Biological Resources Report for the City of Diamond Bar.

Los Angeles Audubon. 2009. Los Angeles County's Sensitive Bird Species. <http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf>. Accessed May 2019.

As demonstrated previously, the EIR preparer's reviews of the CNDDDB and eBird, which reportedly took place in "May 2019," failed to turn up documented records of several special-status species from within the City limits. Furthermore, this short list of basic references is grossly inadequate for a biological assessment and analysis covering the City of Diamond Bar and its extensive Sphere of Influence in Tonner Canyon. Page 3.3-2 of the DEIR states:

However, it should be noted that site specific assessments and focused surveys have been conducted in areas of future development anticipated by the Proposed Project where the occurrence of special status species do exist. The Diamond Bar Village Specific Plan, South Pointe West Specific Plan, and Site D Specific Plan previously completed assessments of biological resources located within their planning areas. The City of Industry has completed multiple site specific assessments of Tonner Canyon.

None of these reports is cited in the DEIR, and no relevant biological information appears to have been obtained from them, or from any other biological assessments and analyses prepared for projects in and around the City of Diamond Bar. Numerous relevant citations from the scientific literature on habitat loss, habitat degradation, and habitat fragmentation and their effects on plant and wildlife populations, are also missing.

GENERAL PLAN SHOULD FOCUS ON GUIDING CEQA REVIEW PROCESS

B3-8

The Hamilton Biological Resources Report is intentionally geared toward making connections between resources and conservation policies, with the ultimate goal of assisting the City in its ongoing role as a CEQA lead agency. Note that the Hamilton Biological Resources Report did not map the plant communities within the area covered in the General Plan. Instead, my report:

1. Mapped the areas of natural open space in the City and its Sphere of Influence.
2. Described the general types of plant communities found in each area.
3. Identified the methods that should be used to implement project-level investigations (e.g., characterizing plant communities, conducting focused surveys for special-status species).
4. Developed reasonable policies designed to effectively protect any biologically sensitive resources that might be found in the project-level investigations.

The report's final section, Natural Resource Conservation Policies, specifically builds upon existing policies from the current draft version of the General Plan update, adapting them to facilitate efforts to identify and protect areas of particular ecological concern in the City and its Sphere of Influence.

Given the DEIR's explicit statement that the "assessment of sensitive habitats and watersheds in this EIR is based on literature review and the Hamilton Biological Resources Report," the City should adopt Hamilton Biological's rational, factual, defensible approach to these issues.

MIS-MAPPING OF PLANT COMMUNITIES

B3-9

Figure 3.3-1 on page 3-3-10 of the DEIR maps some very small areas in the northeastern part of the City as "Coast Live Oak Woodland," and some extensive areas in Tonner Canyon (areas very unlikely to be developed in the future) as "California Walnut Woodland/Coast Live Oak Woodland." But, as in the Existing Conditions Report (that was explicitly *not* used to for the EIR's assessment of sensitive habitats and watersheds), nearly all woodlands within City limits are mapped as "California Walnut Woodland." As stated on page 3.3-2 of the DEIR:

ESA (Environmental Science Associates) biologists conducted a reconnaissance survey on August 25, 2016, to develop a broad-scale classification of the vegetation communities within the Planning Area. Prior to field surveys, a desktop analysis was conducted to obtain contextual information relevant to the area. Mapping and habitat types were compiled based on a desktop analysis of 2015 aerial imagery, as well as the reconnaissance survey to confirm natural communities as interpreted from aerial imagery (Google Maps 2015) and the reconnaissance-level inspection.

A single survey day is clearly inadequate to accurately map all of the plant communities in the City of Diamond Bar and its Sphere of Influence, even at a broad scale.

I addressed the issue of erroneous mapping of oak resources on page 5 of my letter to the City dated February 21, 2019:

B3-9

Natural Communities Mis-Mapped

Part of my study involved identifying the main natural communities occurring in natural open space areas scattered throughout the Study Area. As shown in Figure 7, below, oak woodlands occur extensively throughout the undeveloped parts of the Study Area:



Figure 7. Excerpt from Figure 3 in the Los Angeles County Oak Woodlands Conservation Management Plan Guide¹ showing the southeastern part of the County and accurately depicting extensive oak woodlands in the Study Area. Beige polygons represent oak woodlands.

During my own field work I have observed that, throughout the Study Area, oak woodlands cover much larger areas than do walnut woodlands. The Dyett & Bhatia Report provides no explanation for the contrary findings depicted in their Figure 2-1 [which has been recycled as Figure 3-3.1 in the DEIR]. Dyett & Bhatia's claim of 1,189.9 acres of California Walnut Woodland in the Study Area, compared with only 206.9 acres of Coast Live Oak Woodland and 585.4 acres of walnut/oak woodlands, represents an error that grossly under-represents the extent of oak woodlands in the Study Area. If the City determines that large-scale mapping of natural communities is needed for the General Plan update, the mapping provided in the Dyett & Bhatia report must be completely revised and carefully field-checked for accuracy.

Especially in light of the recent unpermitted removal of numerous large oaks in Diamond Bar², the City should be cognizant of the serious problems that could be precipitated by misrepresenting the distribution of oaks.

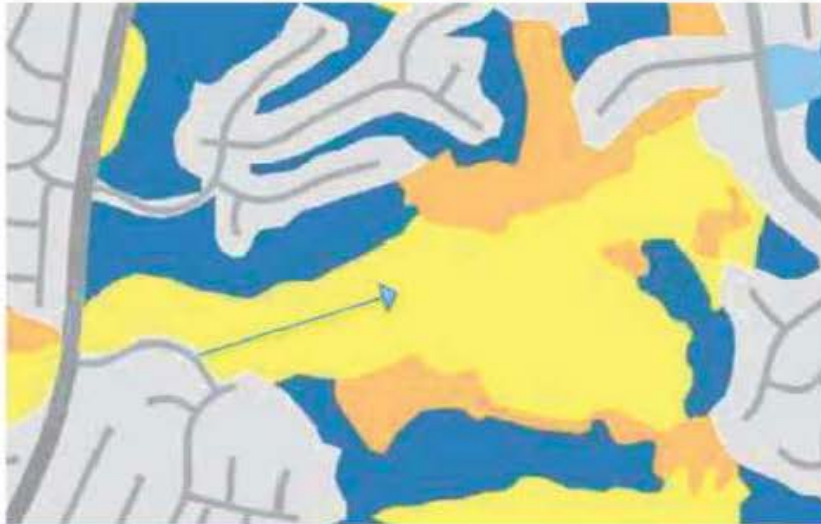
The City should have adequately considered my comments, and those of others, and required the EIR preparer to carefully evaluate the plant community mapping.

¹ http://planning.lacounty.gov/assets/upl/project/oakwoodlands_conservation-management-plan-guide.pdf

² <https://www.diamondbarca.gov/724/Millennium-Development-TR-53430>

As an example, consider Steep Canyon:

B3-9



**Excerpt from Figure 3.3-1,
Vegetation Communities.**

The DEIR maps all of the woodland in the bottom of Steep Canyon east of Diamond Bar Boulevard as California Walnut Woodland (yellow screen). Blue arrow added to show where the photo below was taken from.

Photo: Robert A. Hamilton



Photograph taken on January 4, 2019, showing classic oak/sycamore woodland in the bottom of Steep Canyon (i.e., in the area mapped above as "California Walnut Woodland").

Photo: Robert A. Hamilton

I could provide numerous other similar examples.

Instead of correcting the problem, the City and EIR preparer have "doubled down" by reproducing the same vegetation map in the DEIR that was provided as Figure 2-1 in the Existing Conditions Report, adding an odd canard on page 3.3-5:

As can be seen in the above description of these alliances, there can be misinterpretations of the alliance type when viewed from a distance or in aerial photography, particularly in the winter when the winter-deciduous California walnut has no leaves. For this reason, the mapping of these alliances in Figure 3.3-1 should be viewed as being subject to site-specific investigations.

Biologists do not have nearly as much trouble seeing walnut trees in winter as this statement suggests. The standard caveat that broad-scale mapping contained in a General Plan should not be used for CEQA review of individual projects does not alleviate the

need to avoid misrepresenting the distributions of sensitive resources in the General Plan. The City's unwillingness to comply with multiple requests for accurate representation of oak woodlands within the City limits — contrasted with widespread mapping of oaks in the unincorporated Sphere of Influence — raises questions about whether oaks and oak woodlands will be adequately protected under the revised General Plan.

B3-9

RECOMMENDED METHOD FOR CLASSIFYING NATURAL COMMUNITIES

B3-10

Since the mid-1990s, the California Department of Fish and Wildlife (CDFW) and its partners, including the California Native Plant Society (CNPS), have been working on classifying vegetation types using standards embodied in the Survey of California Vegetation, which comply with the National Vegetation Classification Standard (NVCS; <http://usnvc.org/explore-classification/>). The NVCS is a hierarchical classification, with the most granular level being the Association. Associations are grouped into Alliances, Alliances into Groups, and upward, as follows: Formation Class > Formation Subclass > Formation > Division > Macrogroup > Group > Alliance > Association. For CEQA review of specific projects, Appendix A to the Hamilton Biological Resources Report recommends classification and mapping of Natural Communities at the more detailed Alliance or Association level.

The method recommended by CDFW for classifying Natural Communities and conducting CEQA review reads as follows:

- Identify all Natural Communities within the project footprint using the best means possible, for example, keying them out in the Manual of California Vegetation, Second Edition (Sawyer et al. 2009) or in classification or mapping reports from the region, available on VegCAMP's Reports and Maps page.
- Refer to the current standard list of Natural Communities to determine if any of these types are ranked Sensitive (S1-S3 rank); if so, see CEQA Guidelines checklist at IVb.
- Other considerations when assessing potential impacts to Sensitive Natural Communities from a project include:
 1. Compliance with state and federal wetland and riparian policies and codes, as certain Natural Communities are restricted to wetlands or riparian settings.
 2. Compliance with the Native Plant Protection Act and the state and federal Endangered Species Acts, as some Natural Communities either support rare species or are defined by the dominance or presence of such species.
 3. Compliance with CEQA Guidelines Section 15065(a), which mandates completion of an EIR if a project would threaten to eliminate a plant community.
 4. Compliance with local regional plans, regulations, or ordinances that call for consideration of impacts to Natural Communities.

5. Vegetation types that are not on the state's sensitive list but that may be considered rare or unique to the region under CEQA Guidelines Section 15125(c).
- If a Natural Community in the project area has not previously been described, it may be a rare type. In this case, please contact VegCAMP (Todd Keeler-Wolf or Diana Hickson) about documenting the Natural Community.
 - If there are Sensitive Natural Communities on your project site and you need guidance, contact the appropriate regional staff person through the local CDFW Regional Office to discuss potential project impacts; these staff have local knowledge and context.

B3-10

IDENTIFYING SENSITIVE NATURAL COMMUNITIES

The California Department of Fish and Wildlife (CDFW), at its VegCAMP page, provides guidance on appropriate methods for "Addressing Sensitive Natural Communities in Environmental Review":

<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

The State's guidance consists of the following steps:

- Identify all Natural Communities within the project footprint using the best means possible, for example, keying them out in the Manual of California, Second Edition (Sawyer et al. 2009) or in classification or mapping reports from the region, available on VegCAMP's Reports and Maps page.
- Refer to the current standard list of Natural Communities to determine if any of these types are ranked Sensitive (S1-S3 rank); if so, see CEQA Guidelines checklist at IVb.
- Other considerations when assessing potential impacts to Sensitive Natural Communities from a project include:
 - Compliance with state and federal wetland and riparian policies and codes, as certain Natural Communities are restricted to wetlands or riparian settings.
 - Compliance with the Native Plant Protection Act and the state and federal Endangered Species Acts, as some Natural Communities either support rare species or are defined by the dominance or presence of such species.
 - Compliance with CEQA Guidelines Section 15065(a), which mandates completion of an EIR if a project would threaten to eliminate a plant community.
 - Compliance with local regional plans, regulations, or ordinances that call for consideration of impacts to Natural Communities.
- Vegetation types that are not on the State's sensitive list but that may be considered rare or unique to the region under CEQA Guidelines Section 15125(c).

B3-11

- If a Natural Community in the project area has not previously been described, it may be a rare type. In this case, please contact VegCAMP (Todd Keeler-Wolf or Diana Hickson) about documenting the Natural Community.
- If there are Sensitive Natural Communities on your project site and you need guidance, contact the appropriate regional staff person through the local CDFW Regional Office to discuss potential project impacts; these staff have local knowledge and context.
- The Department's document, [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#) (PDF) provides information on reporting.

B3-11

As recommended in the Hamilton Biological Resources Report, the City should adopt the above-specified methods, consistent with State guidance. Doing so would help to ensure the thoroughness and adequacy of CEQA documentation completed within the City and its Sphere of Influence.

FAILURE TO IDENTIFY POTENTIAL FOR NATIVE GRASSLANDS

B3-12

The DEIR characterizes all grasslands in the City and the Sphere of Influence as "semi-natural herbaceous stands," and fails to identify any potential for the occurrence of perennial native grasslands, which are identified as sensitive by CDFW. Nevertheless, as stated on page 10 of the Hamilton Biological Resources Report, pockets of native grassland almost certainly occur within the non-native annual grasslands:

Areas of perennial grassland, distinguished by possessing non-trace cover of native grasses, are identified as Sensitive by CDFW. As examples, the *Nassella* spp. – *Melica* spp. herbaceous alliance is characterized by having at least 2–5 percent cover of native needlegrass (*Nassella* spp.) or other native grasses³; and the *Bromus carinatus* – *Elymus glaucus* herbaceous alliance has California brome (*Bromus carinatus*) characteristically present, with native plants providing more than 10 percent relative cover.⁴ It is likely that vernal pools/seasonal ponds occur in the site's grasslands, and/or along dirt roads that pass through other Natural Communities.

The DEIR should identify the potential for areas of native grassland to occur within the Study Area, and should recognize any such areas as biologically "sensitive" in their own right (independent of the occurrence of special-status plants or wildlife). The General Plan's resource-protection policies should address avoidance and/or mitigation of impacts to native grasslands.

ADVERSE EFFECTS OF DEVELOPMENT ON PRESERVED HABITAT AREAS

B3-13

An important goal of a General Plan, far from realized in the DEIR, is to guide future development so as to minimize adverse effects upon natural communities and declining native plant and wildlife populations, to the extent feasible. Beyond the outright

³ <http://vegetation.cnps.org/alliance/536>

⁴ <http://vegetation.cnps.org/alliance/499>

removal of natural areas, which obviously impacts natural resources, nearby development inevitably degrades and fragments preserved habitat along the urban/wildland interface. These secondary, or indirect, impacts have been subject to intensive study in recent years, to (a) understand and characterize them, and (b) develop strategies for minimizing and mitigating them. The DEIR, citing only two published articles from the peer-reviewed literature, fails to adequately acknowledge the range of issues that must be considered when planning future development in and around Diamond Bar's remaining natural areas. The following discussions, including citations from the scientific literature, were provided in Appendix A to the Hamilton Biological Resources Report. Although the DEIR identifies this report as providing the basis for "assessment of sensitive habitats and watersheds in this EIR," most of this important underlying information has been omitted from the DEIR and its analyses. To the contrary, the following information should be taken into account when developing the General Plan's land-use policies concerning edge and fragmentation effects.

Urbanization typically includes residential, commercial, industrial, and road-related development. At the perimeter of the built environment is an area known as the urban/wildland interface, or "development edge." Edges are places where natural communities interface, vegetation or ecological conditions within natural communities interact (Noss 1983), or patches with differing qualities abut one another (Ries and Sisk 2004). "Edge effects" are spillover effects from the adjacent human-modified matrix that cause physical gradients in light, moisture, noise, etc. (Camargo and Kapos 1995; Murcia 1995; Sisk et al. 1997) and/or changes in biotic factors such as predator communities, density of human-adapted species, and food availability (Soulé et al. 1988; Matlack 1994; Murcia 1995; Ries and Sisk 2004). Loss, degradation, and fragmentation of habitat due to urbanization are the most pervasive threats to biodiversity in southern California (Soulé 1991). Edge-related impacts may include:

- Introduction/expansion of invasive exotic vegetation carried in from vehicles, people, animals or spread from backyards or fuel modification zones adjacent to wildlands.
- Increased frequency and/or severity of fire as compared to natural fire cycles or intensities.
- Companion animals (pets) that often act as predators of, and/or competitors with, native wildlife.
- Creation and use of trails that often significantly degrade intact ecosystems through such changes as increases in soil disturbance, vegetation damage, and noise.
- Introduction of exotic animals which compete with or prey on native animals.
- Pesticide exposure can be linked to cancer, endocrine disruption, reproductive effects, neurotoxicity, kidney and liver damage, birth defects, and developmental changes in a wide range of species, from insects to top predators.

- Influence on earth systems and ecosystem processes, such as solar radiation, soil richness and erosion, wind damage, hydrologic cycle, and water pollution that can affect the natural environment.

Any of these impacts, individually or in combination, can result in the effective loss or degradation of habitats used for foraging, breeding or resting, with concomitant effects on population demographic rates of sensitive species.

The coastal slope of southern California is among the most highly fragmented and urbanized regions in North America (Atwood 1993). Urbanization has already claimed more than 90 percent of the region's coastal sage scrub habitat, 99 percent of the coastal prairie, and 95 percent of the vernal pools (McCaull 1994; Mattoni & Longcore 1997; Bauder & McMillan 1998). A review of studies completed by Harrison and Bruna (1999) identified a general pattern of reduction of biological diversity in fragmented habitats compared with more intact ones, particularly with regard to habitat specialists. While physical effects associated with edges were predominant among species impacts, they found evidence for indirect effects including altered ecological interactions. Fletcher et al. (2007) found that distance from edge had a stronger effect on species than did habitat patch size, but they acknowledged the difficulty in separating those effects empirically. Many southern California plant and animal species are known to be sensitive to fragmentation and edge effects; that is, their abundance declines with fragment size and proximity to an edge (Wilcove 1985; Soulé et al. 1992; Bolger et al. 1997a,b; Suarez et al. 1998; Burke and Nol 2000).

Wildlife populations are typically changed in proximity to edges, either by changes in their demographic rates (survival and fecundity), or through behavioral avoidance of or attraction to the edge (Sisk et al. 1997; Ries and Sisk 2004). For example, coastal sage scrub areas within 250 meters of urban edges consistently contain significantly less bare ground and more coarse vegetative litter than do more "intermediate" or "interior" areas, presumably due increased human activity/disturbance of the vegetation structure near edges (Kristan et al. 2003). Increases in vegetative litter often facilitate growth of non-native plants (particularly grasses), resulting in a positive feedback loop likely to enhance plant invasion success (Wolkovich et al. 2009). In another coastal southern California example, the abundance of native bird species sensitive to disturbance is typically depressed within 200 to 500 meters (650 to 1640 feet) of an urban edge, and the abundance of disturbance-tolerant species is elevated up to 1000 meters (3280 feet) from an urban edge, depending on the species (Bolger et al. 1997a).

Habitat fragmentation is usually defined as a landscape scale process involving habitat loss and breaking apart of habitats (Fahrig 2003). Habitat fragmentation is among the most important of all threats to global biodiversity; edge effects (particularly the diverse physical and biotic alterations associated with the artificial boundaries of fragments) are dominant drivers of change in many fragmented landscapes (Laurance and Bierregaard 1997; Laurance et al. 2007).

Fragmentation decreases the connectivity of the landscape while increasing both edge and remnant habitats. Urban and agricultural development often fragments wildland ecosystems and creates sharp edges between the natural and human-altered habitats. Edge effects for many species indirectly reduce available habitat use or utility in surrounding remaining areas; these species experience fine-scale functional habitat losses (e.g., see Bolger et al. 2000; Kristan et al. 2003; Drolet et al. 2016). Losses of coastal sage scrub in southern California have increased isolation of the remaining habitat fragments (O'Leary 1990) and led to calls to preserve and restore landscape connectivity to permit long-term persistence of native species with low vagility (e.g., Vandergast et al. 2006).

Fragmentation has a greater relative negative impact on specialist species (e.g., coastal populations of the Cactus Wren) that have strict vegetation structure and area habitat requirements (Soulé et al. 1992). Specialist species have an increased risk of extirpation in isolated habitat remnants because the specialized vegetative structures and/or inter-specific relationships on which they depend are more vulnerable to disruption in these areas (Vaughan 2010). In studies of the coastal sage scrub and chaparral systems of coastal southern California, fragment area and age (time since isolation) were the most important landscape predictors of the distribution and abundance of native plants (Soulé et al. 1993), scrub-breeding birds (Soulé et al. 1988; Crooks et al. 2001), native rodents (Bolger et al. 1997b), and invertebrates (Suarez et al. 1998; Bolger et al. 2000).

Edge effects that emanate from the human-dominated matrix can increase the extinction probability of isolated populations (Murcia 1995; Woodroffe and Ginsberg 1998). In studies of coastal sage scrub urban fragments, exotic cover and distance to the urban edge were the strongest local predictors of native and exotic carnivore distribution and abundance (Crooks 2002). These two variables were correlated, with more exotic cover and less native shrub cover closer to the urban edge (Crooks 2002).

The increased presence of human-tolerant "mesopredators" in southern California represents an edge effect of development; they occur within the developed matrix and are thus more abundant along the edges of habitat fragments, and they are effective predators on birds, bird nests, and other vertebrates in coastal sage scrub and chaparral systems and elsewhere (Crooks and Soulé 1999). The mammalian carnivores more typically detected in coastal southern California habitat fragments are resource generalists that likely benefit from the supplemental food resources (e.g., garden fruits and vegetables, garbage, direct feeding by humans) associated with residential developments. As a result, the overall mesopredator abundance, of such species as raccoons, opossums, and domestic cats, increases at sites with more exotic plant cover and closer to the urban edge (Crooks 2002). Although some carnivores within coastal sage scrub fragments seem tolerant of disturbance, many fragments have (either actually or effectively) already lost an entire suite of predator species, including mountain lion, bobcats, spotted skunks, long-tailed weasels, and badgers (Crooks 2002). Most "interior" sites within such fragments are still relatively near (within 250 meters of) urban edges (Crooks 2002).

Fragmentation generally increases the amount of edge per unit land area, and species that are adversely affected by edges can experience reduced effective area of suitable habitat (Temple and Cary 1988), which can lead to increased probability of extirpation/extinction in fragmented landscapes (Woodroffe and Ginsberg 1998). For example, diversity of native bees (Hung et al. 2015) and native rodents (Bolger et al. 1997b) is lower, and decomposition and nutrient cycling are significantly reduced (Treseder and McGuire 2009), within fragmented coastal sage scrub ecosystems as compared to larger core reserves. Similarly, habitat fragmentation and alterations of sage scrub habitats likely have reduced both the genetic connectivity and diversity of coastal-slope populations of the Cactus Wren in southern California (Barr et al. 2015). Both Bell's Sparrows and California Thrashers show strong evidence of direct, negative behavioral responses to edges in coastal sage scrub; that is, they are edge-averse (Kristan et al. 2003), and California Thrashers and California Quail were found to be more vulnerable to extirpation with smaller fragment size of the habitat patch (Bolger et al. 1991), demonstrating that both behavioral and demographic parameters can be involved. Other species in coastal sage scrub ecosystems, particularly the Cactus Wren and likely the California Gnatcatcher and San Diego Pocket Mouse, are likely vulnerable to fragmentation, but for these species the mechanism is likely to be associated only with extirpation vulnerability from habitat degradation and isolation rather than aversion to the habitat edge (Kristan et al. 2003). Bolger (et al. 1997b) found that San Diego coastal sage scrub and chaparral canyon fragments under 60 acres that had been isolated for at least 30 years support very few populations of native rodents, and they suggested that fragments larger than 200 acres in size are needed to sustain native rodent species populations.

The penetration of exotic species into natural areas can reduce the effective size of a reserve in proportion to the distance they penetrate within the reserve: Argentine Ants serve as an in-depth example of edge effects and fragmentation. Spatial patterns of Argentine Ant abundance in scrub communities of southern California indicate that they are likely invading native habitats from adjacent developed areas, as most areas sampled greater than 200 to 250 meters from an urban edge contained relatively few or no Argentine Ants (Bolger 2007, Mitrovich et al. 2010). The extent of Argentine Ant invasions in natural environments is determined in part by inputs of urban and agricultural water run off (Holway and Suarez 2006). Native ant species were more abundant away from edges and in areas with predominately native vegetation. Post-fragmentation edge effects likely reduce the ability of fragments to retain native ant species; fragments had fewer native ant species than similar-sized plots within large unfragmented areas, and fragments with Argentine ant-free refugia had more native ant species than those without refugia (Suarez et al. 1998). They displace nearly all surface-foraging native ant species (Holway and Suarez 2006) and strongly affect all native ant communities within about 150 to 200 meters from fragment edges (Suarez et al. 1998; Holway 2005; Fisher et al. 2002; Bolger 2007; Mitrovich et al. 2010). Argentine Ants are widespread in fragmented coastal scrub habitats in southern California, and much of the remaining potential habitat for Blainville's horned lizards is effectively unsuitable due to the penetration of Argentine ants and the subsequent displacement of the native ant species that Coastal Horned Lizards need as prey (Fisher et al. 2002). Invasion of Argentine ants into

coastal sage scrub has also shown a strong negative effect on the abundance of the gray shrew (Laakkonen et al. 2001).

An evaluation by the U.S. Environmental Protection Agency (2008) concluded that each of ten of the most common active ingredients in rodenticides “poses significant risks to non-target wildlife when applied as grain-based bait products. The risks to wildlife are from primary exposure (direct consumption of rodenticide bait) for all compounds and secondary exposure (consumption of prey by predators or scavengers with rodenticide stored in body tissues) from the anticoagulants.” Thus, the common practice of setting out bait within or near natural areas can be expected to have adverse effects upon a range of native wildlife species.

Finally, in the Santa Monica Mountains of Los Angeles County, populations of such native amphibians as the California newt and California treefrog were found to decline with urbanization of as little as 8% of a given watershed (Riley et al. 2005). Such faunal community changes appear to be related to changes in physical stream habitat, such as fewer pool and more run habitats and increased water depth and flow. These changes are associated with increased erosion and with invasion by damaging exotic species, such as the red swamp crayfish.

Given the spectrum of indirect effects known to adversely affect sensitive populations of native plants and wildlife, it is incumbent upon planning documents, such as the updated Diamond Bar General Plan, to (1) acknowledge, (2) adequately describe, and (3) adequately mitigate these adverse effects. The DEIR fails to achieve these goals.

INADEQUATE ANALYSIS OF LOCAL WILDLIFE MOVEMENT ISSUES

Page 6 of Hamilton Biological’s letter to the City dated February 21, 2019, criticized the Existing Conditions Report for its “ineffective and incomplete discussion of wildlife movement.” Apparently in response, the DEIR provides additional descriptions of different issues related to wildlife movement and habitat connectivity. Page 3.3-14 identifies three “types of corridors and habitats” that exist within the City and its Sphere of Influence and that “provide habitat connectivity” to varying degrees:

These include current open space areas and the natural areas of City parks and the SOI and, to a lesser degree mature ornamental woodlands. Connectivity can be broken the physical relationship between landscape elements whereas functional connectivity describes the degree to which landscapes actually facilitate or impede the movement of organisms and processes. Functional connectivity is a product of both landscape structure and the response of organisms and processes to this structure. Thus, functional connectivity or corridor permeability is both species and landscape-specific. Distinguishing between these two types of connectivity is important because structural connectivity does not imply functional connectivity. That is, in contrast to landscape connectivity which characterizes the capacity of individual species to move between areas of habitat via corridors and habitat linkage zones permeability refers to the degree to which regional landscapes, encompassing a variety of natural, semi-natural and developed land cover types, are conducive to wildlife movement and sustain ecological processes. Major roadway arterials, sub-urban development and areas of intense human activity are examples of non-natural features that can result in a corridor being highly impermeable to many wildlife species.

B3-13

B3-14

This generalized discussion, culminating in a negative statement about how roads and other human activities can negatively affect the movement of wildlife between patches of natural habitat, does not represent a useful or coherent analysis of local wildlife movement and habitat connectivity issues in and around the City of Diamond Bar.

The Hamilton Biological Resources Report provided relevant information designed to help the City address this important large-scale CEQA planning and resource-management issue. Figures 3a–3d in the report depict 13 areas of extensive (>25 acres) native/naturalized habitat in Diamond Bar. The figures show potential habitat connections/choke points for wildlife movement between blocks of natural open space.

Figures 3a–3d, reproduced on the following pages, provide a practical and useful basis for characterizing the existing ecological conditions within Diamond Bar and its Sphere of Influence, without accounting for such distinctions as the boundaries of parklands or private lots. If the EIR sincerely intends to base its assessment on the Hamilton Biological Resources Report, the following maps must be acknowledged and fully incorporated into the CEQA analysis.

B3-14

B3-14

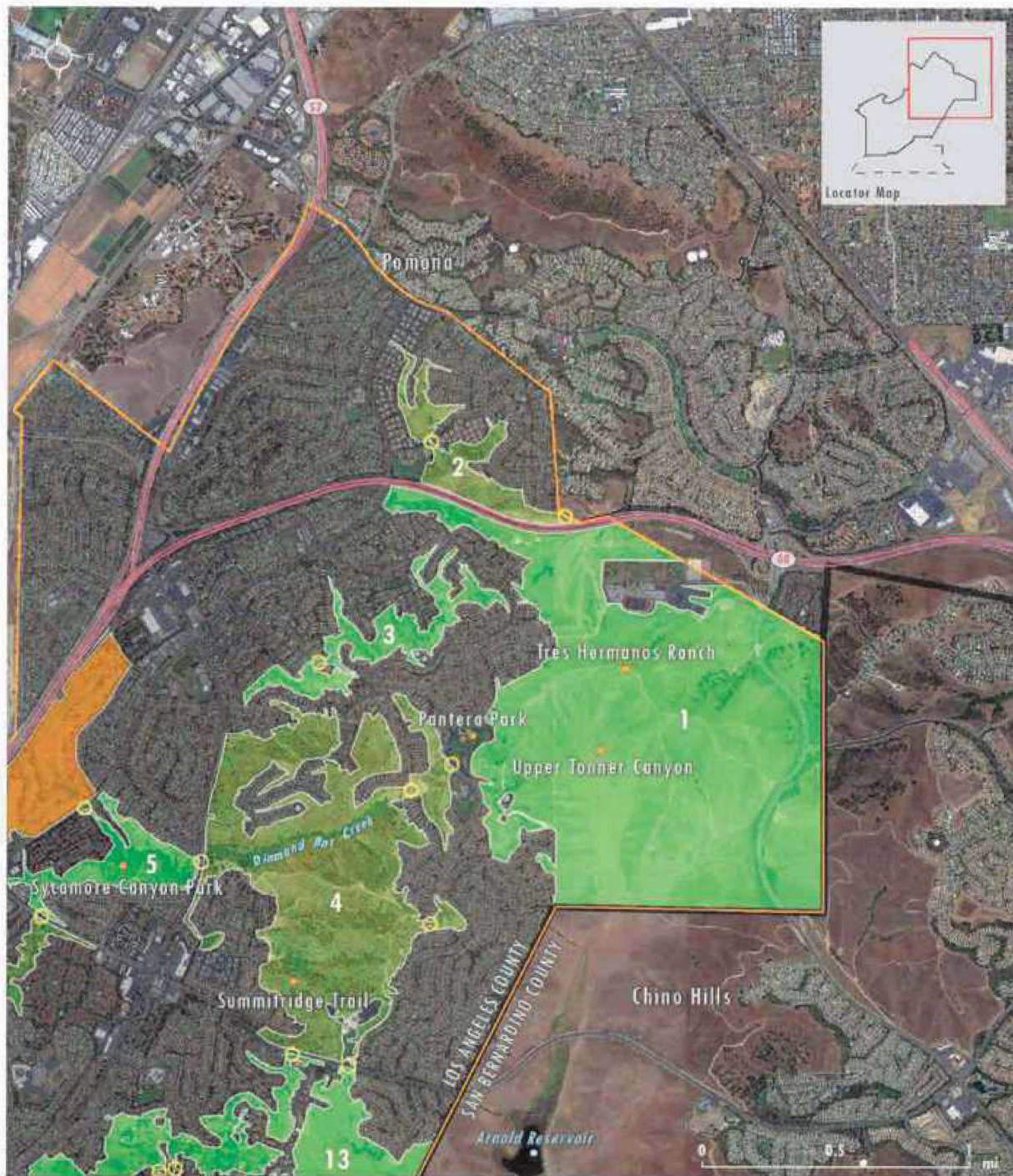



Figure 3a. Natural Open Space Areas

- | | | | |
|---|-------------------------|---|---|
|  | Diamond Bar City Limits |  | Natural Open Space Area |
|  | Sphere of Influence |  | SEA 15 |
|  | Diamond Bar Golf Course |  | Potential Habitat Linkages/Choke Points |
|  | County Line | | |



HAMILTON BIOLOGICAL
World Image Basemap (Clarity) from ESRI, 2017. North American Primary Roads from ESRI, 2018. County Boundary from USGS. Diamond Bar City Limits, Significant Ecological Area (SEA prior OVOV / AV / GP adaption) Digitized from Los Angeles County, 2015. Map Projection: Universal Transverse of Mercator. Datum: WGS84. Map Scale 1:38,000. Graphic Scale Units: Miles.

B3-14



Figure 3b. Natural Open Space Areas

- | | |
|---|---|
|  Diamond Bar City Limits |  Natural Open Space Area |
|  Sphere of Influence |  SEA 15 |
|  Diamond Bar Golf Course |  Potential Habitat Linkages/Choke Points |
|  County Line | |


HAMILTON BIOLOGICAL
World Image Basemap (Clarity) from ESRI, 2017. North American Primary Roads from ESRI, 2018. County Boundary from USGS. Diamond Bar City Limits, Significant Ecological Area (SEA prior OVOV / AV / GP adaption) Digitized from Los Angeles County, 2015. Map Projection: Universal Transverse of Mercator. Datum: WGS84. Map Scale 1:38,000. Graphic Scale Units: Miles.

B3-14

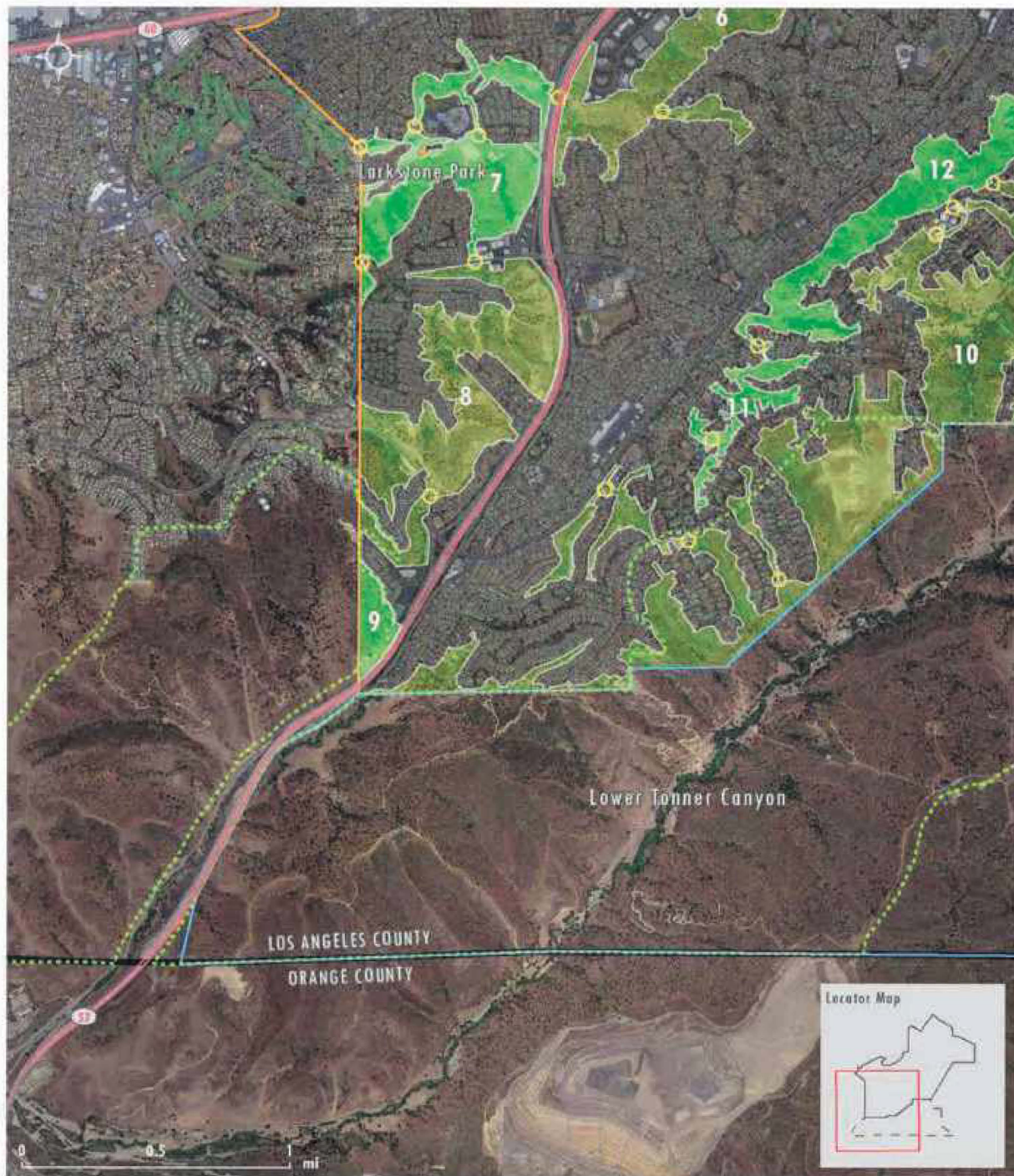


Figure 3c. Natural Open Space Areas

- | | |
|---|---|
|  Diamond Bar City Limits |  Natural Open Space Area |
|  Sphere of Influence |  SEA 15 |
|  Diamond Bar Golf Course |  Potential Habitat Linkages/Choke Points |
|  County Line | |

World Image Basemap (Clarity) from ESRI, 2017. North American Primary Roads from ESRI, 2018. County Boundary from USGS. Diamond Bar City Limits, Significant Ecological Area (SEA prior OVOV / AV / GP adaption) Digitized from Los Angeles County, 2015. Map Projection: Universal Transverse of Mercator. Datum: WGS84. Map Scale 1:38,000. Graphic Scale Units: Miles.

B3-14

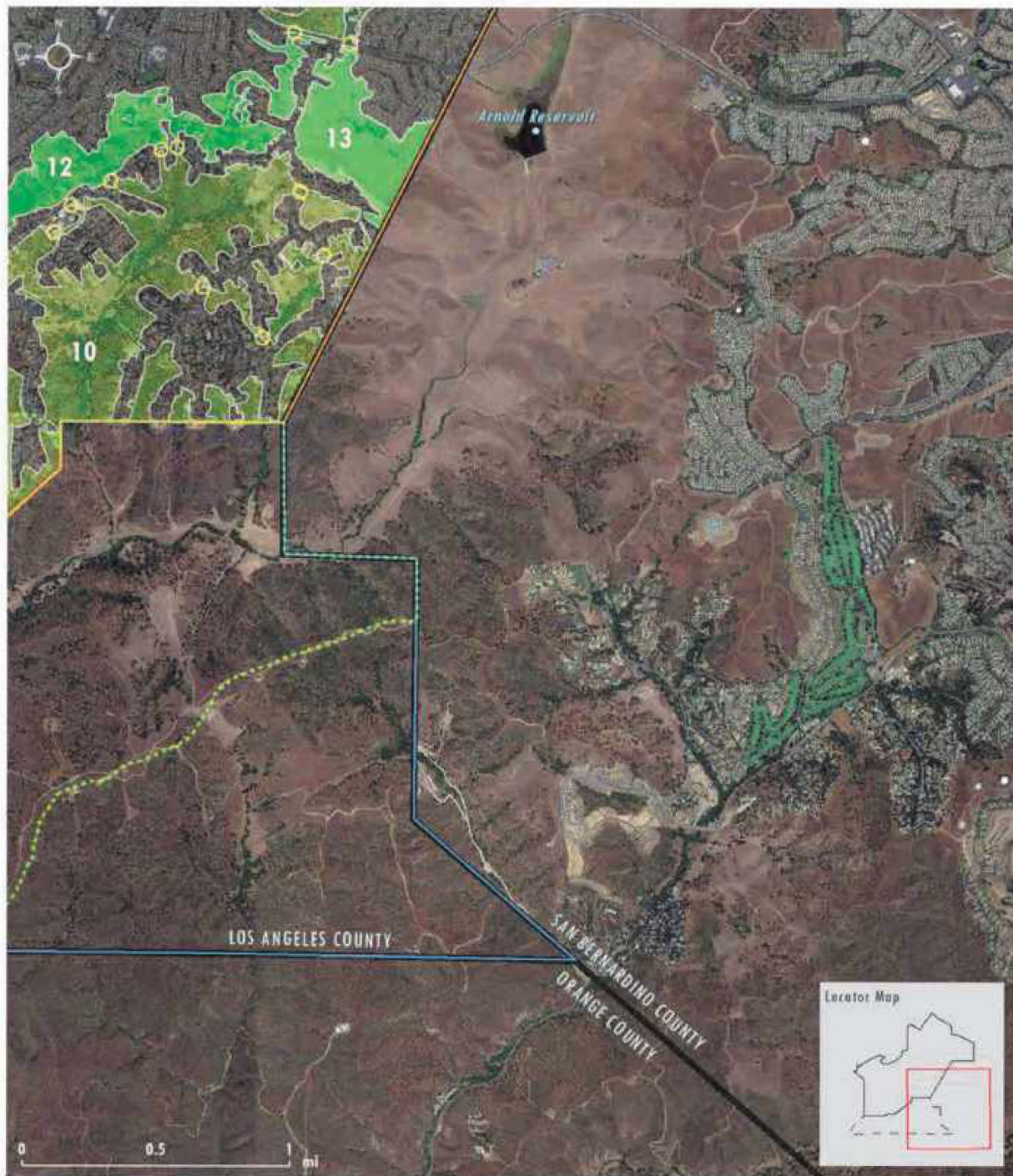


Figure 3d. Natural Open Space Areas

- | | |
|---|---|
|  Diamond Bar City Limits |  Natural Open Space Area |
|  Sphere of Influence |  SEA 15 |
|  Diamond Bar Golf Course |  Potential Habitat Linkages/Choke Points |
|  County Line | |

World Image Basemap (Clarity) from ESRI, 2017. North American Primary Roads from ESRI, 2018. County Boundary from USGS. Diamond Bar City Limits, Significant Ecological Area (SEA prior OVOV / AV / GP adaption) Digitized from Los Angeles County, 2015. Map Projection: Universal Transverse of Mercator. Datum: WGS84. Map Scale 1:38,000. Graphic Scale Units: Miles.

The DEIR provides no similar exhibits that help to contextualize the concepts of localized wildlife movement and habitat connectivity in relation to actual areas of natural habitat within the City limits. Given the DEIR's explicit statement that "The assessment of sensitive habitats and watersheds in this EIR is based on literature review and the Hamilton Biological Resources Report," the EIR preparer is not justified in omitting this critically important information in favor of a generalized statement about negative effects of roads and other development on wildlife movement and connectivity.

The EIR's policy approach for mitigating adverse effects of development upon local wildlife movement and habitat connectivity is provided in RC-P-11:

Require that all development, including roads and trails, proposed adjacent to riparian and other biologically sensitive habitats avoid, to the greatest extent feasible, significant impacts that would undermine the healthy natural functioning of those areas. Require that new development proposed in such locations be designed to:

- a. Minimize to the greatest extent possible or eliminate impacts on environmentally sensitive areas;
- b. Protect the visual seclusion of forage areas from road intrusion by providing vegetative buffering;
- c. Protect wildlife movement linkages to water, food, shelter, and nesting sites;
- d. Allow wildlife and migration access by use of tunnels or other practical means;
- e. Provide vegetation that can be used by wildlife for cover along roadsides;

The above-listed policy prescriptions may appear reasonable, but they are not specific to any given area and have no teeth. In fact, while the DEIR was out for review, the City has already added "to the greatest extent feasible" to the first sentence of the proposed policy, further weakening the proposed policy. They are the type of guidelines often satisfied in some superficial way, such as planting vegetation along roadsides, and in many cases these types of guidelines are completely ignored without any repercussions. They are unlikely to meaningfully improve the ecological condition of natural areas scattered throughout the City that are becoming increasingly degraded and fragmented by ongoing development.

If the City sincerely intends to, for example, "protect wildlife movement linkages" and to facilitate "wildlife and migration access by use of tunnels or other practical means," then the updated General Plan should incorporate my Figures 3a-3d, which highlight numerous "Potential Habitat Linkages/Choke Points" throughout the City — specific areas identified as warranting additional scrutiny and consideration when devising future plans and subjecting them to CEQA review. See also the following discussion of Table A, from the Hamilton Biological Resources Report, which identifies appropriate Resource Conservation policy approaches for each substantial area of natural open space mapped in Figures 3a-3d.

RESOURCE PROTECTION RECOMMENDATIONS OMITTED

B3-15

Referring again to Figures 3a–3d, the Hamilton Biological Resources Report describes and characterizes the ecological characteristics of each mapped natural open space area at a general level of detail appropriate for a General Plan. The report also makes recommendations for the establishment of biological protection overlays for sensitive habitat areas with high ecological values (e.g., native woodlands and coastal sage scrub), with recognition that more detailed, project-specific surveys would be required to accurately and adequately describe the ecological resources found in any open space area. The DEIR ignores this approach in favor of generalized policy prescriptions that are, in my experience, less likely to produce good planning results. I provide below Table A from my report, which lays the foundation for my recommended planning approach.

Table A. Resource Protection Recommendations

Area	Acres	Description/Main Communities/ Resource Protection Recommendations
1	926	<p>Largest block of natural open space in Diamond Bar, including Pantera Park and northern part of Tres Hermanos Ranch.</p> <p>Grassland, Coastal Sage Scrub, Cactus Scrub, Chaparral, Oak Woodland, Walnut Woodland, Riparian, Human-altered Habitats.</p> <p>Establish biological protection overlay to conserve (a) large blocks of contiguous natural habitat for Golden Eagles, Mountain Lions, and other species with large foraging areas, (b) native scrub habitats with documented populations of California Gnatcatcher and Cactus Wren, (c) wetland and riparian habitats, and (d) native woodlands; maintain and fortify habitat connections and wildlife movement opportunities; minimize loss, fragmentation, and degradation of Natural Communities.</p>
2	64	<p>Only large block of natural open space in Diamond Bar north of 60 Freeway.</p> <p>Grassland, Coastal Sage Scrub, Chaparral, Coast Live Oak Woodland, Human-altered Habitats.</p> <p>Establish biological protection overlay to conserve native scrub habitats and native woodlands; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.</p>
3	72	<p>“Island” of natural open space between Charmingdale Road and Armitos Place.</p> <p>Coast Live Oak Woodland, Coastal Sage Scrub, Grassland, Human-altered Habitats.</p> <p>Establish biological protection overlay to conserve native scrub habitats and native woodlands; minimize loss, fragmentation, and degradation of Natural Communities.</p>
4	438	<p>Includes Summitridge Park and Steep Canyon/Diamond Bar Creek.</p> <p>Coastal Sage Scrub, Cactus Scrub, Oak Woodland, Riparian, Grassland, Human-altered Habitats.</p> <p>Establish biological protection overlay to conserve native scrub habitats with documented populations of California Gnatcatcher and Cactus Wren, wetland and riparian habitats, and native woodlands; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.</p>

Area	Acres	Description/Main Communities/ Resource Protection Recommendations
5	62	Includes Sycamore Canyon Park/Diamond Bar Creek. Coastal Sage Scrub, Cactus Scrub, Oak Woodland, Riparian, Grassland, Human-altered Habitats. Establish biological protection overlay to conserve native scrub habitats, wetland and riparian habitats, and native woodlands; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
6	196	Slopes east of City Hall. Oak Woodland, Walnut Woodland, Oak/Walnut Savannah, Chaparral, Grassland, Coastal Sage Scrub, Human-altered Habitats, Riparian. Establish biological protection overlay to conserve native woodlands and savannah; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
7	154	Includes Larkstone Park. Coast Live Oak Woodland, Oak Savannah, Coastal Sage Scrub, Chaparral, Riparian, Grassland, Human-altered Habitats. Establish biological protection overlay to conserve native woodlands, wetland and riparian habitats, and native scrub habitats; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
8	231	West of 57 Freeway, south of Pathfinder Road. Oak Woodland, Oak/Walnut Savannah, Coastal Sage Scrub, Chaparral, Grassland, Human-altered Habitats. Establish biological protection overlay to conserve native woodlands and savannah, and native scrub habitats; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
9	27	Southwestern corner. Oak Woodland, Chaparral, Grassland. Establish biological protection overlay to conserve native woodlands; minimize loss, fragmentation, and degradation of Natural Communities.
10	712	Tonner Canyon tributaries. Chaparral, Oak Woodland, Walnut Woodland, Oak/Walnut Savannah, Coastal Sage Scrub, Riparian, Grassland, Human-altered Habitats. Establish biological protection overlay to conserve native scrub habitats, wetland and riparian habitats, and native woodlands and savannah; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
11	39	Southwestern section of The Country; part of Significant Ecological Area 15. Oak Woodland, Chaparral, Grassland. Establish biological protection overlay to conserve native woodlands; minimize loss, fragmentation, and degradation of Natural Communities.

Area	Acres	Description/Main Communities/ Resource Protection Recommendations
12	197	Slopes west of Ridge Line Road. Oak Woodland, Walnut Woodland, Chaparral, Grassland, Coastal Sage Scrub, Human-altered Habitats, Riparian. Establish biological protection overlay to conserve native woodlands, wetland and riparian habitats, and native scrub habitats; minimize loss, fragmentation, and degradation of Natural Communities; maintain and fortify habitat connections and wildlife movement opportunities.
13	100	Northeastern part of The Country, adjacent to Tres Hermanos Ranch. Grassland, Coastal Sage Scrub, Chaparral, Oak Woodland, Riparian, Human-altered Habitats. Establish biological protection overlay to conserve (a) large blocks of contiguous natural habitat for Golden Eagles, Mountain Lions, and other species with large foraging areas, (b) wetland and riparian habitats, and (c) native woodlands; maintain and fortify habitat connections and wildlife movement opportunities; minimize loss, fragmentation, and degradation of Natural Communities.
Diamond Bar GC	174	Golf course that provides wildlife habitat. Riparian, Human-altered Habitats (including man-made pond). Conserve wetland and riparian habitats; maintain and fortify habitat connections and wildlife movement opportunities.
Sphere of Influence	3,513	Large and important area of natural open space south of Diamond Bar, including Pantera Park and northern part of Tres Hermanos Ranch; heart of Significant Ecological Area 15. Chaparral, Oak Woodland, Walnut Woodland, Oak/Walnut Savannah, Riparian, Grassland, Coastal Sage Scrub. Establish biological protection overlay to conserve (a) large blocks of contiguous natural habitat for Golden Eagles, Mountain Lions, and other species with large foraging areas, (b) wetland and riparian habitats, (c) native woodlands, and (d) native scrub habitats; minimize loss, fragmentation, and degradation of Natural Communities.

The practical benefit of this approach is that it focuses planning attention on the issues of greatest relevance within different geographic areas of Diamond Bar and its Sphere of Influence. Planners can refer to Table A, in conjunction with Figures 3a–3d, and better evaluate whether a proposed project is compatible with the General Plan’s resource protection recommendations for that particular area. Certainly, nothing is *lost* by including this level of detail in the General Plan, so why is this information from the Hamilton Biological Resources Report omitted from the DEIR?

CURRENT INTERPRETATION OF MIGRATORY BIRD TREATY ACT (MBTA)

Page 3.3-34 of the DEIR provides an outdated interpretation of this federal legislation, and the impact analysis on page 3.3-44 states, “Disturbing or destroying active nests is a violation of the MBTA and nests and eggs are protected by Fish and Game Code, Section 3503.”

The MBTA of 1918 implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia). At the heart of the MBTA is this language:

Establishment of a Federal prohibition, unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird.” (16 U.S.C. 703)

For many years, the MBTA was subject to broad interpretation, which in some cases led to prosecution for violations that were incidental to otherwise lawful activities. On December 22, 2017, the “Principal Deputy Solicitor Exercising the Authority of the Solicitor Pursuant to Secretary’s Order 3345” issued revised guidance on the MBTA⁵ that reached the following conclusion:

The text, history, and purpose of the MBTA demonstrate that it is a law limited in relevant part to affirmative and purposeful actions, such as hunting and poaching, that reduce migratory birds and their nests and eggs, by killing or capturing, to human control. Even assuming that the text could be subject to multiple interpretations, courts and agencies are to avoid interpreting ambiguous laws in ways that raise grave Constitutional doubts if alternative interpretations are available. Interpreting the MBTA to criminalize incidental takings raises serious due process concerns and is contrary to the fundamental principle that ambiguity in criminal statutes must be resolved in favor of defendants. Based upon the text, history, and purpose of the MBTA, and consistent with decisions in the Courts of Appeals for the Fifth, Eighth, and Ninth circuits, there is an alternative interpretation that avoids these concerns. Thus, based on the foregoing, we conclude that the MBTA’s prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control.

Although federal guidance could change again in the future, the DEIR should acknowledge and describe the current interpretation of the MBTA.

⁵ <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>

TREE PRESERVATION AND PROTECTION ORDINANCE

B3-17

Pages 3.3-37 and 3.3-38 of the DEIR reviews the City's Tree Preservation and Protection Ordinance. Proposed General Plan Policy RC-P-10, on page 3.3-46, identifies a need to periodically review and update the Ordinance "as necessary to reflect current best practices." In the attached letter, dated October 31, 2019, Hamilton Biological proposes changes to the City's existing ordinance, with reference to several areas of concern:

- Corrections of outdated references (e.g., the National Arborists Association no longer exists, having been replaced by the Tree Care Industry Association) and typographical errors.
- Changes to bring the City's ordinance into alignment with current industry standards. For example, the County of Los Angeles' current Oak Woodlands Conservation Management Plan Guide⁶ requires seven years of maintenance and monitoring of all oak mitigation plantings, which reflects the experience of the County that oak plantings may survive for a few years after planting, only to fail shortly thereafter.
- Ensuring that funds paid to the City for tree planting are used to promptly replace impacted trees, and to prevent against tree mitigation funds being diverted to other uses.
- Establishing a City-administered program to ensure that replacement trees are planted in areas suited to their long-term survival, and not in sensitive habitat areas, such as coastal sage scrub, where they could cause adverse ecological effects.

Consistent with proposed General Plan Policy RC-P-10, Hamilton Biological requests that the City consider the proposed changes, to reflect current best practices.

COMMENT ON MITIGATION MEASURE BIO-I

B3-18

This measure would require a habitat evaluation in cases where a listed species could potentially be impacted. "If no suitable habitat for listed species is identified within 300 feet of construction or maintenance activities, no further measures would be required in association with the project."

This is not an appropriate mitigation measure to incorporate into a General Plan, because under CEQA, evaluation of potential biological impacts of a proposed action is not limited to species listed as threatened or endangered by State and/or federal governments. To comply with CEQA, any project with potential to adversely affect special-status species should be evaluated, on its own merits, to determine whether project implementation could result in significant impacts to any biological resources. Such impacts could include impacts to California Species of Special Concern, such as the "coastal" Cactus Wren; loss or degradation of plant communities that the State identifies as Sensitive, such as native grasslands; impairment of a wildlife movement corridor

⁶ http://planning.lacounty.gov/assets/upl/project/oakwoodlands_conservation-management-plan-guide.pdf

or habitat linkage; or various other categories of impact that do not necessarily involve potential “take” of a listed species. CEQA is much more than a “scorecard” for evaluating whether a given action might impact a listed species.

B3-18

MITIGATION RATIOS INADEQUATE

B3-19

Mitigation Measures BIO-2, BIO-4, and BIO-5 all identify inadequate mitigation ratios for impacts to sensitive native plant communities, including coastal sage scrub, oak woodland, and walnut woodland. For each of these ecologically sensitive communities, some of which are recognized as sensitive resources in their own right, the General Plan should strongly encourage avoidance of direct and indirect impacts.

If impacts cannot be avoided, and existing off-site habitat is to be purchased as mitigation for the loss of a given area of sensitive habitat, the minimum ratio should be on the scale of 5:1, and certainly not 1:1. The ratio of 1:1 for purchase of existing habitat equates to a net 50% reduction of community, as no new habitat is being restored on disturbed/degraded land to replace the valuable sensitive habitat being lost.

For impacts to sensitive natural communities that cannot be feasibly avoided, and if 5:1 off-site habitat cannot be purchased and set aside in perpetuity, the off-site mitigation requirement should be to restore degraded habitat in the Chino/Puente Hills, under the auspices of the Puente Hills Habitat Preservation Authority (PHHPA)⁷, at a minimum ratio of 3:1. Restoring habitat at a ratio above 1:1 mitigates for:

- The temporal loss of habitat associated with impacting one area before another is restored.
- The effects of fragmentation and edge-associated degradation of preserved habitat areas near the proposed development.
- The possibility that the restoration effort will fail, partly or entirely.

A higher mitigation ratio also helps to incentive avoidance of the impact. The DEIR’s approach to this topic would leave the City vulnerable to legal challenge due to providing inadequate mitigation to offset significant adverse impacts to sensitive natural resources.

⁷ The PHHPA is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect biological diversity.

COMMENTS ON MM-BIO-6

B3-20

Planning of any future development in Diamond Bar and its Sphere of Influence should take exceptional care to preserve and enhance the viability of the Puente-Chino Hills Wildlife Corridor. The authoritative “Missing Middle” analysis (Conservation Biology Institute 2005) identified the following wildlife movement issues specifically relevant to the Puente-Chino Hills Wildlife Corridor in Diamond Bar and its Sphere of Influence:

- Tonner Canyon Bridge represents the only viable location for deer, mountain lions, bobcats, and other species to pass under the 57 Freeway.
- Any development in middle and especially lower Tonner Canyon could have severe impacts on corridor function, especially if wildlife access to Tonner Canyon Bridge is reduced. Any development that blocks access through the bridge area would make the 57 Freeway a complete barrier to many species and would likely lead to wildlife extirpations in segments farther west.
- An earlier plan to build a road running the length of Tonner Canyon would have split the Chino-Tonner “subcore” in two, potentially rendering dysfunctional the critical Tonner Bridge wildlife undercrossing for wide-ranging species such as the mountain lion, bobcat, and mule deer.
- At least the middle and lower portions of Tonner Canyon should be conserved, including a prohibition on any new road or other development that would fragment this critical habitat block.
- No project should be approved that would increase traffic under the Tonner Bridge or add any new impediments (structures, lights, noise, etc.) to the vicinity of the bridge.
- Restore riparian vegetation along Tonner Creek, where degraded by oil development activities.
- Fencing may be warranted along the 57 Freeway if monitoring suggests road mortality is high.

Mitigation Measure MM-BIO-6 should be amended to incorporate each of these specific conservation requirements, which are necessary to maintain the viability of this critically important habitat linkage/wildlife corridor that passes through Diamond Bar’s Sphere of Influence.

COMMENTS ON THE RESOURCE CONSERVATION ELEMENT

B3-21

Figure 5-1 shows the City open space network, defined as including “designated open spaces, parks, and the Diamond Bar Golf Course, which, while developed, serves a number of open space functions.” Figure 5-1 fails to account for other open space areas that currently function as *de facto* components of the City’s open space network. Wildlife species do not distinguish between public and private open spaces, and many native species are incapable of surviving in a highly diminished, fragmented, and degraded

landscape. Planning for the future necessarily involves considering the entire extant network of natural open spaces, public and private.

B3-21

Figures 3a-3d from the Hamilton Biological Resources Report, reproduced on pages 19-22 of this report, provide a practical and useful basis for characterizing the existing ecological conditions within Diamond Bar and its Sphere of Influence, without accounting for such distinctions as the boundaries of parklands or private lots. The EIR should incorporate these figures, and the accompanying Table A, which identifies appropriate Resource Conservation policy approaches for each substantial area of natural open space mapped in Figures 3a-3d.

MIS-MAPPING OF NATURAL COMMUNITIES

B3-22

Figure 5-2 on page 5-11 of the DEIR is identical to Figure 3.3-1 on page 3-3-10 of the DEIR. As discussed at length previously in this letter, these maps grossly misrepresent the distribution of oak and walnut woodlands in Diamond Bar. Both maps must be corrected in the General Plan.

SUMMARY AND CONCLUSION

B3-23

I appreciate the opportunity to provide these comments to the City of Diamond Bar regarding this important update to the General Plan. If you have questions, or wish to discuss any matters, please do not hesitate to call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

Sincerely,



Robert A. Hamilton
President, Hamilton Biological, Inc.

316 Monrovia Avenue
Long Beach, CA 90803
562-477-2181
robb@hamiltonbiological.com

Attached: Curriculum Vitae
Proposed Amendments to Tree Protection Ordinance (10/31/19)
Letter to Greg Gubman, City of Diamond Bar (2/21/29)

Cc: Victoria Tang and Andrew Valand, CDFW
Christine Medak, USFWS
Robin Smith, Chair, Diamond Bar-Pomona Valley Sierra Club Task Force

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Appendix A

Expertise

Endangered Species Surveys
General Biological Surveys
CEQA Analysis
Population Monitoring
Vegetation Mapping
Construction Monitoring
Noise Monitoring
Open Space Planning
Natural Lands Management

Education

1988. Bachelor of Science degree in
Biological Sciences,
University of California,
Irvine

Professional Experience

1994 to Present. Independent
Biological Consultant, Hamilton
Biological, Inc.

1988 to 1994. Biologist, LSA
Associates, Inc.

Permits

Federal Permit No. TE-799557 to
survey for the Coastal California
Gnatcatcher and Southwestern
Willow Flycatcher

MOUs with the California Dept. of
Fish and Game to survey for Coastal
California Gnatcatcher,
Southwestern Willow Flycatcher,
and Coastal Cactus Wren.

California Scientific Collecting
Permit No. SC-001107

Robert A. Hamilton

President, Hamilton Biological, Inc.

Robert A. Hamilton has been providing biological consulting services in southern California since 1988. He spent the formative years of his career at the firm of LSA Associates in Irvine, where he was a staff biologist and project manager. He has worked as an independent and on-call consultant since 1994, incorporating his business as Hamilton Biological, Inc., in 2009. The consultancy specializes in the practical application of environmental policies and regulations to land management and land use decisions in southern California.

A recognized authority on the status, distribution, and identification of birds in California, Mr. Hamilton is the lead author of two standard references describing aspects of the state's avifauna: *The Birds of Orange County: Status & Distribution* and *Rare Birds of California*. Mr. Hamilton has also conducted extensive studies in Baja California, and for seven years edited the Baja California Peninsula regional reports for the journal *North American Birds*. He served ten years on the editorial board of *Western Birds* and regularly publishes in peer-reviewed journals. He is a founding member of the Coastal Cactus Wren Working Group and in 2011 updated the Cactus Wren species account for *The Birds of North America Online*. Mr. Hamilton's expertise includes vegetation mapping. From 2007 to 2010 he worked as an on-call biological analyst for the County of Los Angeles Department of Regional Planning. From 2010 to present he has conducted construction monitoring and focused surveys for special-status bird species on the Tehachapi Renewable Transmission Project (TRTP). He is a former member of the Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC).

Mr. Hamilton conducts general and focused biological surveys of small and large properties as necessary to obtain various local, state, and federal permits, agreements, and clearances. He also conducts landscape-level surveys needed by land managers to monitor songbird populations. Mr. Hamilton holds the federal and state permits and MOUs listed to the left, and he is recognized by federal and state resource agencies as being highly qualified to survey for the Least Bell's Vireo. He also provides nest-monitoring services in compliance with the federal Migratory Bird Treaty Act and California Fish & Game Code Sections 3503, 3503.5 and 3513.

Board Memberships, Advisory Positions, Etc.

Friends of Colorado Lagoon, Board Member (2014–present)

Coastal Cactus Wren Working Group (2008–present)

Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC) (2010–2014)

American Birding Association: Baja Calif. Peninsula Regional Editor, North American Birds (2000–2006)

Western Field Ornithologists: Associate Editor of Western Birds (1999–2008)

California Bird Records Committee (1998–2001)

Nature Reserve of Orange County: Technical Advisory Committee (1996–2001)

California Native Plant Society, Orange County Chapter: Conservation Chair (1992–2003)

Professional Affiliations

American Ornithologists' Union

Cooper Ornithological Society

Institute for Bird Populations

California Native Plant Society

Southern California Academy of Sciences

Western Foundation of Vertebrate Zoology

Mr. Hamilton is an expert photographer, and typically provides photo-documentation and/or video documentation as part of his services.

Drawing upon a robust, multi-disciplinary understanding of the natural history and ecology of his home region, Mr. Hamilton works with private and public land owners, as well as governmental agencies and interested third parties, to apply the local, state, and federal land use policies and regulations applicable to each particular situation. Mr. Hamilton has amassed extensive experience in the preparation and independent review of CEQA documents, from relatively simple Negative Declarations to complex supplemental and recirculated Environmental Impact Reports. In addition to his knowledge of CEQA and its Guidelines, Mr. Hamilton understands how each Lead Agency brings its own interpretive variations to the CEQA review process.

Representative Project Experience

From 2008 to present, Mr. Hamilton has served as the main biological consultant for the Banning Ranch Conservancy, a local citizens' group that successfully defeated efforts to implement a large proposed residential and commercial project on the 400-acre Banning Ranch property in Newport Beach. Mr. Hamilton reviewed, analyzed, and responded to numerous biological reports prepared by the project proponent, and testified at multiple public hearings of the California Coastal Commission. In September 2016, the Commission denied the application for a Coastal Development Permit for the project, citing, in part, Mr. Hamilton's analysis of biological issues. In March 2017, the California Supreme Court issued a unanimous opinion (*Banning Ranch Conservancy v. City of Newport Beach*) holding that the EIR prepared by the City of Newport Beach improperly failed to identify areas of the site that might qualify as "environmentally sensitive habitat areas" under the California Coastal Act. In nullifying the certification of the EIR, the Court found that the City "ignored its obligation to integrate CEQA review with the requirements of the Coastal Act."

Insurance

\$3,000,000 professional liability policy (Hanover Insurance Group)

\$2,000,000 general liability policy (The Hartford)

\$1,000,000 auto liability policy (State Farm)

Other Relevant Experience

Field Ornithologist, San Diego Natural History Museum Scientific Collecting Expedition to Central and Southern Baja California, October/November 1997 and November 2003.

Field Ornithologist, Island Conservation and Ecology Group Expedition to the Tres Mariás Islands, Nayarit, Mexico, 23 January to 8 February 2002.

Field Ornithologist, Algalita Marine Research Foundation neustonic plastic research voyages in the Pacific Ocean, 15 August to 4 September 1999 and 14 to 28 July 2000.

Field Assistant, Bird Banding Study, Río Nambí Reserve, Colombia, January to March 1997.

References

Provided upon request.

In 2014/2015, on behalf of Audubon California, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County, California*. The goals of this comprehensive review of ongoing conceptual restoration planning by the Los Cerritos Wetlands Authority were (a) to review the conceptual planning and the restoration work that had been completed to date, and (b) to set forth additional conservation priorities for the more intensive phases of restoration that were being contemplated.

From 2012 to 2014, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Analysis for the Santa Monica Mountains "Coastal Zone" in Los Angeles County*, and worked with Mr. Cooper and the County of Los Angeles to secure a certified Local Coastal Program (LCP) for 52,000 acres of unincorporated County lands in the Santa Monica Mountains coastal zone. The work involved synthesizing large volumes of existing baseline information on the biological resources of the study area, evaluating existing land use policies, and developing new policies and guidelines for future development within this large, ecologically sensitive area. A coalition of environmental organizations headed by the Surfrider Foundation selected this project as the "Best 2014 California Coastal Commission Vote"

(http://www.surfrider.org/images/uploads/2014CCC_Vote_Chart_FINAL.pdf).

In 2010, under contract to CAA Planning, Mr. Hamilton served as principal author of the *Conservation & Management Plan for Marina del Rey, Los Angeles County, California*. This comprehensive planning document has two overarching goals: (1) to promote the long-term conservation of all native species that exist in, or that may be expected to return to, Marina del Rey, and (2) to diminish the potential for conflicts between wildlife populations and both existing and planned human uses of Marina del Rey (to the benefit of humans and wildlife alike). After peer-review, the Plan was accepted by the Coastal Commission as an appropriate response to the varied challenges posed by colonial waterbirds and other biologically sensitive resources colonizing urban areas once thought to have little resource conservation value.

Contact Information

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Long Beach, CA 90803

562-477-2181 (office, mobile)

robb@hamiltonbiological.com
<http://hamiltonbiological.com>

Third Party Review of CEQA Documents

Under contract to cities, conservation groups, homeowners' associations, and other interested parties, Mr. Hamilton has reviewed EIRs and other project documentation for the following projects:

- Otay Village 13 (residential, County of San Diego)
- Otay Village 14, Planning Areas 16/19 (residential, County of San Diego)
- Western Snowy Plover Management Plan (resource management, City of Newport Beach)
- Sanderling Waldorf School (commercial, City of Encinitas)
- Open Space and Conservation Element, Diamond Bar General Plan (open space planning, City of Diamond Bar)
- UC San Diego Long-range Development Plan (institutional, UC Regents)
- El Monte Sand Mining Project (resource extraction, County of San Diego)
- Faria/Southwest Hills Annexation Project (residential, City of Pittsburg)
- Los Cerritos Oil Consolidation/Wetland Restoration Project (resource extraction/habitat restoration, City of Long Beach)
- Safari Highlands Ranch (residential, City of Escondido)
- Newland Sierra (residential, County of San Diego)
- Harmony Grove Village South (residential, County of San Diego)
- Vegetation Treatment Program (statewide fire management plan, California Department of Forestry and Fire Protection)
- Watermark Del Mar Specific Plan (residential, City of Del Mar)
- Newport Banning Ranch (residential/commercial, City of Newport Beach)
- Davidson/Scott Ranch (residential, City of Petaluma)
- Mission Trails Regional Park Master Plan Update (open space planning, City of San Diego)
- Esperanza Hills (residential, County of Orange)
- Warner Ranch (residential, County of San Diego)
- Dog Beach, Santa Ana River Mouth (open space planning, County of Orange)
- Gordon Mull subdivision (residential, City of Glendora)
- The Ranch at Laguna Beach (resort, City of Laguna Beach)
- Sunset Ridge Park (city park, City of Newport Beach)
- The Ranch Plan (residential/commercial, County of Orange)
- Southern Orange County Transportation Infrastructure Improvement Project (Foothill South Toll Road, County of Orange)
- Gregory Canyon Landfill Restoration Plan (proposed mitigation, County of San Diego)
- Montebello Hills Specific Plan EIR (residential, City of Montebello; 2009 and 2014 circulations)
- Cabrillo Mobile Home Park Violations (illegal wetland filling, City of Huntington Beach)
- Newport Hyatt Regency (timeshare conversion project, City of Newport Beach)
- Lower San Diego Creek "Emergency Repair Project" (flood control, County of Orange)
- Tonner Hills (residential, City of Brea)
- The Bridges at Santa Fe Units 6 and 7 (residential, County of San Diego)
- Villages of La Costa Master Plan (residential/commercial, City of Carlsbad)
- Whispering Hills (residential, City of San Juan Capistrano)
- Santiago Hills II (residential/commercial, City of Orange)
- Rancho Potrero Leadership Academy (youth detention facility/road, County of Orange)
- Saddle Creek/Saddle Crest (residential, County of Orange)
- Frank G. Bonelli Regional County Park Master Plan (County of Los Angeles)

Selected Presentations

Hamilton, R. A. Birds of Colorado Lagoon. 2018-2019. 60-minute multimedia presentation on the history and avifauna of Colorado Lagoon in southeastern Long Beach, given at Audubon Society chapter meetings.

Hamilton, R. A. Six Legs Good. 2012-2017. 90-minute multimedia presentation on the identification and photography of dragonflies, damselflies, butterflies, and other invertebrates, given at Audubon Society chapter meetings, Irvine Ranch Conservancy, etc.

Hamilton, R. A., and Cooper, D. S. 2016. Nesting Bird Policies: We Can Do Better. Twenty-minute multimedia presentation at The Wildlife Society Western Section Annual Meeting, February 23, 2016.

Hamilton, R. A. 2012. Identification of Focal Wildlife Species for Restoration, Coyote Creek Watershed Master Plan. Twenty-minute multimedia presentation given at the Southern California Academy of Sciences annual meeting at Occidental College, Eagle Rock, 4 May. Abstract published in the Bulletin of the Southern California Academy of Sciences No. 111(1):39.

Hamilton, R. A., and Cooper, D. S. 2009-2010. Conservation & Management Plan for Marina del Rey. Twenty-minute multimedia presentation given to different governmental agencies and interest groups.

Hamilton, R. A. 2008. Cactus Wren Conservation Issues, Nature Reserve of Orange County. One-hour multimedia presentation for Sea & Sage Audubon Society, Irvine, California, 25 November.

Hamilton, R. A., Miller, W. B., Mitrovich, M. J. 2008. Cactus Wren Study, Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Nature Reserve of Orange County's Cactus Wren Symposium, Irvine, California, 30 April 2008.

Hamilton, R. A. and K. Messer. 2006. 1999-2004 Results of Annual California Gnatcatcher and Cactus Wren Monitoring in the Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Partners In Flight meeting: Conservation and Management of Coastal Scrub and Chaparral Birds and Habitats, Starr Ranch Audubon Sanctuary, 21 August 2004; and at the Nature Reserve of Orange County 10th Anniversary Symposium, Irvine, California, 21 November.

Publications

Gómez de Silva, H., Villafañá, M. G. P., Nieto, J. C., Cruzado, J., Cortés, J. C., Hamilton, R. A., Vásquez, S. V., and Nieto, M. A. C. 2017. Review of the avifauna of The Tres Marías Islands, Mexico, including new and noteworthy records. *Western Birds* 47:2–25.

Hamilton, R. A. 2014. Book review: The Sibley Guide to Birds, Second Edition. *Western Birds* 45:154–157.

Cooper, D. S., R. A. Hamilton, and S. D. Lucas. 2012. A population census of the Cactus Wren in coastal Los Angeles County. *Western Birds* 43:151–163.

- Hamilton, R. A., J. C. Burger, and S. H. Anon. 2012. Use of artificial nesting structures by Cactus Wrens in Orange County, California. *Western Birds* 43:37–46.
- Hamilton, R. A., Proudfoot, G. A., Sherry, D. A., and Johnson, S. 2011. Cactus Wren (*Campylorhynchus brunneicapillus*), in The Birds of North America Online (A. Poole, ed.). Cornell Lab of Ornithology, Ithaca, NY.
- Hamilton, R. A. 2008. Cactus Wrens in central & coastal Orange County: How will a worst-case scenario play out under the NCCP? *Western Tanager* 75:2–7.
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- Hamilton, R. A. 2008. Fulvous Whistling-Duck (*Dendrocygna bicolor*). Pp. 68-73 in California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (Shuford, W. D. and T. Gardali, eds.). Studies of Western Birds 1. Western Field Ornithologists, Camarillo, CA, and California Department of Fish and Game, Sacramento, CA.
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- Erickson, R. A., R. A. Hamilton, S. González-Guzmán, G. Ruiz-Campos. 2002. Primeros registros de anidación del Pato Friso (*Anas strepera*) en México. *Anales del Instituto de Biología, Universidad Nacional Autónoma de México, Serie Zoología* 73(1):67–71.
- Hamilton, R. A. and J. L. Dunn. 2002. Red-naped and Red-breasted sapsuckers. *Western Birds* 33:128–130.
- Hamilton, R. A. and S. N. G. Howell. 2002. Gnatcatcher sympatry near San Felipe, Baja California, with notes on other species. *Western Birds* 33:123–124.
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- Hamilton, R. A. 2001. Records of caged birds in Baja California. Pp. 254–257 in Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

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October 31, 2019

Greg Gubman
 Director of Community Development
 City of Diamond Bar
 21810 Copley Drive
 Diamond Bar, CA 91765

**SUBJECT: PROPOSED AMENDMENTS TO
 DIAMOND BAR TREE PROTECTION ORDINANCE**

Dear Mr. Gubman,

A consortium of Diamond Bar residents retained Hamilton Biological, Inc., (hereafter "Hamilton Biological") to address a range of biological issues as the City of Diamond Bar (hereafter the "City") prepares to update its General Plan. This letter addresses perceived inadequacies of the City's Tree Preservation and Protection Ordinance (Chapter 22.38 of the City of Diamond Bar Code of Ordinances). Proposed changes refer to the following areas of concern:

- Corrections of outdated references (e.g., the National Arborists Association no longer exists, having been replaced by the Tree Care Industry Association) and typographical errors.
- Changes to bring the City's ordinance into alignment with current industry standards. For example, the County of Los Angeles' current Oak Woodlands Conservation Management Plan Guide¹ requires seven years of maintenance and monitoring of all oak mitigation plantings, which reflects the experience of the County that oak plantings may survive for a few years after planting, only to fail shortly thereafter.
- Ensuring that funds paid to the City for tree planting are used to promptly replace impacted trees, and to prevent against tree mitigation funds being diverted to other uses.
- Establishing a City-administered program to ensure that replacement trees are planted in areas suited to their long-term survival, and not in sensitive habitat areas, such as coastal sage scrub, where they could cause adverse ecological effects.

¹ http://planning.lacounty.gov/assets/upl/project/oakwoodlands_conservation-management-plan-guide.pdf

Proposed Amendments to the Tree Preservation & Protection Ordinance

The following amendments, identified in “track changes,” are proposed to Chapter 22.38 of the City of Diamond Bar Code of Ordinances. Sections not proposed for changes are not reproduced herein.

Sec. 22.38.030. - Protected trees.

A protected tree is any of the following:

1. Native ~~oak~~, walnut, sycamore and willow trees with a diameter at 4.5 feet above mean natural grade of five inches or greater (consistent with California Public Resources Code 21083.4a);
2. (2) Trees of significant historical or value as designated by the council;
3. (3) Any tree required to be preserved or relocated as a condition of approval for a discretionary permit;
4. (4) Any tree required to be planted as a condition of approval for a discretionary permit; and
5. (5) A stand of trees, the nature of which makes each tree dependent upon the others for survival.

(Ord. No. 02(1998), § 2, 11-3-98; Ord. No. 02(2003), 9-16-03; Ord. No. 04(2012), § 9, 4-17-12)

Sec. 22.38.040. - Damaging protected trees prohibited.

Except as provided in section 22.38.060 (Exemptions), no person shall cut, prune, remove, relocate, or otherwise destroy a protected tree.

All work must be performed by a Certified Arborist or Certified Urban Forester in compliance with ANSI A300 standards. The topping of protected trees is prohibited. No reduction of the tree crown shall be permitted without a tree pruning permit and then only by “thinning out” selected.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.050. - Tree removal permit or tree pruning permit required.

No person shall remove or relocate a protected tree or develop within the protection zone of a protected tree, or stand of trees comprising native oak woodland or walnut woodland, without first obtaining a tree removal permit from the director. No person shall prune a protected tree without first obtaining a tree pruning permit from the director if branches are to be pruned that are over four inches in diameter at the point of the cut. The maximum amount allowed for the pruning of a protected tree shall be 20 percent over a one-year period, except for oak trees which shall be ten percent over a one-year period.

(Ord. No. 02(1998), § 2, 11-3-98)

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Sec. 22.38.060. - Exemptions.

The following shall be exempt from the provisions of this chapter:

1. Trees, except those designated by the city council as a historical or cultural tree and trees required to be preserved, relocated, or planted as a condition of approval of a discretionary permit, located on all developed properties prior to adoption of this Development Code.
2. Trees held for sale by licensed nurseries or tree farms or the removal or transplanting of trees for the purpose of operating a nursery or tree farm.
3. A tree that is so damaged, diseased or in danger of falling (as verified by a Certified Arborist) that it cannot be effectively preserved, or its presence is a threat to other protected trees or existing or proposed structures.
4. Trees within public rights-of-way where their removal, pruning or relocation is necessary to obtain adequate line-of-site distances or to keep streets and sidewalks clear of obstructions as required by the city engineer.
5. Trees that present a dangerous condition requiring emergency action to preserve the public health, safety and welfare as determined by the director.
6. The maintenance of trees that interfere with a public utility's ability to protect or maintain an electric power or communication line, or other property of a public utility, so long as the work conforms to ANSI A300 standards and the utilities obtain an annual, revocable permit from the city.
7. The pruning of branches not to exceed four inches in diameter or compensatory pruning, in compliance with ANSI A300 standards, intended to ensure the continued health of a protected tree.
8. Native oak, walnut, sycamore, willow, or pepper trees located upon a lot one-half acre or less located on the flat pad, are exempted from these regulations. Trees over the ridgeline, growing on the natural slope are not exempt.
9. Any native oak, walnut, sycamore, willow or naturalized pepper trees planted subsequent to the subdivision of property of any size are exempted from these regulations.

(Ord. No. 02(1998), § 2, 11-3-98; Ord. No. 02(2003), 9-16-03)

Sec. 22.38.080. - Application submittal requirements.

- (a) Applications for a tree removal permit or a tree pruning permit shall be filed with the department. The department will consider an application complete when all necessary application forms, materials and exhibits, as established by the department, have been provided and accepted as adequate and all necessary fees have been paid.
- (b) The director may require the submittal of a Certified Arborist's report before accepting the application for filing. The Certified Arborist's report,

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shall be paid for by the applicant and may be required to include specific information as required by the director. This information may include but is not limited to: The impact on existing trees, the health and structural stability of existing trees and any remedial measures or mitigation recommended.

- (c) Applications shall contain a justification statement for the permit; signature of the property owner; and a site map containing the location of all trees located on the property, including species and diameter 4.5 feet above mean natural grade, and the protection zone of every protected tree. Applications can contain mitigation information; alternatively, a separate mitigation report, including inspection requirements, can be prepared separately.
- (d) The director may require additional information when deemed necessary for permit processing. Any request for the removal or relocation of a protected tree proposed in conjunction with an application for another discretionary permit shall be subject to approval by the same hearing body as the discretionary permit.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.110. - Findings for approval.

In order to approve an application for a tree removal permit or tree pruning permit, it shall be necessary that one or more of the following findings be made, otherwise the application shall be denied:

The following shall be exempt from the provisions of this chapter:

1. The tree is so poorly formed due to stunted growth that its preservation would not result in any substantial benefits to the community.
2. The tree interferes with utility services, or streets and highways, either within or outside of the subject property, and no reasonable alternative exists other than removal or pruning of the tree(s).
3. The tree is a potential public health and safety hazard due to the risk of it falling and its structural instability cannot be remediated.
4. The tree is a public nuisance by causing damage to improvements (e.g., building foundations, retaining walls, roadways/driveways, patios, and decks).
5. The tree is host to an organism which is parasitic to another species of tree which is in danger of being exterminated by the parasite.
6. The tree belongs to a species which is known to be highly flammable and has been identified as a public safety hazard by a Certified Arborist or Certified Urban Forester.
7. Preservation of the tree is not feasible and would compromise the property owner's reasonable use and enjoyment of property or surrounding land and appropriate

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mitigation measures will be implemented in compliance with section 22.38.130 (Tree replacement/relocation standards) below.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.120. - Tagging.

In the process of preparing an an application for a tree removal permit or tree report, each tree is required to be physically marked for identification by consecutively numbered tags. The following method of tagging shall be used to identify and locate applicable trees:

1. A permanent tag, a minimum of two inches in length, shall be used for identifying applicable trees. The tag shall be made from a noncorrosive, all-weather material and be permanently attached to the tree in a manner preserving its health and viability.
2. Tags shall be located on the north side of the tree at a height of 4.5 feet above natural grade.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.130. - Tree replacement/relocation standards.

- (a) Replacement trees shall be either the same species as that being replaced or a protected tree species indigenous to Diamond Bar.
- (b) Replacement trees shall be planted at a minimum 2:1 ratio for residential properties less than 20,000 square feet. Residential parcels greater than 20,000 square feet and commercial and industrial properties shall be planted at a minimum 3:1 ratio. The director or commission may grant exceptions to these requirements or may require additional replacement trees based on the following considerations:
 1. The vegetative character of the subject property.
 2. The number of protected trees which are proposed to be removed in relation to the number of protected trees currently existing on the subject property.
 3. The anticipated effectiveness of the replacement of trees, as determined by Certified Arborist's report submitted by the applicant.
- (c) Replacement trees shall be a minimum box size of 24 inches for six or fewer replacement trees. For greater than six replacement trees, the sizes shall be determined by the director. Smaller container sizes may be approved by the director or commission when additional replacement trees are provided significantly exceeding the required replacement ratios.
- (d) Tree relocation or replacement shall be on the same site to the extent feasible. A written report by an arborist is required concerning the methodology and feasibility of transplanting trees.

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- (e) Where site conditions preclude the long-term success of replacement trees, the director or commission may require either or both of the following alternatives:
1. Planting replacement trees on public property (e.g., designated open space areas or public parks); and/or
 2. Payment of an in-lieu fee into a city-administered Tree Mitigation Program.
 3. The city shall retain a qualified biologist and Certified Arborist or Certified Urban Forester to establish a Tree Mitigation Program to ensure that replacement trees are planted on public property in areas that (a) shall not impact any existing sensitive habitat areas; (b) are appropriate for the long-term survival of native trees planted as mitigation; and (c) shall be maintained and preserved by the city, in perpetuity, as natural open space for the mitigation trees and any associated understory species deemed appropriate to provide valuable woodland habitat.
 4. The in-lieu fee amount shall be determined by the city based upon the cost of establishing and administering the above-referenced Tree Mitigation Program.
 5. The city shall demonstrate that all tree replacement plantings take place within one year (365 days) of tree removal.
- (f) The applicant may be required as a condition of permit approval to enter into a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved. The maintenance agreement may include provisions for the submittal of arborist's reports during and after construction activities, installation of replacement trees and irrigation systems by or under the supervision of a certified arborist, replacement of trees that die during or after construction phases, periodic fertilizing and pruning, and submittal of a security deposit as may be necessary to ensure the health and survival of the affected trees during the effective date of the tree maintenance agreement. The performance security ~~shall~~ be required for a minimum of seven years from the date of the approval or as determined by the director. The amount of the performance security deposit shall be equal to 125 percent of the cost of a nursery grown tree and installation by a qualified professional.

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Sec. 22.38.140. - Tree protection requirements.

The director shall determine during project review whether and to what extent measures will be required to protect the existing trees during construction. This decision shall be based upon the proximity of the area of construction activity to existing protected trees. The protective measures shall include but are not limited to the following:

1. The existing trees to be retained shall be enclosed by chain link fencing with a minimum height of five feet or by another protective barrier approved by the director prior to the issuance of a grading or building permit and prior to commencement of work.
2. Barriers shall be placed at least ten feet outside the drip line of trees to be protected. A lesser distance may be approved by the director if appropriate to the species and the adjacent construction activity, and if all appropriate measures are taken to minimize potential impacts (e.g., use of steel plates over a mulch base to reduce soil compaction in the critical root zone).
3. No grade changes shall be made within the protective barriers without prior approval by the director. Where roots greater than one inch in diameter are damaged or exposed, the roots shall be cleanly saw cut and covered with soil in conformance with industry standards.
4. Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small hand-held power tools and shall not be of a depth that could cause root damage.
5. No attachments or wires other than those of a protective or nondamaging nature shall be attached to a protected tree.
6. No equipment or debris of any kind shall be placed within the protective barriers. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical shall be stored or allowed in any manner to enter within the protected barrier.
7. If access within the protection zone of a protected tree is required during the construction process, the route shall be covered in a six-inch mulch bed in the drip line area and the area shall be aerated and fertilized at the conclusion of the construction.
8. When the existing grade around a protected tree is to be raised, drain tiles shall be laid over the soil to drain liquids away from the trunk. The number of drains shall depend upon the soil material. Lighter sandy soils and porous gravelly material require fewer drains than heavy nonporous soils like clay. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Dry well walls shall be constructed of materials that permit passage of air and water.
9. When the existing grade around a tree is to be lowered, either by terracing or a retaining wall, a combination may be used to lower grade. With either method, the

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area within the drip line shall be left at the original grade. The retaining wall shall be porous to allow for aeration.

10. Trees that have been destroyed or that have received major damage during construction shall be replaced prior to final inspection. Any trees damaged or destroyed shall be replaced in kind, and a 7-year maintenance period shall be required to ensure establishment.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.150. - Post decision procedures.

- (a) *Appeals.* Decisions of the director shall be considered final unless an appeal is filed in compliance with chapter 22.74 (Appeals). The decision of the director may be appealed to the planning commission. The decision of the commission may be appealed to the council.
- (b) *Expiration/extension.* A tree removal permit or tree pruning permit shall be exercised within one year from the date of approval or other time frame that may be established with a discretionary permit approval. Time extensions, for up to a total of two additional years, may be granted in compliance with chapter 22.66 (Permit Implementation and Time Extensions). If a tree removal permit or tree pruning permit is not exercised within the established time frame, and a time extension is not granted, the provisions of chapter 22.66 (Permit Implementation and Time Extensions) shall apply.
- (c) *Construction monitoring.* Monitoring of tree protection and restoration measures specified as conditions of approval shall be performed by site inspection conducted by the director, or by a Certified Arborist or Certified Urban Forester.
- (d) *Revocation.* A tree removal permit or tree pruning permit may be revoked or modified, in compliance with chapter 22.76 (Revocations/Modifications), if it is found that the tree removal, relocation or protection activities:
1. Resulted from misrepresentation or fraud;
 2. Have not been implemented in a timely manner;
 3. Have not met, or has violated, any conditions of approval;
 4. Are in violation of any code, law, ordinance or statute;
 5. Are detrimental to public health, safety or welfare; or
 6. Constitute a nuisance.

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(e) *Enforcement.*

1. Any person who cuts, damages, or moves a protected tree in violation of this chapter shall be deemed guilty of an infraction or misdemeanor in compliance with section 22.78.060 (Legal Remedies).
2. Violation of this chapter during construction activity may result in an immediate stop-work order issued by the city, until permits are obtained along with proper mitigation.

(Ord. No. 02(1998), § 2, 11-3-98)

Sec. 22.38.160. - Tree replacement fund.

Moneys received by the city in lieu of replacement trees as provided for in section 22.38.130 (Tree Replacement/Relocation Standards), or as civil penalties for violations of this chapter shall be deposited in a tree replacement fund and the city's general fund, respectively. Funds collected by the city for the tree replacement fund and interest earned thereon shall be used solely for the planting of trees or other vegetation on publicly owned property, under the auspices of the Tree Mitigation Program provided for in section 22.38.130(e).

(Ord. No. 02(1998), § 2, 11-3-98)

CONCLUSION

Hamilton Biological appreciates the opportunity to propose amendments to the Diamond Bar Tree Preservation and Protection Ordinance. If you have questions, please call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

Sincerely,



Robert A. Hamilton
President, Hamilton Biological, Inc.

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Long Beach, CA 90803
562-477-2181
robb@hamiltonbiological.com



HAMILTON BIOLOGICAL

February 21, 2019

Greg Gubman
Director of Community Development
City of Diamond Bar
21810 Copley Drive
Diamond Bar, CA 91765

**SUBJECT: BIOLOGICAL RESOURCES REPORT FOR
OPEN SPACE & CONSERVATION ELEMENT
DIAMOND BAR GENERAL PLAN UPDATE**

Dear Mr. Gubman,

Working on behalf of a consortium of Diamond Bar residents, including Diamond Bar Preservation Foundation, Responsible Land Use, and the Diamond Bar/Pomona Valley Sierra Club Task Force, Hamilton Biological, Inc., (hereafter "Hamilton Biological") has prepared a biological resources report (hereafter the "Hamilton Biological Report") for you to consider incorporating into an Open Space and Conservation Element for the forthcoming update to the General Plan for the City of Diamond Bar (hereafter the "City"). As explained on page III-1 of the 1995 General Plan, the City did not include an Open Space and Conservation Element in the last iteration of the General Plan:

Open Space Elements and Conservation Elements were first required to be a part of city and county General Plans in 1970. Within Diamond Bar, many issues dealing with conservation also overlap issues related to open space, such as "open space for the preservation of natural resources" and "open space for the managed production of resources" (State of California General Plan Guidelines). As a result of this overlap and interdependency, these two General Plan requirements have been combined into a Resource Management Element, which is permitted under State law.

My clients, long-time residents of Diamond Bar, believe that this "resource management" approach has been inadequately protective of sensitive resources and natural open space areas. They retained Hamilton Biological to address these specific concerns. As described in the attached Curriculum Vitae, I have been working as a consultant in Los Angeles County and surrounding areas since 1988. My company, Hamilton Biological, specializes in third-party review of technical biological reports and CEQA documentation. I am familiar with the prior work of PCR and ESA, the consultants responsible for the biological resources section of the Redline Draft *Existing Conditions Report, Volume 3, Environmental Constraints and Opportunities; and Public Facilities, Services, and Utilities*, dated February 21, 2017 (hereafter the "Redline Draft" or the "Dyett & Bhatia Report").

The information and analyses contained in this biological resources report are proposed to be incorporated into the updated General Plan that the City is preparing. In compliance with State law, the General Plan should contain a complete Open Space and Conservation Element that addresses such topics as hazardous materials, air quality, and climate change, in addition to the biological resource issues addressed in Hamilton Biological's report.

The first part of this letter provides two examples of recent lapses in CEQA review and land-use planning that highlight the need for expanded and improved General Plan policies. The second part reviews some important deficiencies in Section 2.2 of the Dyett & Bhatia Report, inadequacies that prevent that report from serving as the biological resources section of the Open Space and Conservation Element of an updated Diamond Bar General Plan.

GENERAL PLAN MUST IDENTIFY AND PROTECT SENSITIVE RESOURCES

The 1995 General Plan provides the City no clear direction for identifying and protecting sensitive natural resources. As a result, ecologically damaging actions have been taken without adequate CEQA review, a process designed to identify and avoid significant adverse effects upon sensitive habitat areas and associated special-status species. As recent examples, in Pantera Park, the City established a dog park adjacent to a highly sensitive hillside of coastal sage scrub occupied by California Gnatcatchers and Cactus Wrens, and along Summitridge Trail the City created another major trail through the same type of habitat, where the same species are known to occur (see Figures 1–6 on the following pages).

Under CEQA, the loss, degradation, and fragmentation of sensitive natural communities, such as coastal sage scrub and cactus scrub, and associated special-status species, such as the California Gnatcatcher and Cactus Wren, should be identified as significant adverse effects. Under CEQA such effects must be avoided, to the extent feasible. Any unavoidable significant impacts must be mitigated, and if potentially significant effects remain after mitigation the CEQA lead agency must issue findings of overriding considerations.

In the following examples, it appears that the City failed to subject ecologically damaging actions to any legitimate form of CEQA review. This abdication of stewardship not only violates the public trust, it also leaves the City vulnerable to potentially costly legal challenges. As the City contemplates the first update to its General Plan in 24 years, it is in everyone's best interest to incorporate up-to-date resource management policies that (a) protect against further loss, fragmentation, and degradation of sensitive habitats, and (b) establish formal procedures and a bureaucratic structure to ensure faithful execution of the City's responsibilities as a CEQA lead agency. In cases where significant adverse effects cannot be completely avoided, necessitating habitat restoration or payment of in-lieu fees as mitigation, the City must be able to demonstrate and substantiate the promised ecological benefits of the mitigation actions to the public and deci-



sionmakers.

Figure 1. Photo, facing northeast, showing the Pantera Park dog park, established in 2013, and a trail established in 2017. The City appears not to have prepared an EIR to evaluate potential impacts to California Gnatcatchers, Cactus Wrens, or other special-status species known to occur in this park. Robert A. Hamilton, 1/4/19.

Figure 2. Aerial image from Google Earth, dated March 7, 2011, showing largely intact stands of coastal sage scrub and cactus scrub pre-project.

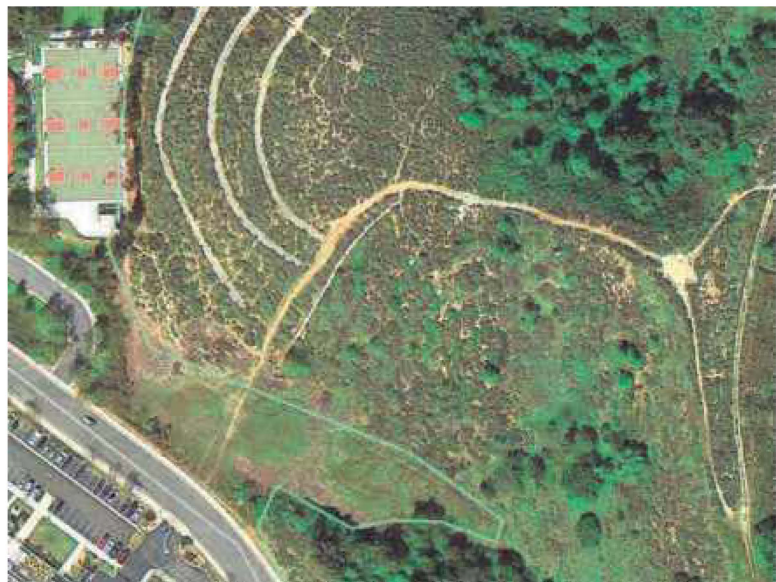
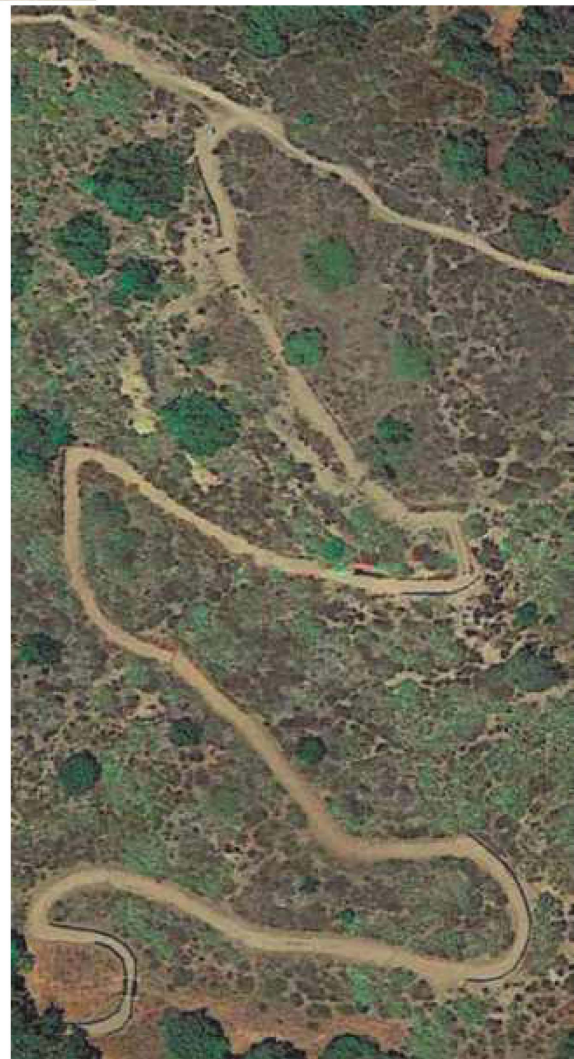


Figure 3. Aerial image from Google Earth, dated June 8, 2018, showing the post-project condition of the dog park and trail area. Substantial areas of coastal sage scrub were removed, fragmented, and degraded by increased levels of human/canine disturbance.





Figure 4. Photo, facing north, showing a trail established at Summitridge Trail in 2017. The City appears not to have prepared an EIR to evaluate potential impacts to California Gnatcatchers, Cactus Wrens, and other special-status species in this area. *Robert A. Hamilton, 1/8/19.*



Figures 5, 6. Aerial images from Google Earth, dated April 23, 2014 (left) and June 8, 2018 (right), showing the area of intact cactus scrub where a major trail was established in 2014/2015. Substantial areas of this sensitive community were removed, fragmented, and degraded by increased levels of human disturbance.

REVIEW OF DYETT & BHATIA REPORT

Methods Not Described, Literature Not Cited

The Dyett & Bhatia Report fails to describe the methods by which the authors defined and categorized biological resources present, or potentially present, in the City and its Sphere of Influence (hereafter the “Study Area”). For example, a note below Table 2-2 on page 11 (Vegetation Communities Within Diamond Bar) states that this information was provided by “Environmental Science Associates, Reconnaissance Survey, 2016”. The report fails to specify the methods by which the vegetation communities were mapped and field-checked, the number of days were spent in the field, etc. Since the report lacks a Literature Cited section, a reader cannot determine whether this information might be provided elsewhere.

Some sections of the report, such as “General Land Cover in the Planning Area” and “Wildlife Movement,” address the City plus its Sphere of Influence (i.e., the Study Area). Other sections, such as “Special Status Species and Habitats,” limit consideration strictly to the city limits. No explanation is given for this inconsistency.

Natural Communities Mis-Mapped

Part of my study involved identifying the main natural communities occurring in natural open space areas scattered throughout the Study Area. As shown in Figure 7, below, oak woodlands occur extensively throughout the undeveloped parts of the Study Area:

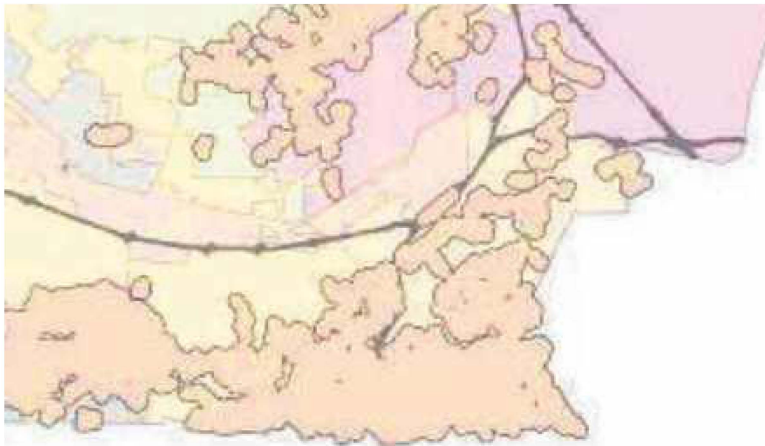


Figure 7. Excerpt from Figure 3 in the Los Angeles County Oak Woodlands Conservation Management Plan Guide¹ showing the southeastern part of the County and accurately depicting extensive oak woodlands in the Study Area. Beige polygons represent oak woodlands.

During my own field work I have observed that, throughout the Study Area, oak woodlands cover much larger areas than do walnut woodlands. The Dyett & Bhatia Report provides no explanation for the contrary findings depicted in their Figure 2-1. Dyett & Bhatia’s claim of 1,189.9 acres of California Walnut Woodland in the Study Area, compared with only 206.9 acres of Coast Live Oak Woodland and 585.4 acres of walnut/oak woodlands, represents an error that grossly under-represents the extent of oak wood-

¹ http://planning.lacounty.gov/assets/upl/project/oakwoodlands_conservation-management-plan-guide.pdf

lands in the Study Area. If the City determines that large-scale mapping of natural communities is needed for the General Plan update, the mapping provided in the Dyett & Bhatia report must be completely revised and carefully field-checked for accuracy.

Ineffective and Incomplete Discussion of Wildlife Populations

On Pages 16–17, under the heading “Common Wildlife,” the Dyett & Bhatia Report states:

The plant communities discussed above provide wildlife habitat. While a few wildlife species are entirely dependent on a single natural community or on only a few of these communities, other wildlife species use most or all of the entire mosaic of all the plant communities within the city and adjoining areas. Other species are highly tolerant of urban and suburban environments and proliferate within developed areas. Following is a discussion of wildlife populations within the city, segregated by taxonomic group.

This vague discussion provides no useful information about wildlife populations, common or otherwise, and no analyses relevant to CEQA planning. The “discussion of wildlife populations within the city, segregated by taxonomic group,” is nowhere to be found in the report.

Ineffective and Incomplete Discussion of Wildlife Movement

The discussion of wildlife movement on page 17 of the Dyett & Bhatia Report mentions the important Puente-Chino Hills Wildlife Corridor, and cites several the studies conducted therein, but fails to identify any management actions or land-use policies that would ensure the continued viability of this regionally important corridor. Furthermore, the report fails to discuss or evaluate wildlife movement or habitat connectivity issues at the local level. Failure to provide for habitat connectivity in the past has led to the current situation, in which large areas of preserved natural open space in the City either lack any connection to the larger natural open space system, or maintain only tenuous connections across roads or other barriers. To avoid further isolating large areas of natural habitat, responsible planning must prioritize preservation and enhancement of habitat linkages between natural open space blocks within the city limits.

Inadequate and Inaccurate Discussion of Sensitive Communities

Page 18 of the Dyett & Bhatia Report identifies “three plant communities considered sensitive by the California Department of Fish and Wildlife (CDFW)” that occur “within city boundaries”: Venturan coastal sage scrub, southern willow scrub, and California walnut woodland.

The three CDFW-sensitive communities identified in the Dyett & Bhatia Report excludes the various California Sycamore plant associations that occur in the area, all of which are designated as sensitive by the CDFW. It also ignores four coast live oak woodland associations present, or potentially present, that CDFW designates as sensitive (*Quercus agrifolia*/*Juglans californica*; *Q. agrifolia*/*Q. berberidifolia*/x *acutidens*; *Q. agrifolia*/*Salvia leucophylla* – *Artemisia californica*; *Q. agrifolia*/*Salix lasiolepis*). The Dyett &

Bhatia Report also fails to note that all oak woodlands within the unincorporated Sphere of Influence are recognized as sensitive under the Los Angeles County Oak Woodlands Conservation Management Plan², pursuant to California Public Resources Code Section 21083.

Furthermore, the Dyett & Bhatia Report assumes that no perennial native grasslands identified as sensitive by CDFW occur in the Study Area, even though pockets almost certainly occur within the non-native annual grasslands. As discussed in my report:

Areas of perennial grassland, distinguished by possessing non-trace cover of native grasses, are identified as Sensitive by CDFW. As examples, the *Nassella* spp. – *Melica* spp. herbaceous alliance is characterized by having at least 2–5 percent cover of native needlegrass (*Nassella* spp.) or other native grasses³; and the *Bromus carinatus* – *Elymus glaucus* herbaceous alliance has California brome (*Bromus carinatus*) characteristically present, with native plants providing more than 10 percent relative cover.⁴ It is likely that vernal pools/seasonal ponds occur in the site's grasslands, and/or along dirt roads that pass through other Natural Communities.

In these ways, the Dyett & Bhatia Report misrepresents the extent and variety of sensitive natural communities present, or potentially present, within the Study Area.

Inadequate and Inaccurate Treatment of Special-Status Species

Tables 2-3 and 2-4 in the Dyett & Bhatia Report identifies seven special-status plant species and 27 special-status wildlife species as having potential to occur in Diamond Bar (Sphere of Influence is ignored in this part of the report). Not a single special-status plant or wildlife species is reported as having been documented within city limits.

For plants, Table 2-3 considers only the rarest species (i.e., listed species and those with California Native Plant Society [CNPS] rankings of 1A, 1B, and 2), excluding many uncommon species, such as those with CNPS rank 4 (watch-list plants). The Dyett & Bhatia Report identifies four plants with “low” potential to occur and three with “moderate” potential to occur.

By contrast, Hamilton Biological's methodology includes all species identified in the Study Area includes all CNPS-ranked species. Based on thorough review of the patterns of occurrence of special-status plant species in the region (see mapping at <https://www.calflora.org>), the Hamilton Biological Report identifies 19 special-status plant species that are either known from the Study Area (four species), or that possess low, moderate, or high potential to occur there (15 species).

² http://file.lacounty.gov/SDSInter/bos/bc/162273_official_20110620_oak-woodlands.pdf

³ <http://vegetation.cnps.org/alliance/536>

⁴ <http://vegetation.cnps.org/alliance/499>

Note that Table 2-3 in the Dyett & Bhatia Report fails to mention that their own report depicts two special-status plant species — intermediate mariposa-lily (*Calochortus weedii* ssp. *intermedius*) and Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*) — as occurring very close to the southern city limits. See Figure 8, below.

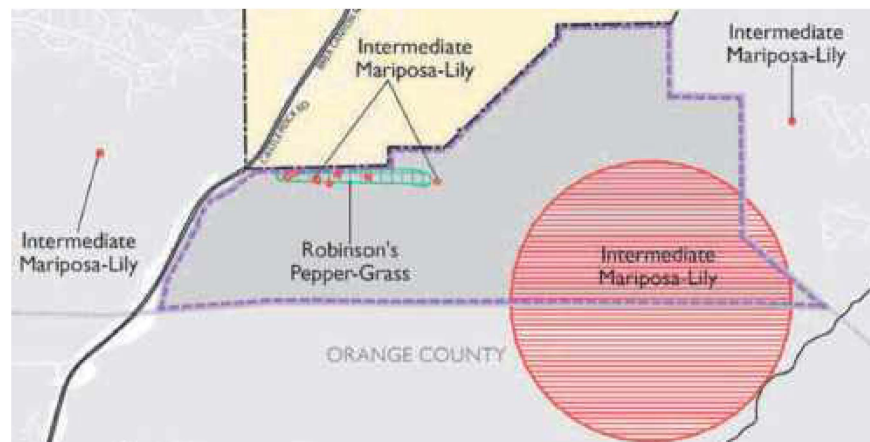


Figure 8. Excerpt from Figure 2-2 in the Dyett & Bhatia Report showing two known populations special-status plant species known from the Study Area, including populations of Robinson's pepper-grass along the southern city limit. I have observed intermediate mariposa lily in the same area where the pepper-grass is mapped.

For wildlife, Table 2-4 in the Dyett & Bhatia Report includes listed species, Fully Protected Species, and California Species of Special Concern, as well as CDFW “watch list” species. As mentioned previously, their report identifies 27 special-status wildlife species as having potential to occur in the city (excluding the Sphere of Influence). Based on thorough review of the patterns of occurrence of special-status wildlife species in the region, the Hamilton Biological Report identifies 44 special-status wildlife species that are either known from the Study Area, or that possess potential to occur there. Species documented within city limits include the Golden Eagle, federally threatened California Gnatcatcher, Cactus Wren, and Tricolored Blackbird.

The Hamilton Biological Report identifies three native invertebrate species — two shoulderband snails and a bumblebee — that NatureServe ranks as Imperiled and/or Critically Imperiled at global and/or state levels as having high potential to occur in Diamond Bar. The Dyett & Bhatia Report does not include species based upon NatureServe rankings. As explained in my report:

In some cases, species have not been granted special status by state or federal agencies, but they may be recognized as ecologically sensitive by the California Natural Diversity Database (CNDDB), which uses a ranking methodology maintained by NatureServe. Species are given a Global rank (G-rank) that applies to the taxon's entire distribution, and a State rank (S-rank) that applies to the taxon's state distribution. Taxa with rankings of G1, G2, G3, S1, S2, or S3 may be considered “sensitive” and potentially worthy of special consideration in resource planning.

The Dyett & Bhatia Report also excludes species that the Los Angeles County Sensitive Bird Species Working Group has identified as sensitive at the county level:

<http://planning.lacounty.gov/site/sea/wp-content/uploads/2018/08/LA-Countys-Sensitive-Bird-Species.pdf>

As discussed on page E6 of the above-referenced publication:

The members of our Working Group regard all species on this list as being at risk of extirpation from Los Angeles County, and therefore as warranting explicit consideration as part of impact analyses conducted under the *California Environmental Quality Act* (CEQA). Biologists undertaking surveys in Los Angeles County for purposes of CEQA documentation should ensure that their survey protocols are adequate to determine the presence or absence of these species if potentially suitable habitat is present on or near a survey site. Findings of potentially significant impacts, and hence the provision of mitigation, may be warranted for proposed actions that adversely affect species on this list or their habitats.

The Hamilton Biological Report identifies ten county-sensitive bird species as occurring, or likely occurring, in the Study Area.

The Dyett & Bhatia Report does not indicate that field surveys were conducted to look for special-status species. During two field visits, on January 4 and 8, 2019, I observed multiple pairs of California Gnatcatchers and Cactus Wrens, as well as a Northern Harrier and a Golden Eagle. The following links to eBird checklists report/document these relevant sightings:

- **California Gnatcatchers** and **Cactus Wrens** — Steep Canyon near Diamond Bar Boulevard, 1/4/19: <https://ebird.org/view/checklist/S51322203>
- **Cactus Wrens** — Pantera Park, 1/4/19: <https://ebird.org/view/checklist/S51324514>
- **California Gnatcatcher** and **Cactus Wrens** — vic. northwestern part of Tres Hermanos Ranch, 1/4/19: <https://ebird.org/view/checklist/S51324625>
- **California Gnatcatchers** — vic. Diamond Ranch High School, 1/4/19: <https://ebird.org/view/checklist/S51324760>
- **Northern Harrier** — Tres Hermanos Ranch north of Grand Avenue, 1/4/19: <https://ebird.org/view/checklist/S51324857>
- **California Gnatcatchers** and **Cactus Wrens**, plus **Golden Eagle** seen soaring over Tres Hermanos Ranch — Summitridge Trail, 1/8/19: <https://ebird.org/view/checklist/S51324857>

Providing a Basis for Development of Resource Protection Policies

The Dyett & Bhatia Report provides no recommendations for resource protection policies, and no real basis for making any specific recommendations. As discussed herein, the plant community mapping is grossly inaccurate, and the report fails to make connections between natural resources that exist within the Study Area and policies designed to prioritize protection and enhancement of the most ecologically sensitive areas.

By contrast, the Hamilton Biological Report is intentionally geared toward making connections between resources and conservation policies, with the ultimate goal of assisting the City in its ongoing role as a CEQA lead agency. The report's final section, Natural Resource Conservation Policies, specifically builds upon existing policies from the current draft version of the General Plan update, adapting them to facilitate efforts to

identify and protect areas of particular ecological concern in the City and its Sphere of Influence. If the City considers accurate mapping of natural communities throughout the Study Area to be a necessary step toward updating the General Plan, this step could be completed quickly and incorporated into Hamilton Biological's analysis.

SUMMARY AND CONCLUSION

I appreciate the opportunity to provide technical assistance to the City of Diamond Bar as you work on this important update to your General Plan. If you have questions, or wish to discuss any matters, please do not hesitate to call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Hamilton". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Hamilton".

Robert A. Hamilton
President, Hamilton Biological, Inc.

316 Monrovia Avenue
Long Beach, CA 90803
562-477-2181
robb@hamiltonbiological.com

Attached: Curriculum Vitae



www.responsiblelanduse.org

October 31, 2019

Submitted via email to: GLee@DiamondBarCA.Gov

Grace Lee, Senior Planner
City of Diamond Bar
21810 Copley Drive
Diamond Bar California 91765

RE: Comments on Draft Environmental Impact Report, Diamond Bar General Plan and Climate Action Plan 2040

Dear Ms. Lee:

Diamond Bar is a place we all call home, and we very much appreciate the opportunity to participate in this public process. Responsible Land Use (RLU) has reviewed the proposed Draft Environmental Impact Report (DEIR), Diamond Bar General Plan (DBGP), and Climate Action Plan 2040 (CAP). Attached to this letter is a table of our suggested edits, comments, and questions on the DEIR as well as our general comments, suggestions and concerns described here.

In general, our members of RLU noted common issues and concerns:

- ☐ Proposed or Preferred Project was not described in the draft EIR
- ☐ Reasonable alternatives were not discussed and described, or were erroneously written off as infeasible and not given further consideration, or
- ☐ We noted errors and incomplete analysis in coverage of the CEQA criteria.
- ☐ Alternatives described are infeasible due to assumptions that cannot be fully analyzed for impacts.
- ☐ Subsequent release of language changes not reflected in existing DEIR or DBGP.
- ☐ Significant impacts were not mitigated, and were considered un-mitigatable when reasonable and feasible alternatives could be proposed.

Proposed or Preferred Project was not described in the draft EIR

The Executive Summary should have a general or high-level description of the Proposed Project and Community Core Overlay. The Alternatives are described, however, it is

B4-A-1

B4-A-2

B4-A-3

difficult to make a comparison to the Proposed Project to the other Alternatives on page ES-10. The document is making a determination that the Proposed Alternative is the Environmentally Superior Alternative, but because of the lack of a description it is unclear why. The EIR should be a stand alone document that does not rely on a description to be provided separately in the DBGP. In the final EIR, we request that a Project Description be provided in both the Executive Summary and Section 2.

B4-A-3

Reasonable alternatives were not discussed and described

B4-A-4

Include a description of the existing Town Center Commercial Area at Diamond Bar Blvd and Grand with existing EIR mitigation measures and planning as a viable alternative-- which is not the same as the No Project Alternative. Description of the existing town center utilizing the new EIR mitigation measure requirements and General Plan policies should also be a reasonable and feasible alternative for this CEQA analysis. In the context of comparing impacts, keeping the city center at Diamond Bar and Grand also has the potential to have less environmental impact as compared to your preferred alternative. For example, Vehicles Miles Traveled would be less, because it is more centrally located for DB residents in terms of travel to local areas business and therefore should be described. Also, compared to the Proposed Alternative the existing city center would not have a Community Core Overlay and would not be an impact to the golf course, which would make the existing City Center area a potentially environmentally superior to the Proposed Alternative. This alternative should be described and discussed as to why it does not meet the City's purpose and need as described in the EIR.

Significant impacts were not mitigated, and were considered un-mitigatable when reasonable and feasible alternatives could be proposed

B4-A-5

We understand that impacts to Air Quality may be significant and un-mitigatable, however why does the City not suggest building standards and other reasonable mitigation that would at least contribute to reductions in air quality impacts? We disagree that there are no feasible mitigation measures. The City of Diamond Bar should propose mitigation measures that would reduce emissions even if it would not reduce those impacts to below significant thresholds. Planning requirements like LEED Building Certification or planning requirements that would include vehicle charging infrastructure would address these air quality impacts, as well as GHG emissions, and energy efficiency, and are feasible and cost effective mitigation. The City of Long Beach has building codes regarding LEED building policies to reduce energy consumption and GHG emissions as well as EV Charging Infrastructure. Although, impacts may be less than significant or un-mitigatable, the city should provide policies or mitigation measures that reasonably reduce its carbon footprint.

"A significant amount of land in Diamond Bar would need to be converted to public parkland to reduce the impact to a level that is less than significant. Therefore, the impact remains significant and unavoidable."

B4-A-6

We also disagree with this statement that the impact is unavoidable or un-mitigatable. How does the Core Community Overlay address recreation opportunities sufficiently such that the City can be in alignment with the Quimby Act and meet its ratio of 5 acres per 1000 residents? According to LU-P-54, the City of Diamond Bar should

consider other public uses for public agency lands, such as the county owned Golf Course. In the event that the County of Los Angeles wanted to make this land more broadly available to the general public for recreation, there should be a Community Park Overlay which identifies a use of the golf course to address the shortage of recreation lands to less than significant. Other options, should also be considered such as greater mitigation ratios (6 acres: 1000 residents) for new developments, or policies that create mitigation banks that specifically address and identify city opportunities for future recreation land development.

B4-A-6

Errors and Incomplete Analysis of the CEQA Criteria

B4-A-7

We noted that on page 1-4, Diamond Bar only listed a portion of the CEQA Criteria for the environmental analysis. This is not appropriate, the CEQA analysis does not just include what was received during the scoping period or an initial analysis. The CEQA analysis includes the criteria listed in 2019 CEQA Appendix G Checklist of the California Environmental Quality Act Statutes and Guidelines such as Mineral Resources, Agriculture, Population and Housing, Public Services, Wildfire and Energy. There should be a discussion on these topics, are they considered significant or not and why and what mitigation measures are being proposed to mitigate significant impacts. Additionally, noise impacts under 3.10 of the Executive Summary Table is incomplete and topics under 3.11 Noise is an error and should be described as Public Services and Recreational impacts. Agriculture and Mineral Resources are also randomly discussed at the end of the table. Please revise this table organized based on the CEQA Checklist and address all the Appendix G items.

DEIR Choice of alternatives are infeasible due to assumptions that cannot be fully analyzed for impacts

B4-A-8

The Golf Course Overlay is a contingency plan which, because of all the unknowns associated with its implementation cannot be fully analyzed at this time. Therefore, any attempt to incorporate specific areas of the Golf Course into the current general plan analysis meets the definition of infeasible in CEQA Guideline § 15364.

Should the Golf Course land ever become available to the city, a specific plan to implement the overlay will be required, along with a separate EIR. Therefore, we question why General Plan Alternative 2 was incorporated as an Alternative in the DEIR.

Alternative 2, as shown on Figure 4.2-3, and described on DEIR page 4-5, discusses a possible town center located in the southern portion of Diamond Bar's Golf Course. It is interesting that DEIR author(s) chose this location as one of three alternatives because this land is currently owned by Los Angeles County.

The ability for this particular location to become a truly viable DEIR alternative is dependent upon two undisclosed assumptions. The two assumptions are: 1) The county will eventually close or reduce the size of the Golf Course. 2) The county will not require mitigation or compensation for the loss of a county property that provides a recreational service to the local community.

There are a number of reasons those assumptions may never come to pass, several of which are outlined below:

1. It is impossible to predict at this time when and if the County will ever, or might ever, decide to discontinue Golf Course operations.
2. Two, the County has a general plan with its own parkland requirements to maintain. Specifically, on page 178, Los Angeles County's general plan, Chapter 10, states:

"As specified in P/R Policy 3.1, the County standard for the provision of parkland is 4 acres of local parkland per 1,000 residents of the population in the unincorporated areas, and 6 acres of regional parkland per 1,000 residents of the total population of Los Angeles County."

http://planning.lacounty.gov/assets/upl/project/gp_final-general-plan-ch10.pdf

In order to maintain its own parkland requirements, the County might therefore reasonably decide to keep the land for itself and develop its own park in place of the Golf Course. One hundred and seventy some odd acres would make a nice regional County park.

3. Were the County to ever close the golf course, has there been any precedence set where the County of Los Angeles deeded lands without adequate compensation or mitigation for the loss in services? Indeed, for quite a number of years, any hope the city of Diamond Bar might have had of taking over the golf course property has been contingent upon the City providing another, fully developed, functioning golf course facility to the County in exchange. Should the county ever terminate golf course operation, it is therefore reasonable to fully expect the county to demand compensation in some as yet undetermined form in exchange for deeding the golf course property over to the city.
4. It is also possible the County, might decide to use the property for County purposes other than recreation. As long as the County, being a governmental entity, uses the property for appropriate governmental purposes, those uses would not fall under the jurisdiction of Diamond Bar's general plan. Diamond Bar would have no say in the County's land use decision.

Question: given that the conversion of the Golf Course property was a condition of Alternative 2, why were the specific conditions, costs, environmental impacts, and required mitigations of obtaining the golf course property omitted from the DEIR?

Question: Please explain, in light of the above evidence, how the City justifies the inclusion of Alternative 2 as a viable Alternative.

All of the uncertainties, as offered by the evidence above, make fully analyzing the odds, details, costs and environmental impacts of Diamond Bar acquiring the Golf Course property "infeasible." The uncertainty surrounding the acquisition of the property upon

which Alternative 2 is based, therefore makes Alternative 2 “infeasible” to even consider as a viable alternative at this time.

B4-A-8

CEQA Guideline §15364,

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

It is important to note that, that the DEIR, on page 3.11-44, also came to a similar conclusion when it analyzed the potential for increasing parkland acreage the using the Golf Course property:

B4-A-9

“The proposed General Plan includes several policies and land use changes aimed at increasing available and accessible parkland and open space. However, total parkland at buildout falls severely short of achieving the parkland ratio of 5.0 acres per 1,000 residents, and no mitigation is feasible that can make up this gap. Calculation of the parkland ratio does not include the 134.9 acres of parkland from the Country Park, which is a private amenity, or the proposed 100 acres of parkland associated with the Community Core Overlay, given that Los Angeles County has not ceased operation of the golf course. Conversion of these two areas would increase the parkland ratio but is not feasible at the time of analysis. A significant amount of land in Diamond Bar would need to be converted to public parkland to reduce the impact to a level that is less than significant. Therefore, the impact remains significant and unavoidable.”

Question: please explain the internal DEIR’s internal discrepancy between the conversion of the Golf Course property as a condition to Alternative 2 and the statement on page 3.11-44, quoted above, that because the Golf Course has not ceased operation, conversion of the Golf Course property for additional parkland is not feasible at this time?

Lack of viable alternatives presented makes the DIER “fundamentally and basically inadequate”

B4-A-10

This DEIR presents only three alternatives. One, a no action alternative. Two, an appropriate alternative placing Diamond Bar’s future “downtown” at the existing Sprouts location. And three, “Alternative 2,” whose land acquisition issues were discussed above make it infeasible. Striking Alternative 2, from the DEIR document would leave only two alternatives.

This is a problem. CEQA Guideline §15126.6 requires that:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

Clearly, one alternative, besides a no action alternative, is not a “reasonable” set of alternatives. Attempting to analyze the project with only two alternatives, one of which being infeasible or status quo, makes it impossible for this DEIR to select an alternative which is environmentally superior.

B4-A-10

Question: Given that CEQA Guideline § 15126.6 specifies that an EIR shall describe a range of reasonable alternatives to the project. How many alternatives does the city believe an EIR needs in order to be in compliance with this Guideline?

The fact that the city has failed under CEQA guidelines to present a “reasonable” number of alternatives therefore makes this DEIR subject to CEQA §15088.5 (a)(4). Recirculation of the DEIR is required when:

The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game.)

It is therefore incumbent upon the City to withdraw the current DEIR, replace it with a new version which includes a “reasonable” number of “feasible” alternatives, and then recirculate it according to CEQA §15088.5.

Each of the alternatives should avoid or lessen one or more of the significant effects identified as resulting from the proposed general plan. A reasonable range of alternatives would typically include different levels of density and compactness, different locations and types of uses for future development, and different general plan policies. The alternatives should not all have the same level of impacts. This discussion of alternatives will enable environmental considerations to influence the ultimate design of the general plan.

General Plan Language Revisions during the public review period

B4-A-11

The General Plan Action Committee spent the last three years finding consensus on general plan policy and goal language with citizens, the city, and themselves. They gave their final, approved policy language to the city at their final meeting last March. The city then wrote the draft general plan using that language with minimal changes, and presented it, along with the DEIR, to the public for a 45-day comment period on Sept 16.

Then, on September 25, in the middle of the comment period, Diamond Bar's City Council and Planning Commission held a joint "study" session. During that session, city council members complained the draft general plan language was not "flexible enough." They ordered the city manager to give them a revised language proposal which removed the word "require" from general plan policies, and "soften" any policy language which was "non-flexible." At the next "study" session on October 8, the city manager offered 40 or so pages of revised policy changes to the city council.

The actual language revisions were not made public until 72 hours before the subsequent “study” session on October 8. The revisions, which were part of the second “study” session’s agenda and staff report, were spread throughout all elements of the general plan document. All in all, over 170 policies were revised or deleted.

One or two policy changes might be considered “insignificant.” However, large numbers of “insignificant” changes, in this case, over 170, spread throughout the entire general plan document, easily add up to and meet CEQA guideline §15088.5’s definition of “significant” change.

It is unquestionably the right of the city council to amend general plan language. If the city planned on having “study” sessions which might include language revisions by the City Council, those study sessions should have occurred before placing the draft General Plan and EIR out for public review.

Revising that much policy language in the middle of the 45-day comment period places the public, Responsible Agencies, Trustee agencies, and state, federal, and local agencies which may have jurisdiction over the project, in an impossible position for several reasons:

- 1, besides being part of the draft general plan language, many of the policies revised are also found in the DEIR as important mitigation policies. DEIR comments, submitted before the adopted language revisions, were therefore made on the basis of mitigation policy language which no longer exists. Those commenters deserve the right and a reasonable amount of time, specifically another 45-day comment period, at the very minimum, in which to consider the import of the language revisions with respect to their comments, and change their comments as necessary.

- 2, even for those few who might actually be aware of the general plan language revisions, and are considering making comments, evaluating mitigation measures potentially based upon 170 plus revised policies, which are spread across the 691-page DEIR document, is no trivial task. Especially when one must check every single general plan policy listed in the DEIR as a mitigation against the “study” session’s staff report to see which ones have, in fact, been revised. All of the extra effort required to sort out those language revisions places those individuals and agencies under an unreasonable burden during the few remaining days of the comment period. Those individuals and agencies deserve more time to wade through all of the confusion, specifically, another 45-day comment period to reconsider their comments.

- 3, the city has made no effort to inform the public, and agencies who were not physically present at the second “study” session, that such a large number of general plan policy revisions were, in fact, made. No where, on the general plan’s website can one find the news that general plan policy and goal revisions have, in fact, been adopted. To the interested, but uninformed, web site visitor, the fact of those adopted language revisions would remain a mystery.

Any reasonable individual would have expected the city to at least notify, according to California Public Resources Code § 21092.2, the affected agencies and the general public of the general plan language revisions. Those individuals deserve the right to make their own determination about whether or not the policy revisions are indeed, “insignificant.” This is especially so, considering the importance of the

document in question: a brand new general plan, the first in over twenty years, with a projected life span to the year 2040.

4, Adopting those language revisions during what was purported to be a “study” session in the middle of the comment period was disingenuous. It is true that the city widely publicized the date and time of the “study” sessions. That said, many residents, especially those who had spent so much time involved in the general plan language creation process, took the title of the meetings, “study sessions,” to mean just that: study. They believed the sessions were intended to “study” the general plan and DEIR documents, and have the city staff explain the contents of those documents. No one who saw any of the “study” session announcement information ever dreamed that the city council would make such drastic language revisions during those “study sessions.”

The fact that such sweeping general plan policy revisions were adopted, in such an unexpected manner, with respect to the public’s and affected agencies’ expectations, in the middle of the public comment period, at a misidentified meeting, those facts, all this evidence, adds up to and meets the conditions of CEQA Guideline §15088.5 (Recirculation of an EIR Prior to Certification). That article should be, must be invoked according to CEQA Guideline §15086. The newly adopted language changes must be incorporated into the draft general plan and DEIR language, with all of the revisions clearly shown. The general plan, along with the entire DEIR must be then recirculated for another 45-day comment period.

Finally, it should be noted, in this regard, that §15088.5 (e) specifically states: “a decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.” The fact that such evidence simply does not exist, should be enough, all by itself, to require the DEIR, with mitigation policy language revisions clearly marked, to be recirculated according to the above statutes for another 45-day comment period.

General Plan language revisions impact DEIR and CAP mitigations

Impact 3.5-1 Implementation of the Proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (less than significant)

We question the DEIR’s conclusion that the proposed project’s impact on climate change and greenhouse gases will have a less than a significant impact and does not require mitigation. The finding is based on the projected reductions that were calculated using the General Plan policies and CAP policies that were abruptly revised 3 weeks after publication of the DEIR. The DEIR maintains:

The CAP, once adopted, will serve as a Qualified GHG Reduction Strategy,” enabling streamlined environmental review of future development projects, in accordance with CEQA. The future emissions inventory for the City of Diamond Bar incorporates reductions from State actions, General Plan land use and circulation systems, and additional General Plan Policies. This analysis shows the projected GHG emissions in 2030 and in 2040 will be well below the standards established in the 2017 CARB Scoping Plan. Thus, additional GHG reduction

B4-A-11

B4-A-12

The tables presented in the CAP (3-12 to 3-19) provide quantified reductions in MTCO₂e to justify that the Project will meet regulatory targets. The CAP Table 3-8 which forecast GHG reductions attributes “the largest reduction from parking policies, followed by pedestrian improvement and increased connectivity, transportation improvements, electric vehicle infrastructure, traffic calming, and bikeway system improvements” (CAP 3-18).

However, it is not possible to fully analyze and fully verify the validity of these calculations in the narrow window of time since the policies were revised by the City Council at the October 8, 2019 Study Session. Properly evaluating the validity of the revised CAP is critical since “once adopted, [it] will serve as the Qualified GHG Reduction Strategy, enabling streamlined environmental review of future development projects in accordance with CEQA” (3.5-39). How is this still true after the changes in the relevant language? Will additional mitigation policies be provided to support streamlining the CEQA process?

A significant number of the recently revised general plan policies were cited (to improve walkability, reduce VMT, promote electric vehicle infrastructure, improve bikeways and calm traffic) to support this calculation. Here are some examples:

- LU-P-17: Promote ~~Require—that~~ site designs that create active street frontages and introduce pedestrian-scaled street networks and street designs.
- LU-P-42: Avoid expanses of surface parking and ~~require—encourage~~ the consolidation and location of parking to the rear or side of buildings where appropriate.
- LU-P-48: Promote ~~Require~~ convenient, attractive, and safe pedestrian, bicycle, and transit connections both within the Community Core area and between the Community Core and surrounding neighborhoods and other destinations within Diamond Bar.
- CC-P-57: ~~Improve~~ Promote the pedestrian comfort and safety of crosswalks along South Brea Canyon Road and South Lemon Avenue.
- CR-P-55: Consider the establishment of ~~Incorporate~~ common bicycle parking requirements for appropriate uses—including multifamily residential and office—in the Municipal Code.
- CR-P-56: ~~Establish requirements to provide~~ Encourage dedicated parking and charging stations for electric vehicles.
- RC-P-20: ~~Require~~ Encourage the implementation of the latest water conservation technologies into new developments.
- RC-P-21: ~~Require~~ Ensure ~~builders developers to-~~ provide information to prospective buyers or tenants within the City of Diamond Bar regarding drought-tolerant planting concepts.
- CHS-P-5: As opportunities and resource become available, implement street design features that facilitate walking and biking in both new and established areas. Require a minimum standard of these features for all new developments where appropriate and feasible.

- CHS-P-14: Encourage the development of ~~Develop and incorporate~~ "destinations"—such as the clusters of commercial uses that draw residents from the entire community into the Neighborhood Mixed Use, the Transit-Oriented Mixed Use, and the Town Center focus areas.
- CHS-P-15 ~~Establish opportunities for~~ Encourage the establishment of gathering areas in new neighborhoods.
- CHS-P-33 ~~Plan~~ Encourage land uses to reduce vehicle miles traveled (VMT), prioritizing infill development and incorporating vertical and horizontal mixed-use development, public transit, and active transportation facilities where appropriate, recognizing that the transportation sector is the largest source of GHG emissions in Diamond Bar and in California more broadly.
- CHS-P-35 Use the City's CAP as the platform when considering ~~for outlining and implementing~~ measures to improve energy conservation and increase renewable energy use in existing and new development.

B4-A-12

As we have noted in a previous document submission to the public record, according to the General Plan Guidelines developed by the Office of Planning and Research (OPR), "It is better to adopt no policy than to adopt a policy with no backbone." (Office of Planning and Research. "General Plan Guidelines." 382.)

In addition, for a policy to be counted towards "mitigating of a plan's impacts," it must be expressed as mandatory. (Office of Planning and Research. "General Plan Guidelines." 382.)

The above changes lead us to specifically ask, what is the likelihood of these policies being implemented? How do they support the CAP's calculations that expected targets would be met? What additional mitigation policies could be provided if the targets are not met and the impacts become significant? After all, *encouragement*, *consideration*, and *promotion* are not enforceable forms of policy. They suggest a lack of commitment by the city to pursue these goals.

We also question the forecasted construction emissions that are "based on an expectation of a maximum of 10 percent of the total build-out area that could be potentially developed in any year" (3.5-28). What policies provide the foundation for this expectation? The DEIR also acknowledges that it is a "conservative estimate" and "projects would extend for more than one year, and therefore, would increase total project emissions" (3.5-29). In addition, the report acknowledges that "development anticipated by the Proposed Project could result in a significant impact, if the per capita emissions from the 2030 and 2030 (buildout) years exceed the reduction targets identified in the CAP" (3.5-33). With the revisions to the policy language, how is it certain that the city will achieve the projected targets? What mitigation measures will be provided since there is the possibility that impacts could become significant? Why not provide these at this point rather than assume it will not be necessary?

B4-A-13

Moreover, the DEIR assumes "implementation of the Proposed Project's policies aimed at resource conservation and VMT reduction would reduce overall GHG emissions compared to existing conditions and would ensure that the City's 2030 and 2040 levels

B4-A-14

of GHG emissions would not exceed the respective emission targets” (3.5-35). However, the same project has “the potential to convert oak woodland to developed areas” (3.5-38). The report identifies potential areas of development that would disrupt woodland and that “for every acre of forest removed, an average of 0.85 MTCO2 sequestration is lost” (3.5-35). Therefore, the DEIR should also calculate the amount of MTCO2 sequestration the loss of mature trees could cost the city. We would also suggest including the trees in the Golf Course. Doing so would properly evaluate the benefit of these biological resources to the reduction of GHG and climate change.

B4-A-14

The DEIR’s claim that the impact would be less than significant relies on calculations in the CAP that were based on different policy language. As such, how would other responsible agencies be able to vet this claim is still true or provide well-informed comments since they may not be aware of the policy language changes made at the October 8th Joint Meeting? It would be reasonable to expect that the DEIR and General Plan/CAP (with its revisions clearly marked with strike-outs) should be recirculated for an additional comment period.

Please explain how the organizations and agencies outlined in CEQA Guideline § 15086, who, because no specific announcement was made about the October 8th language revisions on Diamond Bar’s General Plan website, might reasonably be able to make informed comments as a result of the general plan language revisions.

Concerns expressed about the haste with which language revisions were made

B4-A-15

While we respect concerns about the need for appropriate general plan policy language flexibility, we believe the language balance has swung too far the other way. We urge that the Planning Commission and the City Council take the time to carefully consider and fully understand the value of strategically making the determination of where flexible language is appropriate, and specific language is needed. The General Plan document under consideration will guide the city for the next 20 years. We believe it is appropriate, nay imperative, that we take the time to rethink the hastily revised language, and other issues mentioned above, and then recirculate the draft General Plan and DEIR for another 45 days.

Thank you, for the opportunity to participate and comment on the DBGP, EIR and CAP. If you have any questions or comments on any of the comments provided, we are available to discuss or provide any clarifications.

B4-A-16

Sincerely,

R Lee Paulson
President



Welcome!

[中文](#) [한국어](#)

This website will serve as your one-stop shop for information about Diamond Bar's General Plan Update project. This site provides up-to-date information, including a description of the project, schedule, studies and presentations, public participation and input opportunities, and contact information.

We invite you to take a look around and share your vision for the future of Diamond Bar. Please check back often for updates on the planning process, announcements of upcoming meetings and other ways to participate, and to review draft documents.

What's New?

Public Review Draft Documents

The Public Review Draft General Plan, Climate Action Plan, and DEIR are now available for public review.

The General Plan is the City's guiding guide for development, housing, transportation, environmental quality, public services, and parks and recreation. [Click here to view the General Plan, Part 1, Part 2.](#)

The Climate Action Plan reports on the City's commitment to reducing greenhouse gas (GHG) emissions and complying with GHG GHG reduction mandates. [Click here to view the Climate Action Plan.](#)

The DEIR is the impact report on the City's General Plan and the Climate Action Plan. It identifies and evaluates potential impacts of the General Plan and the Climate Action Plan on the environment, and identifies policies that will mitigate and address environmental effects of these projects. [Click here to view the Environmental Impact Report, Part 1, Part 2, Part 3, Part 4.](#)

[Click here](#) to view all documents, including the Draft ZIR Appendices. [Click here](#) for more information on the planning process and process. The Public Review Draft period for the Draft DEIR begins September 16, 2019 and closes October 31, 2019.

What We're Working on Now

City Council and Planning Commission Joint Study Sessions

The City Council and Planning Commission are now working on the Joint Study Sessions. The Planning Commission will be holding two joint study sessions to discuss the Public Review Draft General Plan, Climate Action Plan, and Environmental Impact Report.

Study Session #1 will focus on the General Plan's Economic Development, Community Development & Housing, and Environmental Resources. Study Session #2 will focus on the General Plan's Public Services, Parks, Recreation, and Community Planning. Subsequent sessions of the General Plan, as well as the CAAP and DEIR.

Joint Study Session #1

Wednesday, September 25, 2019 | 6:00pm
City Hall, Westside Community Room
[View Agenda](#) | [Book Room](#)

Joint Study Session #2

Thursday, October 3, 2019 | 6:00pm
City Hall, Westside Community Room
[View Agenda](#) | [Book Room](#)

Study Session 3: Participation

PLEASE NOTE: The draft agenda is for your information. The agenda of the meeting is subject to change. [View more information.](#)

Check out our [newsroom](#)

and the latest news about the Diamond Bar General Plan Update.

Join our [Planning ZIR](#)

to provide feedback on planning meetings and plans with a city planning team program.

Project Status

The General Plan Update process consists of eight main tasks. Here is the project status for each:

Task	Status
1. Project Initiation and Community Involvement Strategy	Complete
2. Issue Identification and Key Strategies	Complete
3. Existing Conditions, Trends, and Opportunities Assessment	Complete
4. Alternatives	Complete
5. Preferred Plan and Key Goals	Complete
6. Draft General Plan and Climate Action Plan	Complete
7. Draft and Final General Plan EIR	Underway
8. Hearings and Adoption	Underway

At each stage, there are opportunities for community involvement and input. Community workshops are held for many tasks, and information about the General Plan will be available at various events around town. A General Plan Advisory Committee (GPAC) meets regularly to discuss issues and advise decision-makers; all are welcome to attend GPAC meetings. Study sessions of the City Council and the Planning Commission, focusing specifically on the General Plan Update process, are held periodically and are also open to the public. Additionally, questions or comments about the plan and process are welcome at any time. Please use the [Project Schedule](#) for more information on the project timeline.



Documents

Documents will be available on this page as they are prepared. The 45-day public review period for the Public Review Draft Environmental Impact Report opened September 16, 2019 and closes December 31, 2019.

General Plan Documents

The General Plan is the City's primary guide for development, including transportation, environmental quality, public services, and parks and open spaces.

[Diamond Bar General Plan 2040](#)

Part 1 (Introduction - Chapter 5: Resource Conservation) | [Download](#)

Part 2 (Chapter 6: Public Facilities and Services - Chapter 8: Community Health and Sustainability) | [Download](#)

Climate Action Plan Documents

The Climate Action Plan recognizes the City commitments reduce greenhouse gas (GHG) emissions and complying with State GHG-reduction standards.

[Climate Action Plan Fact Sheet](#) | [English](#) | [Chinese](#) | [Slovak](#)

[Diamond Bar Climate Action Plan 2040](#) | [Download](#)

Environmental Impact Report Documents

The Environmental Impact Report reviews the environmental opportunities and constraints are identified and incorporated into the planning process, and it describes policies that can mitigate any adverse environmental effects of other aspects of the General Plan and Climate Action Plan.

[Notice of Preparation \(with Errata\)](#) | [Download](#)

[Scoping Meeting Fact Sheet](#) | [Download](#)

[Scoping Meeting Powerpoint Presentation](#) | [Download](#)

[Notice of Completion](#) | [Download](#)

[Public Review Draft Environmental Impact Report](#)

Part 1 (Executive Summary - Chapter 3.4: Land Use and Housing) | [Download](#)

Part 2 (Chapter 3.10: Noise - Chapter 3.11: Utilities and Service Systems) | [Download](#)

Part 3 (Chapter 4: Alternatives - Chapter 7: Air Quality) | [Download](#)

[Appendix A: Notice of Preparation and Comment Letters](#) | [Download](#)

[Appendix B: Air Quality Assessments and Calculations](#) | [Download](#)

[Appendix C: Tribal Correspondence](#) | [Download](#)

[Appendix D: Energy and Greenhouse Gas Calculations](#) | [Download](#)

[Appendix E: Diamond Bar Climate Action Plan](#) | [Download](#)

[Appendix F: Noise](#) | [Download](#)

[Appendix G: WMT Technical Memorandum](#) | [Download](#)

Land Use Alternatives

[Alternatives Evaluation](#) | [Download](#)

[Financial Feasibility and Fiscal Analysis of Select Development Alternatives](#) | [Download](#)

[Field Guide: Examples of Mixed-Use, Transit-Oriented, Town Center and Residential Developments](#) | [Download](#)

[Newsletter](#) | [English](#) | [Chinese](#) | [Slovak](#)

General Plan Advisory Committee Meeting Documents

[GPAC Meeting #10](#) | [Agenda and Meeting Packet](#)

[GPAC Meeting #9](#) | [Agenda and Meeting Packet](#) | [Minutes](#)

[GPAC Meeting #8](#) | [Agenda and Meeting Packet](#) | [Agenda Packet Annex 9/1/2018](#) | [Minutes](#)

[GPAC Meeting #7](#) | [Agenda and Meeting Packet](#) | [Minutes](#)

[GPAC Meeting #6](#) | [Agenda and Meeting Packet](#) | [Minutes](#)

[GPAC Meeting #5](#) | [Agenda and Meeting Packet](#) | [Minutes](#)

[GPAC Meeting #4](#) | [Agenda and Meeting Packet, Part 1](#) | [Meeting Packet Part 2](#) | [Minutes](#)

[Additional GPAC Requested Documents](#) | [Minutes Addressing Questions from 5/15 Meeting](#)

[GPAC Meeting #3](#) | [Agenda](#) | [Draft Alternatives Report](#) | [Powerpoint](#) | [Minutes](#)

[GPAC Meeting #2](#) | [Agenda](#) | [Powerpoint](#) | [Minutes](#)

[GPAC Meeting #1](#) | [Notice](#) | [Agenda](#) | [Powerpoint](#) | [Minutes](#)

[GPAC Rules and Procedures](#) | [Download](#)

Planning Commission & City Council Meeting Documents

[Joint Meeting of the Planning Commission & City Council #1](#) | [Agenda and Meeting Packet](#) | [Consent](#) | [Minutes](#)

[Joint Meeting of the Planning Commission & City Council](#)

[#2](#) | [Agenda](#) | [Powerpoint](#) | [Minutes](#)

[Kick-off Meeting with City Council & Planning Commission](#) | [Agenda](#) | [Powerpoint](#) | [Minutes](#)

Outreach Documents

[Letter to Mobile Home Park Residents Regarding Preferred Plan](#) | [Download](#)

[Public Outreach Comments Received \(Phase 2 Comment Database\)](#) | [Download](#)

[Alternatives Survey Memo](#) | [Download](#)

[Communications, Outreach, and Advertising Efforts](#) | [Download](#)

[Community Workshop #2 \(Alternatives\)](#) | [Agenda](#) | [Powerpoint](#) | [Table Materials](#) | [Report](#)

[Online Survey](#) | [Report](#)

[Community Workshop #1 \(Outreach\)](#) | [Powerpoint](#) | [Agenda](#) | [Powerpoint](#) | [Minutes](#)

[Presentation](#) | [Report](#)

[Stakeholder Interviews](#) | [Report](#)

Existing Conditions Reports

[Existing Conditions Report, Volume A](#) | [Large](#) | [Small](#) | [Thumbnail](#)

[Existing Conditions Report, Volume B](#) | [Large](#) | [Small](#) | [Thumbnail](#)

[Existing Conditions Report, Volume C](#) | [Large](#) | [Small](#) | [Thumbnail](#)

[Transportation Best Management Practices](#) | [Memorandum](#)

Existing Plan Documents

[DR for the 1995 Diamond Bar General Plan](#) | [Download](#)

[Current General Plan Land Use Map and Zoning Map](#) | [Download](#)

[1995 Diamond Bar General Plan](#) | [Download](#) | [Land Use Map \(Large Download\)](#)

[2013 Land Use Element Update](#) | [Download](#) | [City Council Adoption Resolution](#)

Other Resources

[Mixed-Use, Transit-Oriented, Town Center and Residential Development Field Guide](#) | [Download](#)

[Parks and Recreation Master Plan](#) | [Download](#)



DIAMOND BAR Draft Environmental Impact Report – Comments

Page	DEIR Language	Recommended Change	Reason/Comments
General Comments			
ES-1	Executive Summary Proposed Project	<p>A general description of the Proposed Project and the Community Core Overlay B4-B-1</p> <p>Review the Chino Hills Final EIR for examples which describes several elements:</p> <ul style="list-style-type: none"> • Change from the previous General Plan B4-B-2 • Existing conditions of the city in terms of development...concerns and visions. B4-B-3 • Overview of Design Elements <p>Could discuss limitations such as the Golf Course and the Community Core Overlay and why B4-B-4</p> <p style="text-align: right;">B4-B-5</p>	<p>The Executive Summary should have a general or high-level description of the Proposed Project and Community Core Overlay. The Alternatives are described, however it is difficult to make a comparison to the Proposed Project to the other Alternatives on page ES-10.</p> <p>There needs to be a description of the Proposed Project as a part of the Executive Summary.</p> <p>Question: Why was the general or high-level description of the Proposed Project and Community Core Overlay omitted from the DEIR?</p> <p>The document is making a determination that the Proposed Alternative is the Environmentally Superior Alternative, but because of the lack of a description it is unclear why.</p> <p>Question: How does the city plan to create a clear description of why the Proposed Alternative is the Environmentally Superior Alternative?</p>
ES-5	No Project Alternative	<p>Include a description of the existing Town Center at Diamond Bar Blvd and Grand with existing EIR mitigation measures and planning as a viable alternative. B4-B-6</p>	<p>Description of the existing town center utilizing the new EIR requirements should also be a reasonable and feasible alternative for this CEQA analysis.</p>

			<p>It may not be a preferred option for the City, but it is a reasonable and feasible alternative.</p> <p>B4-B-6 — Question: Why was the existing town center with existing EIR mitigation measures and planning not considered as a viable alternative?</p> <p>B4-B-7 — Also, in the context of comparing impacts, keeping the city center at Diamond Bar and Grand also has the potential to have less environmental impact as compared to your preferred alternative. For example, Vehicles Miles Traveled would be less, because it is more centrally located for DB residents in terms of travel to local areas business and therefore should be described.</p> <p>Question: Why was creating a city center at Diamond Bar Blvd and Grand not considered as a viable alternative for the DEIR?</p> <p>B4-B-8 — Also, compared to the Proposed Alternative there would not be an impact to the golf course, which would make the existing City Center area environmentally superior to the Proposed Alternative.</p>
ES-7	Areas of Controversy	Add insufficient Park and Recreation Opportunities	<p>B4-B-9 — Another topic that was discussed in General Planning Meetings was the lack of recreational space for residents.</p>
ES-8	As discussed, operational emissions for the Proposed Project would exceed SCAQMD daily emissions thresholds for CO which could adversely affect a		<p>B4-B-10 — We disagree that there are no feasible mitigation measures. The City of Diamond Bar should propose mitigation measures that would reduce emissions even if it would not reduce those impacts to below significant thresholds. Planning requirements like LEED Building Certification or</p>

	substantial number of people. While future development would be required to comply with State, local, and Proposed Project policies and regulations, there is no way to determine the extent to which these regulations would be implemented or their effectiveness, and no further mitigation is feasible.	B4-B-10	<p>planning requirements that would include vehicle charging infrastructure would address these air quality impacts and are feasible and cost-effective mitigation.</p> <p>Question: We understand that impacts to Air Quality may be significant and un-mitigatable, however why does the City not suggest building standards and other reasonable mitigation that would at least contribute to reductions in air quality impacts?</p>
ES-10	Public Facilities <p>A significant amount of land in Diamond Bar would need to be converted to public parkland to reduce the impact to a level that is less than significant. Therefore, the impact remains significant and unavoidable</p>	B4-B-11	<p>We agree with the DEIR on this. Any discussion about using Golf Course land for parks is, at this time, purely speculative. All that can be safely stated in the DEIR is that should the Golf Course land become available to the city of Diamond Bar, allocating a substantial portion of that site for parkland purposes should be seriously considered and part of the specific plan and EIR for the site.</p>
ES-11	Reduced development and population growth under Alternative 1 may slightly reduce impacts of the Proposed Project; however, implementation of Alternative 1 would not be sufficient to reduce significant and unavoidable impacts on air quality, historic resources, and VMT to a level that is less than	<p>B4-B-12</p> <p>B4-B-13</p>	<p>Alternative 1 does not have a Community Core Overlay, and has less environmental impacts than the proposed project. Therefore, it is the Environmentally Superior Alternative.</p> <p>Question: why has Alternative 1 been considered Environmentally inferior, given it has less environmental impacts than other alternatives?</p> <p>This also does not take into consideration a third alternative which could be implementation of the new environmental requirements for the existing city center at the intersection of Diamond Bar Blvd</p>

	significant.	B4-B-13	and Grand, which would have less impacts for VMT.
ES-11	Most significantly, Alternative 1 would not include the Community Core overlay, which would require a master plan to ensure comprehensive implementation of reuse of the Golf Course should the County of Los Angeles choose to discontinue its operation	B4-B-14	<p>This statement is unclear.</p> <p>Question: why is the Preferred or Proposed Alternative's Community Core Overlay is not fully analyzed for this alternative?</p> <p>The conversion or loss of the County Golf Course would have to be mitigated for under existing county requirements. Therefore, the full connected actions and environmental impacts cannot be fully described in this analysis if there is no discussion of the impacts associated with the replacement for the existing golf course.</p> <p>The preferred alternative's Community Core Overlay would have to undergo a separate CEQA analysis. It is premature to assume that the Preferred Alternative is Environmentally Superior to other Alternatives if the Community Core Overlay is not fully analyzed, both for the impacts to potential onsite resources or the associated mitigation for a golf course relocation.</p> <p>Question: why is the Preferred Alternative considered Environmentally Superior to other Alternatives if the Community Core Overlay is not fully analyzed, both for the impacts to potential onsite resources or the associated mitigation for a golf course relocation?</p> <p>Question: why is the language at the left even in the DEIR?</p> <p>Additionally, the General Plan describes</p>

			<p>B4-B-14</p> <p>Environmental Justice issues particularly exposure to pollution such as Ozone, Diesel, Traffic etc. The census tract that includes the Golf Course is very high for these elements in the CalEnviroScreen 3.0. Therefore, future residential development would cause greater exposure to these future residents and should be discussed in this document.</p> <p>Question: Why was greater exposure to pollution such as Ozone, Diesel, Traffic etc, not discussed with respect to potential residential development in this area?</p>
ES-12 Table ES-3			<p>B4-B-15</p> <p>There needs to be an existing City Center Alternative (Diamond Bar and Grand) that is different from the No Project Alternative. This is a reasonable alternative that has not been discussed but has the potential for being environmentally superior.</p> <p>Question: what the existing City Center at Diamond Bar and Grand not considered as another alternative?</p>
ES-12 Table ES-3	State Scenic Highway		<p>B4-B-16</p> <p>Question: Are there no impacts associated with the eligible State Scenic Highway along Highway 57 in Tonner Canyon?</p>
ES-12 Table ES-3	Source: Dyett and Bhatia, 2019		<p>B4-B-17</p> <p>I did not find any reference to this source?</p> <p>Question: Where are the references to this source?</p>

ES-55 ES-56	Noise	<div>B4-B-18</div> <div>B4-B-19</div>	<p>The noise impacts under 3.10 of the Table is incomplete in that it does not include all the 2019 CEQA Appendix G Checklist Items. Additionally, the items under 3.11 Noise is an error and should be described as Public Services and Recreational impacts. (see Appendix G of 2019 CEQA Checklist)</p>
ES-57	Transportation	<div>B4-B-20</div>	<p>The criteria listed in the table only show three criteria, but the CEQA Checklist Appendix G includes six criteria. Therefore, this table is incomplete.</p> <p>Question: Why aren't the complete list of criteria in CEQA Checklist Appendix G included in the table referenced here?</p>
ES-57	Utilities and Service Systems	<div>B4-B-21</div>	<p>This is also incomplete. There are more criteria in Appendix G. Globally please review the entire checklist to complete the EIR analysis.</p> <p>Question: Why wasn't the entire list of criteria in Appendix G listed here?</p>
ES-59	Impacts Not Potentially Significant	<div>B4-B-22</div>	<p>What is this? This table clearly attempts to identify the CEQA Appendix G Checklist. However, this section just throws Agriculture, Mineral Resources at the end randomly.</p> <p>Please revise this table to organize base on the CEQA Checklist and address all the Appendix G items, whether or not there are significant impacts, and what mitigation measures are being proposed to mitigate those impacts.</p>

		B4-B-22	Why was this table formatted in a way that does not follow a similar format from the CEQA Checklist?
1-4	Environmental Issue Areas	<p>Based on the initial analysis of environmental setting and baseline conditions and comments received during the EIR Scoping Period, the following issues are analyzed in this EIR:</p> <p>B4-B-23</p>	<p>This is not appropriate, the CEQA analysis does not just include what was received during the scoping period. The CEQA analysis includes the criteria listed in Appendix G and also includes Mineral Resources, Agriculture, Population and Housing, Public Services, etc. There should be a discussion on these topics, even though they are either no impacts or they are considered not significant.</p> <p>Question: why does the existing analysis only include those items mentioned in the Scoping Comments?</p> <p>Question: Why was a full CEQA analysis of all criteria not done here?</p>
2-1	Project Description B4-B-24	<p>Add pagination to enable comments.</p> <p>B4-B-25</p> <p>B4-B-26</p>	<p>This section does not include a description of the Project. There is also no description of the project in the Executive Summary. The EIR should describe the Proposed Project without having to flip to the General Plan as a reference and description.</p> <p>Question: Why was a complete description of the Project placed in the Executive Summary?</p>
1-6	Mitigated Monitoring and Reporting Program	B4-B-27	We ask for an opportunity to review and comment on the MMRP. It is important to understand the city's expectations of developers and the city's responsibility in compliance oversight to ensure that the Mitigation Measures are complied with.

		B4-B-27	Question: To what extent will the public have the ability to review and comment on the MMRP?
2-1	Project Description	<p>This EIR analyzes the proposed Diamond Bar General Plan 2040 (General Plan) and the proposed Diamond Bar Climate Action Plan (CAP), together referred to as the "Proposed Project." Under California Government Code Section 65300 et. seq., cities are required to prepare a general plan that establishes policies and standards for future development, circulation, housing affordability, and resource protection for the entire planning area. By law, a general plan must be an integrated, internally consistent statement of city policies. California Government Code Section 65302 requires</p> <p>that the general plan include the following seven elements: land use, circulation, housing, conservation, open space, noise, and safety. State law allows cities to include additional (or optional) elements in general plans as well. Optional elements included in the proposed General Plan address community values related to economic development, community character, community health, and sustainability. All elements of the Proposed Project have equal weight, and no one element supersedes another. The Proposed Project includes six of the seven elements. The Housing Element, which is subject to a separate, State-mandated</p>	<p>Question: Why are the laws and regulations being used here in the Project Description?</p> <p>This is all being described in Chapter 1. Should move this statement into Chapter 1 and include a Project Description.</p> <p>B4-B-28</p>

		eight-year update cycle, was last updated in 2014, and is not part of the Proposed Project.	
	Aesthetics		No Comments.
	Noise	B4-B-29	<p>There needs to be a map identifying the obvious noise sensitive receptors: schools, hospitals, places of worship. This would be feasible to do in this document, but an analysis for a project should also be done at the time of a proposal to the planning commission if there are any sensitive receptors within a reasonable radius.</p> <p>Question: where is the map that identifies the obvious noise sensitive receptors?</p>
3.10-9	Noise Table 3.10-1	B4-B-30	<p>Question: At what time of day are these noise levels assumed?</p>
3.10-30	Noise – Figure 3.10-3	<p>The noise contours should include the freeways.</p> <p>B4-B-31</p>	<p>The freeways are the loudest and constant source of noise in the City.</p> <p>Question: Why are the freeways not included in this section's analysis?</p>
3.10-32	PS-P-46 Use the noise and land use compatibility matrix (Table 7-1)2 and Projected Noise Contours map as criteria to determine the acceptability of a given proposed land use, including the improvement/construction of	B4-B-32	<p>Please ensure that the map also includes the freeways as well. This Proposed General Plan will need to take into consideration freeway improvements and reasonable mitigation such as sound walls as mitigation.</p> <p>Question: Will the final EIR ensure the map also includes the freeways?</p>

	streets, railroads, freeways, and highways	B4-B-33	Question: Will the final EIR take into consideration freeway improvements and reasonable mitigation such as sound walls?
3.10-32	PS-P-47 Locate new noise-sensitive uses including schools, hospitals, places of worship, and homes away from sources of excessive noise unless proper mitigation measures are in place.	<p>Mitigation Measure: In areas identified as Noise Sensitive Receptors, such as schools, hospitals and places of worship measures to mitigate noise generated that exceed XX will include measures such as sound barriers or other methods to reduce noise generation below significant levels.</p> <p>From another EIR: The following are typical practices for construction equipment selection (or preferences) and expected function that can help reduce noise. Pneumatic impact tools and equipment used at the construction site would have intake and exhaust mufflers recommended by the manufacturers thereof, to meet relevant noise limitations. Provide impact noise producing equipment (i.e., jackhammers and pavement breaker[s]) with noise attenuating shields, shrouds or portable barriers or enclosures, to reduce operating noise. Line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).</p> <p>Provide upgraded mufflers, acoustical lining, or acoustical paneling for other noisy equipment, including internal combustion engines. Use alternative</p>	<p>No mitigation is offered for Noise Sensitive Receptors such as schools and places of worship. Below on page 3.10-33 you state no mitigation measures are required.</p> <p>We have offered additional mitigation measure language that can reasonably reduce noise impacts around residents and noise sensitive receptors.</p> <p>B4-B-34</p>

		procedures of construction and select a combination of techniques that generate the least overall noise and vibration. Use construction equipment manufactured or modified to reduce noise and vibration emissions, such as: Electric instead of diesel-powered equipment. - Hydraulic tools instead of pneumatic tools. - Electric saws instead of air- or gasoline-driven saws.	
3.10-13	In extreme cases, the vibration can cause damage to buildings.	B4-B-35	Question: At what levels are construction vibration noises impacting structures, and what mitigation is recommended?
		B4-B-36	Look at Caltrans 2013 Vibration Guidance Manual as a reference.
	Air Quality		
ES-16	CR-P-56: Establish requirements to provide Encourage dedicated parking and charging stations for Electric Vehicles	B4-B-37	We noted that CR-P-56 was modified since the draft EIR was released for public comment. Globally we recommend all edits that were implemented after the draft EIR release be documented similarly so that the public is aware of any edits that occurred.
			Question: will all edits which were implemented after the draft EIR release be documented as they were in the Study Session Staff Report?
		B4-B-38	We strongly suggest that the language for CR-P-56 be retained as originally written.
			Question: Will the language for CR-P-56 be reconsidered in light of evidence presented below?

		<p>B4-B-39</p>	<p>The implementation or installation of electrical infrastructure is reasonable if built into the cost of construction for new business and parking lots. However, businesses are reluctant to install charging station infrastructure after parking lot completion because of the cost of tearing up the parking lot and getting separate permits for installation. Other cities, such as the City of Long Beach, have implemented policies or ordinances that required planning for this type of electrical vehicle infrastructure as part of the permitting process.</p> <p>Similarly, the City of Diamond Bar should include the requirement of LEED Certification or equivalent to encourage energy efficiency and reduction of GHG for new construction.</p> <p>Question: Will the city include the requirement of LEED Certification or equivalent to encourage energy efficiency and reduction of GHG for new construction?</p>
ES-16 3.2-3	Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations.	<p>B4-B-40</p>	<p>The Community Overlay if implemented to include high density housing would occur in an area already deemed an area of high-level pollutant impacts along the 60 and 57 freeway, please refer to the CalEnviroScreen 3.0 for this Census Tracts in this area. Certain elements like diesel emissions are already at very high levels, with the City of Industry Census tract 6,037,403,312 already at a Pollution Burden Level of 93%.</p> <p>Question: Will the final EIR take the above evidence into consideration, should the Community Overlay still be seriously considered in that document?</p>

3.2-10		California Air Resources Board (GARB CARB) B4-B-41	Was this supposed to be CARB? Also fix citation at bottom of table.
3.2-15	As a conservative estimate of impacts, sensitive receptors are anticipated to be located directly adjacent to new development.	B4-B-42	<p>Within this paragraph you mention the types of sensitive receptors such as schools, long-term care facilities. These entities do exist, and since you mention them, it is feasible to identify them. Particularly public schools. You also have identified development areas in your planning for land use changes or future development, therefore it would be feasible and practical to identify those sensitive resources in the vicinity of areas proposed for land use changes (eg. schools near high density residential).</p> <p>Question: Will the final EIR document identify and map sensitive receptors such as schools, long-term care facilities?</p>
3.2-19	Table 3.2-4	B4-B-43	Question: What are you showing here? This table is incomplete and does not show any data.
3.2-32 3.2-37	The applicable land use strategies include: planning for growth around livable corridors; providing more options for short trips/neighborhood mobility areas; supporting zero emission vehicles & expanding vehicle charging stations; supporting local sustainability planning.	B4-B-44	<p>These are good goals to try and achieve in the City's General Plan. The following LU and CRs do provide the appropriate language: LU-G-4; LU-G-9; CR-P-33; CR-P-56; RC-P-28; RC-P-33; RC-P-34; RC-P-35 and others.</p> <p>However, not all of these General Plan Policies relate to reduction of air quality impacts, such as RC-P-19. It is not clear that this is a General Plan Policy that improves air quality. Or is it possibly a measure to reduce increased pressure on Utilities?</p>

3.2-35	RC-P-30 Ensure that new development projects are designed and implemented to be consistent with the South Coast Air Quality Management Plan.	<p>Ensure Require that new development projects are designed and implemented to be consistent with the South Coast Air Quality Management Plan.</p> <p>B4-B-45</p> <p>B4-B-46</p>	<p>The language to ensure puts the onus on the Planning Commission to check with AQMP. Requiring that the development project has to comply with SCAQMD puts the requirement on the developer and not the Diamond Bar Planning Commission.</p> <p>Question: Does the city agree that it is incumbent upon developers to design and implement project consistent with the South Coast Air Quality Management Plan?</p> <p>Question: Therefore, is it reasonable to require them to do that?</p> <p>Question: Will the final EIR change the general plan language back to its original form? If not, how will this affect the Planning Commission?</p>
3.2-35	RC-P-33. Consult with SCAQMD when citing new facilities with dust, odors, or Toxic Air Contaminant (TAC) emissions to avoid siting those facilities near sensitive receptors and avoid siting sensitive receptors near sources of air pollution. Require proposed land uses that produce TACs to incorporate setbacks and design features that reduce TACs at the source to minimize potential impacts from TACs. For new or modified land uses that	<p>RC-P-33. New development projects are required to Consult with SCAQMD when siting new facilities with dust, odors, or Toxic Air Contaminant (TAC) emissions to avoid siting those facilities near sensitive receptors and avoid siting sensitive receptors near sources of air pollution. Require proposed land uses that produce TACs to incorporate setbacks and design features that reduce TACs at the source to minimize potential impacts from TACs. For new or modified land uses that have the potential to emit dust, odors, or TACs that would impact sensitive receptors require the business owners to notify the SCAQMD, and residents and businesses adjacent to the proposed</p>	<p>This language should put the requirement on the developer to consult and provide that documentation with the Planning Commission regarding their consultation with the SCAQMD. It is not clear who, the City of DB or the developer must consult with the SCAQMD.</p> <p>Question: Is it not reasonable to require developers to consult with SCAQMD when siting new facilities with dust, odors, or Toxic Air Contaminant (TAC) emissions to avoid siting those facilities near sensitive receptors?</p> <p>Question: Will the EIR final draft then require this? How?</p> <p>Also, the sensitive receptors should be identified, where feasible in this document so that it can be</p>

	have the potential to emit dust, odors, or TACs that would impact sensitive receptors require the business owners to notify the SCAQMD, and residents and businesses adjacent to the proposed use prior to business license or building permit issuance. (New from SCAQMD Guidance)	use prior to business license or building permit issuance. (New from SCAQMD Guidance)	determined whether the newly provided land use changes would potentially impact sensitive receptors such as schools. This language is pushing that requirement on a case by case basis without the opportunity to comment here. Also, this is left to the developer to determine where there are sensitive receptors. However, it is feasible to identify existing sensitive receptors in 2020. Also, knowing where the known sensitive receptors exist will assist the Planning Commission determine whether notification to the SCAQMD is required.
3.2-33	Future development in the City of Diamond Bar that is consistent with the General Plan Update would increase vehicle trips and VMT that would result in emissions of ozone precursors and particulate matter. Individual projects under the General Plan Update would be required to undergo subsequent environmental review pursuant to CEQA, and would be required to demonstrate compliance with the AQMP.		We like this statement. This says that every project needs to go through some sort of consistency review to ensure that it meets compliance with AQMP. (AQMD?)
3.2-37	Mitigation Measures None Required.	Mitigation Measures With the implementation of the Proposed General Plan Policies, impacts are less than significant and therefore additional mitigation measures are not None required.	The General Plan Policies are proposed measures to address impacts and reduce impacts to Air and GHG emissions. However, many policies are now worded as optional rather than mandatory to implement.

		B4-B-50	Question: How will the revised policies, which have been softened, still qualify as mitigations for impacts to AIR and CHG emissions under CEQA?
3.2-37	Require all off-road diesel equipment greater than 50 horsepower (hp) used for this Project to meet USEPA Tier 4 final off-road emission standards or equivalent. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including a California Air Resources Board certified Level 3 Diesel Particulate Filter (DPF) or equivalent. This DPF will reduce diesel particulate matter and NOX emissions during construction activities.	Require all off-road diesel equipment greater than 50 horsepower (hp) used for this Project to meet current USEPA standards, which are currently Tier 4 final off-road emission standards or equivalent. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including a California Air Resources Board certified Level 3 Diesel Particulate Filter (DPF) or equivalent. This DPF will reduce diesel particulate matter and NOX emissions during construction activities.	<p>This mitigation measure should reflect the changing standards for USEPA from 2020-2040.</p> <p>Question: How does the city plan to make this mitigation measure reflect the changing standards for USEPA from 2020-2040?</p>
			B4-B-51
3.2-37	MM-AQ-2: Future development Require dripless irrigation and irrigation sensor units that prevent watering during rainstorms.	B4-B-52	<p>It is not clear how this measure addresses air quality impacts. Is this meant for reduction of impacts of water use?</p> <p>Question: How does this measure address air quality impacts?</p> <p>Is this instead meant for reduction of impacts of water use?</p>
	Biological Resources		
3.3-1	Table 3.3-1	B4-B-53	Formatting issues with the table.

	Figure 3.3-2	B4-B-54	<p>Brea Canyon that is referenced on page 3.3-8 as it leaves the channel in the City of Diamond Bar and enters the SOI is not identified in figure 3.3-2. Nor is the channelized portion of the creek.</p> <p>Question: How will the EIR final draft fix this oversight?</p>
3.3-12	United States Fish and Wildlife Service (USFWS) designated critical habitat for listed plant or wildlife species does not occur within the Planning Area. The nearest critical habitat for the Coastal California gnatcatcher is located within the Puente-Chino Hills Wildlife Corridor in the City of Puente Hills located to the southwest of the SOI. Additional critical habitat for the Coastal California gnatcatcher is located within the City of Walnut but is not adjacent to the Planning Area boundaries.	<p>United States Fish and Wildlife Service (USFWS) designated critical habitat for listed plant or wildlife species does not occur within the Planning Area. The nearest critical habitat for the Coastal California gnatcatcher is located within the southwest corner of the SOI and extends through the Puente-Chino Hills Wildlife Corridor in the City of Puente Hills located to the southwest of the SOI. Additional critical habitat for the Coastal California gnatcatcher is located within the City of Walnut and within Chino Hills State Park but is not adjacent to the Planning Area boundaries.</p>	Modified the existing language to be more descriptive of where known CAGN Critical Habitat exists. A map would be more helpful.
		B4-B-55	
3.3-45	Promote the use of native and drought-tolerant vegetation in landscaping where practical.	Promote Require the use of native and drought-tolerant vegetation in landscaping, site stabilization and restoration where practical to prevent the spread of invasive plant species into natural open spaces.	The EIR acknowledges that the spread of invasive species can take over or outcompete native vegetation. Therefore, the requirement should be clear that native seed mixes or plantings should be used in both landscaping, site stabilization for SWPPP, and revegetation purposes.
		B4-B-56	

			<p>Question: How will the EIR final draft clarify this requirement with the proposed language changes or the equivalent?</p> <p>Also, the statement should be clearer to the developer what is expected of them and why.</p> <p>Question: Will the EIR final draft clarify what is expected of the developer in this requirement? How?</p> <p>Although the language of where practical is included for flexibility, native vegetation should be considered first.</p>
3.3-45	<p>RC-P-9</p> <p>Require, as part of the environmental review process prior to approval of discretionary development projects involving parcels within, adjacent to, or surrounding a significant biological resource area, a biotic resources evaluation of the site by a qualified biologist, requiring that time-specific issues such as the seasonal cycle of plants and migration of wildlife are evaluated. Such evaluation shall analyze the existing and potential natural resources of given site following at least one site visit as well as the potential</p>	<p>Require, as part of the environmental review process, prior to approval of discretionary development projects involving parcels within, adjacent to, or surrounding a significant biological resource area, a biotic resources evaluation of the site by a qualified biologist. Focused plant surveys shall be conducted at the appropriate time of year, and local reference populations checked to ensure detectability of the target species. requiring that time-specific issues such as the seasonal cycle of plants Wildlife shall also be evaluated by a qualified biologist through appropriate survey or trapping techniques necessary to determine presence. and migration of wildlife are evaluated. Such evaluation shall analyze the existing and potential natural resources of a given site following at least one site visit as well as</p>	<p>We suggest language that is clear on the steps needed to be able to adequately identify sensitive resources and proposal of measures specifically that would avoid, minimize or mitigate impacts to species present or potentially present. These requirements are common on most development projects in areas impacting potentially sensitive habitats.</p> <p>Question: How will the EIR final draft clarify the language here with the proposed revisions or the equivalent?</p> <p>Question: If the final EIR does not plan to clarify the language here with the proposed revisions or the equivalent, what are the city's reasons for not doing so? That is, by deciding not to clarify the language, is the city suggesting that adequately identifying sensitive resources and proposal of measures specifically that would avoid, minimize or mitigate impacts to species present or potentially present not important?</p>

	for significant adverse impacts on biological resources, and shall identify measures to avoid, minimize, or mitigate any impacts that would degrade its healthy function. In approving any permit based on the evaluation, the City shall require implementation of mitigation measures supported by the evaluation, or work with the applicant to modify the project if mitigation is determined not to be adequate to reduce the impacts to a non-significant level.	the potential for significant adverse impacts on biological resources. The report and shall identify measures to avoid, minimize, or mitigate any impacts to species that have been observed or have the potential of being present on the site. that would degrade its healthy function. In approving any permit based on the evaluation, the City shall require implementation of mitigation measures supported by the evaluation, or work with the applicant to modify the project if mitigation is determined not to be adequate to reduce the impacts to a non-significant level.	
		B4-B-57	
3.3-47	MM-BIO-1A To the extent feasible the preconstruction surveys shall be completed when species are in bloom, typically between May and June. Two species, the white rabbit-tobacco and San Bernardino aster, are perennial herbs that grow up to three feet in height and can be identified by their dried stalks and leaves following their blooming period.	MM-BIO-1A To the extent feasible the preconstruction surveys shall be completed when species are in bloom, typically between May and June and reference populations checked . Two species, the white rabbit-tobacco and San Bernardino aster, are perennial herbs that grow up to three feet in height and can be identified by their dried stalks and leaves following their blooming period.	Suggest adding language on checking reference populations. This will ensure accuracy of detecting the target species. This requirement is not burdensome and often can be determined by a phone call to a local botanist or checking websites and providing that documentation. Question: will the final EIR draft include the revised language suggestions to ensure accuracy of detecting the target species?
			B4-B-58

3.3-47	<p>MM-BIO-1B</p> <p>At a minimum, the plan shall include a description of the existing conditions of the project and receiver site(s), transplanting and/or seed collection/off-site seeding or installation methods, a two-year monitoring program, any other necessary monitoring procedures, plant spacing, and maintenance requirements.</p> <p>B4-B-59</p>	<p>MM-BIO-1B</p> <p>At a minimum, the plan shall include a description of the existing conditions of the project and receiver site(s), transplanting and/or seed collection/off-site seeding or installation methods, an adaptive two-year monitoring program, any other necessary monitoring procedures, plant spacing, and maintenance requirements. In the event, that the City of DB determines that agreed success criteria are not met, additional remediation may be required beyond the two-year maintenance/monitoring period to ensure mitigation requirements are met.</p>	<p>We believe that there needs to be assurance that the developer has met obligations. In the two years of monitoring, there should be adaptive management of the site to ensure success. If the mitigation measure conditions are not met in the established two-year timeframe, it should be the developer's obligation to meet those mitigation measure requirements. If it is not clear to the developer on what the requirements are, the City of Diamond Bar risks being the responsible party for the additional restoration expense, or the establishment of exotic weed species that could exacerbate the potential for wildfire.</p> <p>Question: will the EIR final draft ensure that If the mitigation measure conditions are not met in the established two-year time frame, that it will be the developer's obligation to meet those mitigation measure requirements?</p> <p>Question: if the answer to the above question is yes, how, specifically, will the EIR final draft ensure this?</p>
3.3-53	<p>B10-4: Oak Woodlands. In the event a future project would result in the loss of an oak woodland, the project shall be subject to the mitigation requirements set forth in the Los Angeles County Oak Woodland Conservation Management Plan Guide. If a future project cannot be redesigned to avoid impacts on oak woodland, then one</p>	<p>B4-B-60</p>	<p>Can this MM BIO-4 align with the City of Diamond Bar Municipal Code, Chapter 22.38 - Tree Preservation and Protection? (Page 3.3-38) There are described restoration ratios that are inconsistent with BIO-4. We believe the ratios described are more reasonable biologically.</p> <p>Question: will this also reference the Oak Woodland Protection Act 2016?</p> <p>If the answer to the above question is no, why not?</p>

	<p>of the following measures shall be implemented:</p> <ul style="list-style-type: none"> On-site restoration of a ratio of at least 1:1 should be utilized when circumstances at the site allow for long-term sustainability of the replacement plantings, the potential to expand/connect to adjacent oak woodlands, and/or the improvement of degraded oak woodlands 	<p>B4-B-60</p>	<p>There are several examples of city documents that reference oak tree mitigation ratios based on diameter at breast height and the ratio of replacement.</p> <p>We request an ordinance or policy for a no net policy of trees for the city. A sufficient ratio for tree replacement based on size or canopy cover should be established. Please consult references such as Urban Forestry Program Manual. Or suggest elements in a MM on elements that need to be addressed in an ordinance to enable this MM to mitigate impacts to less than significant.</p> <p>Although RC-P-10 - development of a mature native tree ordinance. We should request to review and comment on the measures in that ordinance.</p>
3.3-48	<p>MM-BIO-1D Environmental Awareness Program</p> <p>The City shall implement an Environmental Awareness Program on its web site intended to increase awareness to residents and city workers of the sensitive plants, wildlife and associated habitats that occur in the preserved open space areas. The intention of the program shall be to encourage active</p>	<p>The City shall implement an Environmental Awareness Training Program on its web site intended to increase awareness to developers, residents and city workers of the sensitive plants, wildlife and associated habitats that occur in the preserved open space areas. The intention purpose of the program shall be to inform developers, city workers and residents. The program shall address safety, environmental resource sensitivities and impacts associated with the introduction of invasive plant species as a result of new development. At a minimum, the Environmental Awareness</p>	<p>This language reads as voluntary.</p> <p>Question: What requirements will there be for City Workers or Developers to review the online program?</p> <p>We recommend that an Environmental and Safety Awareness Training be developed that is tailored and specific to each project based on resource or safety concerns. It would be the responsibility of the contractor or developer to ensure that the workers have taken the awareness training and provide documentation if requested by the City of Diamond Bar.</p> <p>Question, given the need for all individuals at all</p>

	<p>conservation efforts among the residents and city to help conserve the habitats in the preserved open space. The program shall address impacts associated with the introduction of invasive plant species as a result of new development. At a minimum, the Environmental Awareness Program shall include the following components:</p> <p>B4-B-61</p>	<p>Program shall include the following components:</p> <p>encourage Provide, on the City website, information about proactive conservation efforts among for the residents and city to help conserve the habitats in the preserved open space. The program shall address impacts associated with the introduction of invasive plant species as a result of new development. At a minimum, the Environmental Awareness Program shall include the following components:</p>	<p>levels of responsibility to be trained, will the city make the proposed language revisions?</p> <p>Question: if the answer to the above question is no, what are the reasons for that decision?</p>
3.3-48	<p>MM-BIO-1D</p> <p>For informational purposes, the City shall provide future project applicants a brochure which includes a list of plant species to avoid in residential landscaping near natural areas to prevent the introduction of invasive plant species to the surrounding natural communities.</p> <p>B4-B-62</p>	<p>For informational purposes, The City shall provide future project applicants a brochure which includes a list of sensitive plant and tree species to avoid impacting as well as suggested plant palettes to be used in residential landscaping near natural areas to prevent the introduction of invasive plant species to the surrounding natural communities</p>	<p>Not only is it important to suggest the types of plants to avoid, it is also important to identify sensitive plant and tree species that are protected by statute or ordinance, and that would require additional consultation with the city if found onsite.</p> <p>Question: Does the city agree that it is also important to identify sensitive plant and tree species that are protected by statute or ordinance, and that would require additional consultation with the city if found onsite?</p> <p>Question: if the answer to the above question is yes, will the city agree to the suggested language revisions or the equivalent?</p> <p>Question: if the answer to the above question is no, why not?</p>
	<p>MM-BIO-1E</p> <p>Preconstruction Surveys for</p>	<p>Preconstruction Surveys for Special-Status Wildlife: Within one (1) week prior</p>	<p>There are circumstances, such as burrowing owl, where an active nesting burrow can be seasonally</p>

	<p>Special-Status Wildlife: Within one (1) week prior to initiating disturbance activities, clearance surveys for special-status animal species shall be performed by a qualified biologist(s) within the boundaries of the future project disturbances. If any special-status animals are found on the site, a qualified biologist(s) with a CDFG Scientific Collection Permit shall relocate these species to suitable habitats within surrounding open space areas that would remain undisturbed, unless the biologist determines that such relocation cannot reasonably be accomplished at which point CDFG will be consulted regarding whether relocation efforts should be terminated. Relocation methods (e.g., trap and release) and receiver sites shall be verified and approved by the CDFG prior to relocating any animals.</p>	<p>to initiating disturbance activities, clearance surveys for special-status animal species shall be performed by a qualified biologist(s) within the boundaries of the future project disturbances. If any special-status animals are found on the site, a qualified biologist(s) flag the area for avoidance and discuss possible seasonal avoidance measures with the developer. If avoidance is not feasible, the Project Biologist, with a CDFG Scientific Collection Permit shall relocate these species to suitable habitats within surrounding open space areas that would remain undisturbed, unless the biologist determines that such relocation cannot reasonably be accomplished at which point CDFG will be consulted regarding whether relocation efforts should be terminated. Relocation methods (e.g., trap and release) and receiver sites shall be verified and approved by the CDFG prior to relocating any animals.</p>	<p>avoided until a more reasonable time period can be determined for the species to be relocated and the burrow collapsed.</p> <p>Question: will the final EIR include clarifying language such as that suggested or its equivalent in the final EIR draft?</p> <p>If the answer to the above question is no, then why not?</p>
			B4-B-63
3.3-50	<p>MM-BIO-1H Protection of Eagle Nests: No development or project activities shall be permitted within one-half mile of a</p>	<p>Protection of Eagle Nests: No development or project activities shall be permitted within one-half mile, if not in line of site of a proposed activity, one mile if line of site of a proposed</p>	<p>Question: were the most recent laws and regulations used for this section? If so, please specify which ones were used.</p> <p>We believe the recommendation is to not have</p>

	historically active or active golden eagle nest unless the planned activities are sited in such a way that the activity has minimal potential to cause abandonment of the nesting site, as determined by a qualified biologist. 10 In addition, the eagle nest (if active) shall be monitored by a biologist who is highly familiar with the signs of eagle distress during the project development activities. The monitoring shall continue until the monitoring biologist is confident the nest will not be disturbed. The monitoring biologist shall have the authority to stop project activities as needed.	activity of a historically active or determined active golden eagle nest unless the planned activities are sited in such a way that the activity has minimal potential to cause abandonment of the nesting site, as determined by a qualified biologist. 10 In addition, the eagle nest (if active) shall be monitored by a biologist who is highly familiar with the signs of eagle distress during the project development activities. The monitoring shall continue until the monitoring biologist is confident the nest will not be disturbed. The monitoring biologist shall have the authority to stop project activities as needed.	activity within a mile of a nest that is determined active between December-July. A half mile buffer is used for active nests that are not in line of sight or have been determined by a biologist (in consultation with CDFW) will not impact the active nest. Eagles are considered fully protected and there are no take authorizations for this species.
		B4-B-64	
3.3-52	Therefore, impacts to oak woodlands and other native woodlands could be significant and unavoidable	B4-B-65	This statement is confusing and is contradictory to the assumption of Impact 3.3-2 on page 3.3-51 that it is Less than Significant with Mitigation.
	Cultural, Hist, Tribal		
3.4-25	B4-B-66	In the event that human remains or suspected human remains are identified, the city shall comply with California law (Heath and Safety Code § 7050.5; PRC §§ 5097.94, 5097.98, and 5097.99). The	For Impact 3.4-3 there were no mitigation measures offered. Question: why was there no mitigation measure offered for an inadvertent discovery of human

		<p>area shall be flagged off and all construction activities within 100 feet (30 meters) of the find shall immediately cease. The Qualified Archaeologist shall be immediately notified, and the Qualified Archaeologist shall examine the find. If the Qualified Archaeologist determines that there may be human remains, they shall immediately contact the Medical Examiner at the Los Angeles County Coroner's office. If the Medical Examiner believes the remains are Native American, he/she shall notify the NAHC within 24 hours. If the remains are not believed to be Native American, the appropriate local law enforcement agency shall be notified. The NAHC shall immediately notify the person it believes to be the most likely descendant (MLD) of the remains, and the MLD has 48 hours of being granted access to the site to visit the discovery and make recommendations to the landowner or representative for the respectful treatment or disposition of the human remains and any associated grave goods. If the MLD does not make recommendations within 48 hours of being granted access to the site, the remains shall be reinterred in the location they were discovered and the area of the property shall be secured from further disturbance. If there are disputes between the landowners and the MLD, the NAHC shall mediate the dispute and attempt to find a solution. If the mediation fails to provide measures</p>	<p>remains?</p> <p>This is generally not anticipated, and although it may be not considered significant, there should be a measure in place that a developer and the city should generally follow. We provided an example of a MM that addressed inadvertent discoveries</p>
	B4-B-66		

	B4-B-66	acceptable to the landowner, the landowner or their representative shall reinter the remains and associated grave goods and funerary objects in an area of the property secure from further disturbance. The location of any reburial of Native American human remains shall not be disclosed to the public and shall not be governed by public disclosure requirements of the California Public Records Act, California Government Code § 6250 et seq., unless otherwise required by law. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code § 6254(r).	
	Energy, Climate Change, GHG		
3.5-33	3.5-1 Implementation of the Proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (less than significant)	B4-B-67	<p>Construction emissions may be more significant since the report admits it is a “conservative assumption” based on “an expectation of a maximum of 10 percent of the total buildout area” would develop in a year (3.5-28, 3.5-29)</p> <p>It considers this impact as less than significant with no mitigation. However, it is based on assumptions:</p> <p>3.5: “construction emissions were forecasted based on an expectation of a maximum of 10 percent of the total build-out area that could be potentially developed in any year.” but also acknowledges that “it is likely that some projects</p>

			<p>would extend for more than one year, and therefore, would increase total project emissions” and so the “analysis uses a conservative estimate of total project emissions” (3.5-28- 3.5-29)</p> <p>It also claims that “policies aimed at resource conservation and VMT reduction would reduce overall GHG emissions compared to existing conditions” (3.5-35).</p> <p>Question: given that it is intended that “policies aimed at resource conservation and VMT reduction would reduce overall GHG emissions compared to existing conditions,” then why are the related general plan policies for VMT are not mandatory?</p> <p>It also states the “Amount of oak woodland that would be converted” or replaced are unknown, the ‘quantification of emissions from conversion ...was not included in the emissions calculations.’ The claim that the impact is less than significant are based on unreliable assumptions. (3.5-35)</p>
		B4-B-67	
		B4-B-68	<p>Question: given that the “Amount of oak woodland that would be converted” or replaced are unknown, the ‘quantification of emissions from conversion ...was not included in the emissions calculations,” and since the amount of oak woodland that would be converted or replaced are unknown, then how can the claim be justified that the impact is less than significant?</p>
		B4-B-69	<p>Question: why were the reasons and justifications for the less than significant claims not included in the DEIR document?</p>

		B4-B-69	The report does have a specific measure: “for every acre of forest removed, an average of 0.85 MTCO2 sequestration is lost”.
		B4-B-70	Question: how many acres of forest could be developed in this plan? The amount of sequestration that could be lost can be calculated and included to fully evaluate its impact on GHG/climate change.
3.5-39	“The CAP, once adopted, will serve as a Qualified GHG Reduction Strategy, enabling streamlined environmental review of future development projects, in accordance with CEQA	B4-B-71	Several policies included in the CAP are no longer mandatory due to revisions to the General Plan language in the middle of the comment period. Question: How are the assumed reductions in MTCO2 still valid?
		B4-B-72	Question: What measures will be added to the CAP to enable the expected streamlined environmental review under CEQA?
3.5-28	Significance Criteria	B4-B-73	Global comment: This document should follow the 2019 CEQA Guidelines. Greenhouse Gas now only has two criteria under Appendix G. The other two are now covered under Section VI Energy. Question: Why does the EIR not account for the recent change to the CEQA 2019 Statutes and Guidelines? How will this be addressed?
3.5-38	CHS-P-44 Promote energy conservation and retrofiting of existing buildings through	B4-B-74	City of Diamond Bar, should adopt similar policies as the City of Long Beach regarding LEED building policies to reduce energy consumption and GHG emissions. Although, it may be less

	the implementation of the Green Building Codes.	B4-B-74	<p>than significant impacts the city should provide policies or mitigation measures to further reduce its carbon footprint and energy efficiency, or unnecessary consumption of energy resources. See link below:</p> <p>http://www.longbeach.gov/globalassets/sustainability/media-library/documents/urban-living/buildings-and-neighborhoods/greenbuildingpolicy</p> <p>Question: Will the city plan to adopt policies as discussed above which are similar to those adopted by the city of Long Beach?</p>
	CHS-P-41 Support the use of clean fuel and "climate friendly" vehicles in order to reduce energy use, energy cost, and greenhouse gas emissions by residents, businesses, and City government activities.	B4-B-75	<p>We like the policies that the City of Long Beach described with some goals that they would try and achieve.</p> <p>http://www.longbeach.gov/globalassets/sustainability/media-library/documents/nature-initiatives/action-plan/scap-final</p>
		B4-B-76	<p>A land use plan element should require that new commercial, mixed use or transit oriented developments include the design and installation of electrical infrastructure to promote the installation for current or future EV charging infrastructure.</p> <p>Current general plan language changes have made those policies optional. How will the city be able to achieve the expected reduction in GHG and meet its emissions targets for automobiles?</p> <p>Question: Does the city plan to revise those policies and make them mandatory?</p>

	Geology, Soils, Seism, Pale.		No Comments.
	Hazards, Haz. Mtrs, Wildfire		No Comments.
	Hydrology and Water Qlty		No Comments.
	Land Use/Housing		No Comments.
	Noise		
	Criteria 1	B4-B-77	There is no discussion under Criteria 1 in regard to Sensitive Receptors to noise, such as schools. Sensitive receptors should be included and identified under this criteria. And MM should be suggested that would limit activities during these hours, or use of noise attenuation measures such as noise blankets or walls to temporarily reduce decibel levels in proximity to these sensitive receptors.
	Recreation and Parks		
	LU-P-53. Ensure adequate parkland to serve the recreational needs of Diamond Bar residents by providing for a range of park sizes and amenities, equitably distributed throughout the city. Where necessary to adequately expand the park system and/or provide specialized recreational facilities and	B4-B-78	<p>Question: what elements exist in the Parks and Recreation Master Plan that address the potential mitigation to increase the availability of parks?</p> <p>Question: Are there open spaces within the city that have been identified?</p>

	programming as identified in the Parks and Recreation Master Plan, actively pursue the acquisition of additional parkland.		
3.11-29	LU-P-54. When a public agency determines that land it owns is no longer needed, advocate for the property to first be offered to other agencies, including the City of Diamond Bar, for public uses, prior to conversion to private sector use.	B4-B-79	<p>According to LU-P-54, then City of Diamond Bar should consider other public uses for public agency lands. Such as the County owned Golf Course.</p> <p>Question: How does the Core Community Overlay address recreation opportunities sufficiently such that the City can be in alignment with the Quimby Act and meet its ratio of 5 acres per 1000 residents?</p>
3.11-44	Impact 3.11-3 Implementation of the Proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (Less than Significant)	B4-B-80	<p>This EIR identified several potential new trails: Tonner Canyon, Crooked Creek etc.</p> <p>We support the development of trails and access to views of the open space in the SOI. We would just like consideration and mitigation measures to address any potential impacts if and when those trails are developed.</p> <p>Question: Why was there no discussion or consideration of environmental impacts under this Criteria for the potential new trails?</p>
	Transportation		No Comments
	Utilities and Service Syst.		No Comments.
	Alternatives		

At 4-6	Figure 4.2-2 Alternative 1 B4-B-81	In the Transit Oriented Mixed Use Area it shows both mobile home parks included. The newly revised area ends at the east end of the western mobile home park.	Please revise the map to reflect the currently correct size.
At 4-6	Figure 4.2-3 Alternative 2 B4-B-82	In the Transit Oriented Mixed Use Area it shows both mobile home parks included. The newly revised area ends at the east end of the western mobile home park.	Please revise the map to reflect the currently correct size.
		B4-B-83	<p>Alternatives should also include existing Town Center at Diamond Bar Blvd and Grand Ave with the new General Plan and Climate Action Plan. It is a reasonable alternative that was not described.</p> <p>Question: Given that Alternative 2 is not a viable alternative, why were other alternatives, such as the location mentioned above considered as alternatives in the DEIR?</p>
4-13	Implementation of Alternatives 1 or 2 would have similar impacts to biological resources as the Proposed Project.	B4-B-84	The difference between the Proposed Project and Alternative 1 is a Core Community Overlay, which if developed, would result in an undetermined environmental impact to offset the loss of the existing County Golf Course--as would Alt 2. This impact, which cannot be adequately quantified at this time, would in fact have a potentially and significant environmental impact. Therefore, it is not clear how the Proposed Alternative is similar in impact to Alt 1. If the Core Community Overlay has to be determined at a later time, and may be determined infeasible due to environmental considerations, then you have currently only proposed two alternatives in addition to the No

		B4-B-84	<p>Project Alternative.</p> <p>Question: Given the reliance of Alternative 2 on the Community Core Overlay being invoked, and given the fact that the Golf Course is indeed in operation, and given the fact that it is “infeasible,” as defined by CEQA Guideline §15364, at this time to determine the complete extent of environmental impacts and mitigations necessary to have obtained the Golf Course property, why was Alternative 2 even suggested as a viable alternative in the DEIR?</p>
	Environmentally Superior Alternative		No Comments.
	Impacts not Pot. Signif.		No Comments.