

City Council Agenda Special Meeting

Monday, January 27, 2025

6:30 PM

Windmill Community Room, Diamond Bar City Hall, 21810 Copley Dr.,
Diamond Bar, CA 91765

How to Observe the Meeting From Home:

The public can observe the meeting by calling +1 (914) 614-3221 Access Code: 127-348-087 OR visit:
<https://attendee.gotowebinar.com/register/598016023096097375>.

How to Submit Public Comment:

The public may provide public comment by attending the meeting in person, by sending an email, or by logging into the teleconference. Please send email public comments to the City Clerk at cityclerk@DiamondBarCA.gov by 4:00 p.m. on the day of the meeting and indicate in the Subject Line "FOR PUBLIC COMMENT." Written comments will be distributed to the Council Members, noted for the record at the meeting and posted on the City's official agenda webpage as soon as reasonably practicable (found here: <http://diamondbarca.ig2.com/Citizens/Default.aspx>).

The public may log into the meeting through this link:

<https://attendee.gotowebinar.com/register/598016023096097375>. Members of the public will be called upon one at a time during the Public Comment portion of the agenda. Speakers are limited to five minutes per agenda item, unless the Mayor determines otherwise.

American Disability Act Accommodations:

Pursuant to the Executive Order, and in compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Council Meeting, please contact the City Clerk's Office (909) 839-7010 within 72 hours of the meeting. City Council video recordings with transcription will be available upon request the day following the Council Meeting.

**ANDREW CHOU***Council Member***STAN LIU***Council Member***RUTH M. LOW***Council Member***CHIA YU TENG***Mayor***STEVE TYE***Mayor Pro Tem*

City Manager Dan Fox • City Attorney Omar Sandoval • City Clerk Kristina Santana

DIAMOND BAR CITY COUNCIL MEETING RULES

Welcome to the meeting of the Diamond Bar City Council. Meetings are open to the public and are broadcast on Spectrum Cable Channel 3 and Frontier FiOS television Channel 47. You are invited to attend and participate. Copies of staff reports or other written documentation relating to agenda items are on file and available for public inspection by contacting the Office of the City Clerk. If requested, the agenda will be made available in an alternative format to a person with disability as required by Section 202 of the Americans with Disabilities Act of 1990. If you have questions regarding an agenda item, please contact the City Clerk at (909) 839-7010 during regular business hours.

PUBLIC INPUT

Members of the public may address the Council on any item of business on the agenda during the time the item is taken up by the Council. In addition, members of the public may, during the Public Comment period address the Council on any Consent Calendar item or any matter not on the agenda and within the Council's subject matter jurisdiction. Any material to be submitted to the City Council at the meeting should be submitted through the City Clerk.

Speakers are limited to five minutes per agenda item, unless the Mayor determines otherwise. The Mayor may adjust this time limit depending on the number of people wishing to speak, the complexity of the matter, the length of the agenda, the hour and any other relevant consideration. Speakers may address the Council only once on an agenda item, except during public hearings, when the applicant/appellant may be afforded a rebuttal.

Public comments must be directed to the City Council. A person who disrupts the orderly conduct of the meeting after being warned by the Mayor or the Mayor's designee that their behavior is disrupting the meeting, may result in the person being removed from the meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE COUNCIL

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CITY OF DIAMOND BAR
CITY COUNCIL AGENDA
SPECIAL MEETING
January 27, 2025

CALL TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE: Mayor

ROLL CALL: Chou, Liu, Low, Mayor Pro Tem Tye,
Mayor Teng

APPROVAL OF AGENDA: Mayor

1. PUBLIC COMMENTS:

This public comment period is for items listed on the Special Meeting Agenda ONLY. Please complete a Speaker Card and give it to the City Clerk (completion of this form is voluntary) and your name will be called after the Mayor opens the public hearing. There is a five minute maximum time limit when addressing the City Council.

2. PUBLIC HEARINGS:

2.1 GENERAL PLAN AMENDMENT, DEVELOPMENT CODE AMENDMENT AND ZONING MAP AMENDMENT TO IMPLEMENT THE 2021-2029 HOUSING ELEMENT.

Recommended Action:

- A. Open the public hearing to receive public testimony;
- B. Close the public hearing;
- C. Adopt Resolution No. 2025-04 amending the General Plan Land Use and Economic Development Element to implement Program H-8 of the City's Certified 2021-2029 Housing Element; and
- D. Introduce first reading by title only, waive full reading of the Ordinance, and schedule the second reading and adoption at the next regularly scheduled City Council meeting.

ORDINANCE NO. 01 (2025): AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA,

Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's Office at 21810 Copley Dr., Diamond Bar, California, during normal business hours.
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AMENDING VARIOUS PROVISIONS OF TITLE 22
(DEVELOPMENT CODE) OF THE DIAMOND BAR CITY CODE
TO ESTABLISH A HOUSING ELEMENT SITE OVERLAY
DISTRICT TO IMPLEMENT THE GENERAL PLAN.

Requested by: Community Development Department

3. ADJOURNMENT:

Agenda #: 2.1
Meeting Date: January 27, 2025



CITY COUNCIL

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Daniel Fox, City Manager
TITLE: **GENERAL PLAN AMENDMENT, DEVELOPMENT CODE
AMENDMENT AND ZONING MAP AMENDMENT TO IMPLEMENT THE
2021-2029 HOUSING ELEMENT.**
STRATEGIC
GOAL: *Safe, Sustainable & Healthy Community*

RECOMMENDATION:

- A. Open the public hearing to receive public testimony;
- B. Close the public hearing;
- C. Adopt Resolution No. 2025-04 amending the General Plan Land Use and Economic Development Element to implement Program H-8 of the City's Certified 2021-2029 Housing Element; and
- D. Introduce first reading by title only, waive full reading of the Ordinance, and schedule the second reading and adoption at the next regularly scheduled City Council meeting.

ORDINANCE NO. 01 (2025): AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF TITLE 22 (DEVELOPMENT CODE) OF THE DIAMOND BAR CITY CODE TO ESTABLISH A HOUSING ELEMENT SITE OVERLAY DISTRICT TO IMPLEMENT THE GENERAL PLAN.

FINANCIAL IMPACT:

None.

BACKGROUND:

Under Government Code section 65583.4(a), local governments must complete

rezonings to align with their 6th Cycle housing elements within three years and 120 days of the statutory deadline for adopting their housing elements. For Diamond Bar and other agencies in the Southern California Association of Governments (SCAG) region, this deadline is February 12, 2025. However, due to the extraordinary challenges posed by recent wildfires, the State Department of Housing and Community Development (HCD) has extended the deadline to March 12, 2025.

Program H-8 of Diamond Bar's 6th Cycle Housing Element, covering the years 2021 through 2029, commits the City to rezone the General Plan's three Mixed-Use designations to allow residential development at a minimum density of 20 dwelling units per acre and a maximum density of at least 30 dwelling units per acre. Failure to complete these rezones by the statutory deadline places the City at risk of having the State decertify our Housing Element, and exposes the City to the potential consequences of decertification as outlined in this report.

In light of the foregoing, it is recommended that the City Council adopt the attached resolution and ordinance approving the following actions:

1. Amend the Land Use and Economic Development Chapter of the General Plan ("Land Use Element") to allow a maximum residential density of 30 dwelling units per acre in the Town Center Mixed Use designation.
2. Amend Title 22 (Development Code) of the Diamond Bar City Code to establish the housing element site (H) overlay zoning designation and associated development standards as set forth in the attached draft ordinance.
3. Amend the Official Zoning Map to rezone the sites identified in Program H-8 of the Housing Element with the H zoning designation.

The recommended actions are limited to those that the City has already committed to in order to implement the 2021-2029 Housing Element and other applicable policies of the General Plan.

On December 17, 2019, the City Council adopted the Diamond Bar General Plan Update ("General Plan 2040") and the Climate Action Plan ("CAP 2040") to create a vision and blueprint for development through 2040. General Plan 2040 establishes the Town Center Mixed Use, Neighborhood Mixed Use, Transit Oriented Mixed Use, and Community Core Overlay focus areas and corresponding land use designations, estimates that up to 3,750 new housing units could be built in the city by 2040, and anticipates that much of this growth will occur within these four focus areas.

On August 11, 2022, the City Council adopted the 6th Cycle Housing Element (hereafter, "Housing Element"). On October 5, 2022, the California Department of Housing and Community Development (HCD) certified the Housing Element, confirming its full compliance with State Housing Element Law (Government Code Article 10.6).

The Housing Element identifies the Neighborhood Mixed Use, Neighborhood Mixed Use and Transit-Oriented Mixed Use focus areas as the sites where the City's 2021-2029 Regional Housing Needs Allocation (RHNA) of 2,516 residential units can be

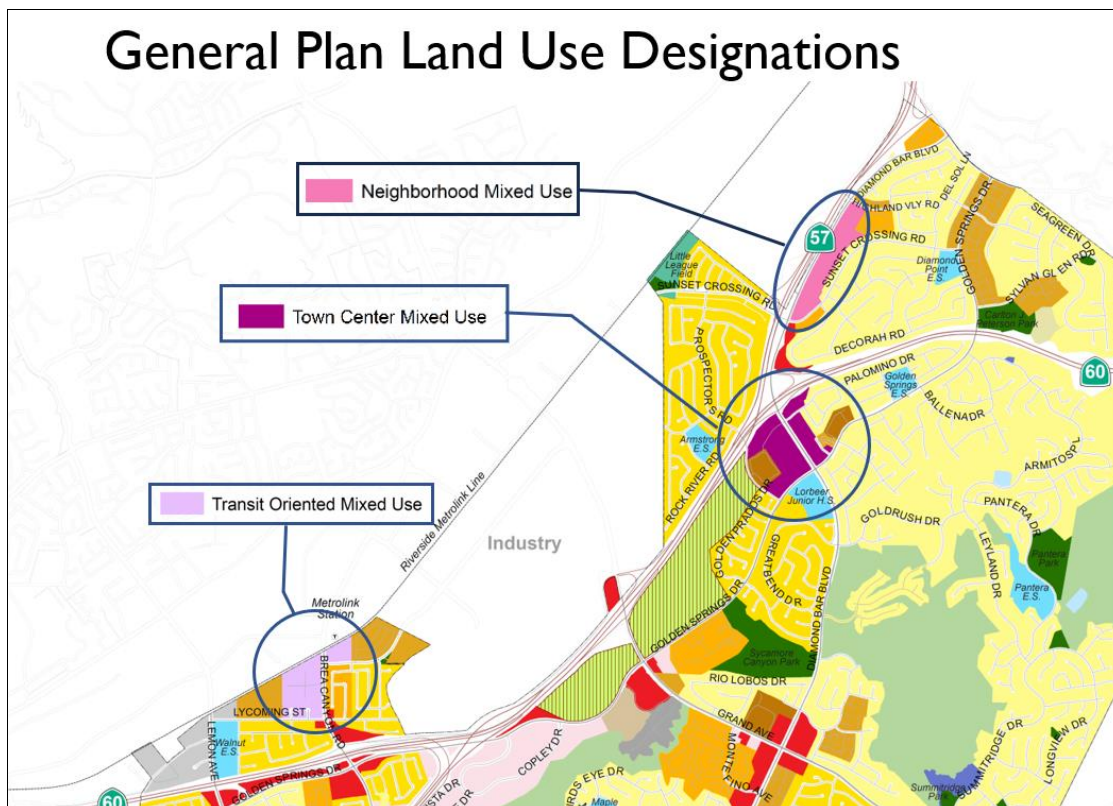
accommodated. These areas will facilitate residential development with minimum densities of 20 dwelling units per acre and maximum densities of at least 30 dwelling units per acre. As stated, these sites must be rezoned accordingly by March 12, 2025. The Housing Element further states that specific plans will be prepared to guide the long-term development of these focus areas in accordance with General Plan Goals and Policies.

The City initiated Planning Case No. PL 2024-87, which proposes amendments to the General Plan Land Use Element, the Development Code, and the Official Zoning Map to implement Program H-8 of the Housing Element. These amendments are intended to rezone sites within the Town Center Mixed Use, Neighborhood Mixed Use, and Transit-Oriented Mixed Use focus areas until specific plans for each focus area are fully adopted to align with the General Plan.

As of this writing, the Town Center Specific Plan (TCSP) has not been adopted. Therefore, the proposed zone change would ensure the site complies with the Housing Element while the TCSP is still in progress.

General Plan Amendment

The Land Use Element of General Plan 2040 established the City's three mixed-use districts to accommodate future residential growth through infill redevelopment. These districts are highlighted on the map below:



Source: Diamond Bar General Plan 2040, page 2-10

General Plan Table 2-2 currently establishes the following density criteria for the three focus areas:

Table 2-2: <u>Current</u> Land Use Density/Intensity Standards				
Land Use	Density (du/ac)	Intensity (FAR)	Acreage	% of Planning Area
CITY OF DIAMOND BAR				
...				
Mixed Use				
Town Center Mixed Use	Up to 20.0	Up to 1.5	45	<1
Neighborhood Mixed Use	Up to 30.0	Up to 1.25	38	<1
Transit-Oriented Mixed Use	Min. 20.0/Max 30.0	Up to 1.5	33	<1
...				

Source: *Diamond Bar General Plan 2040, page 2-16*

To bring Table 2-2 into alignment with the Housing Element, the highlighted cells must be updated as described below:

- The **Town Center Mixed Use** focus area consists of 45 acres along Diamond Bar Boulevard, between Golden Springs Drive and the State Route 60 freeway flyover. The Town Center is envisioned to become the City's downtown, with residential, retail, restaurant, entertainment and community gathering spaces to create a walkable environment. The General Plan 2040 Land Use and Economic Development Element currently allows a maximum residential density of 20 dwelling units per acre within the focus area.

To implement Housing Element Program H-8, the table must be revised to increase the maximum residential density to 30 dwelling units per acre, and establish a minimum density of 20 dwelling units per acre. The TCSP will incorporate these density standards.

- The **Neighborhood Mixed Use** focus area is envisioned as a combination of residential and neighborhood serving retail and services to promote revitalization of North Diamond Bar Boulevard between Sunset Crossing Road and Highland Valley Road. A maximum residential density of 30 dwelling units per acre is permitted within the 38-acre focus area.

As is the case for the Town Center, the table must be updated to also require a minimum density of 20 dwelling units per acre whenever a residential or mixed-use project is proposed in the Neighborhood Mixed Use designation.

- The 33-acre **Transit-Oriented Mixed Use** focus area is intended to leverage underutilized sites around the Metrolink station to provide higher-density housing, offices and supporting commercial uses close to regional transit. The Land Use Element specifies a maximum FAR of 1.5 with residential densities between 20 and 30 dwelling units per acre.

Because the density provisions for the Transit-Oriented Mixed Use designation already align with the Housing Element, no further revisions to Table 2-2 are required.

The required text revisions are provided in Exhibit “A” of the attached resolution in Attachment 1.

Development Code Text Amendments

The attached draft ordinance (Attachment 2) establishes a new zoning designation named *housing element site (H) overlay district*. The purpose of the H overlay district is to allow multifamily dwellings as a standalone development, or as part of a mixed-use development, on sites containing other uses that are permitted in the underlying zoning district on which the overlay is applied. By applying the H overlay district to the Town Center Mixed Use, Neighborhood Mixed Use and Transit Oriented Mixed Use General Plan designations, residential development at a density of up to 30 dwelling units per acre may occur in those areas prior to the adoption of their respective specific plans.

The development standards established for the high density residential-30 units/acre (RH-30) zoning district will apply to multifamily residential development in the H overlay district. For nonresidential components of mixed-use developments, the development standards of the underlying zoning district would generally apply. The draft ordinance also contains off-street parking standards for mixed-use developments where reductions from the parking standards for standalone uses may be considered when shared parking among uses with varying peak demand periods is proposed.

Zoning Map Amendments

The parcels comprising the proposed housing element site (H) overlay district are those parcels with General Plan land use designations of Town Center Mixed Use, Neighborhood Mixed Use, and Transit Oriented Mixed Use. The three sites subject to rezoning are shown within the yellow boundary lines below.

1. Neighborhood Mixed Use



2. Town Center Mixed Use

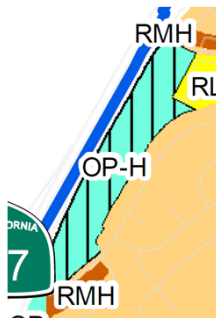


3. Transit Oriented Mixed Use

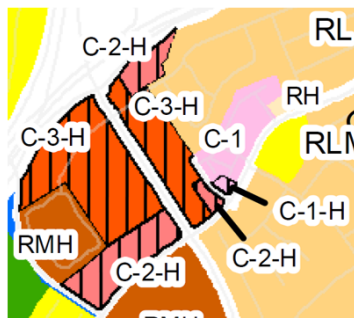


The revised zoning map is included as Exhibit 1 to the draft ordinance. The map legend depicts the zoning designations subject to the H overlay with the suffix “-H,” accompanied graphically with vertical hatches on the map where the overlay applies, as shown below:

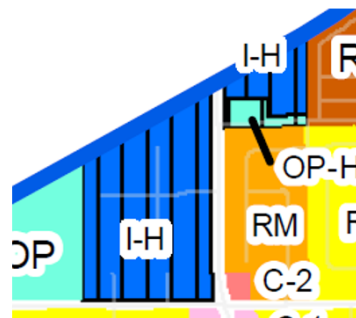
Residential Mixed Use



Town Center Mixed Use



Transit-Oriented Mixed Use



C-1: Neighborhood Commercial

C-1-H: Neighborhood Commercial-Housing Element Site Overlay

C-2: Community Commercial

C-2-H: Community Commercial-Housing Element Site Overlay

C-3: Regional Commercial

C-3-H: Regional Commercial-Housing Element Site Overlay

I: Light Industry

I-H: Light Industry-Housing Element Site Overlay

OP: Office, Professional

OP-H: Office, Professional-Housing Element Site Overlay

ANALYSIS:

The City committed to rezoning the H overlay sites as far back as December 2019 when the General Plan 2040 Update was adopted. This commitment was renewed and

refined with the City Council's certification of the Housing Element Update in August 2022, followed by HCD's certification in October 2022.

Enforcement of California's housing laws, including the RHNA requirements, has intensified in recent years. Decertification of the Housing Element can trigger several significant consequences, including:

- **Loss of Zoning Control (Builder's Remedy).** Developers can invoke the builder's remedy, which limits the City's ability to deny housing projects that include affordable units, even if they conflict with local zoning laws. In other words, developers that invoke the builder's remedy effectively have a right to build housing on any property not exclusively designated for public use, regardless of zoning designation.
- **Legal Action and Penalties.** The State Attorney General or housing advocacy organizations may sue the city for noncompliance. Potential legal penalties could include:
 - Court-ordered mandates to bring the housing element into compliance.
 - Significant financial fines for continued noncompliance.
- **Ineligibility for State Funding.** Cities with a decertified housing element may lose access to certain state funding programs for housing, transportation, and infrastructure projects. Examples include:
 - CDBG funding
 - Permanent Local Housing Allocation (PLHA) funding
 - Regional Early Action Planning (REAP) grants
 - SB 2 Planning Grants
- **Increased State Oversight.** HCD or the courts may impose additional oversight on the City's planning and zoning processes to ensure compliance with state housing laws.

While staff has been proceeding in good faith on the Town Center Specific Plan, the effort has taken longer than anticipated, and public hearings are not likely to take place prior to late spring of 2025. The time and effort put into the TCSP thus far has delayed the commencement of specific plans for the Neighborhood Mixed Use and Transit Oriented focus areas.

With limited time remaining to meet the statutory deadline and avoid potential consequences, it is recommended that the City Council adopt both the attached resolution (Attachment 1) approving the proposed General Plan amendment and the attached ordinance (Attachment 2) approving the Development Code amendment and Official Zoning Map amendment.

The recommended actions fundamentally do nothing more than implement what the City committed to when it adopted the 2021-2029 Housing Element. Specific plans for the Neighborhood Mixed Use and Transit Oriented Mixed Use focus areas must still be completed to implement the broader General Plan objectives for these areas, but those

actions are not subject to statutory deadlines mandated under State Law.

ENVIRONMENTAL DETERMINATION:

In conjunction with the adoption of the Diamond Bar General Plan 2040 and the Climate Action Plan 2040, the City prepared an Environmental Impact Report (EIR) to analyze the potential environmental impacts of those plans. The City Council certified the EIR on December 17, 2019, and the City filed a Notice of Determination on December 18, 2019.

In conjunction with adoption of the 2021-2029 Housing Element, the City evaluated the potential environmental impacts of the Housing Element in an addendum to the EIR. The City Council adopted the addendum on August 11, 2022. The proposed housing element site (H) overlay implements the densities established in the General Plan Land Use Element and required by the 2021-2029 Housing Element for the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas. The H overlay would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts; therefore, no further environmental analysis is required. (Public Resources Code § 21166; CEQA Guidelines §§ 15168, 15162.).

PLANNING COMMISSION REVIEW:

The Planning Commission held a properly-noticed public hearing on January 14, 2025 to consider the proposed actions. By a 4-0 vote (one absence), the Planning Commission recommended that the City Council adopt the General Plan Amendment, Development Code Amendment and Zoning Map Amendment as presented in this staff report and in accordance with the attached draft resolution and ordinance.

LEGAL REVIEW:

The City Attorney has reviewed and approved the Resolution and Ordinance as to form.

PREPARED BY:


 Greg Gubman, Community Development Director

1/27/2025

REVIEWED BY:

Greg Gubman

Greg Gubman, Community Development Director

1/22/2025

Attachments:

1. 2.1.a Resolution No. 2025-04, General Plan Amendment
2. 2.1.b Ordinance No 01 (2025), Housing Overlay

RESOLUTION NO. 2025-04**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR ADOPTING AMENDMENTS TO THE GENERAL PLAN 2040 LAND USE AND ECONOMIC DEVELOPMENT ELEMENT TO IMPLEMENT HOUSING PROGRAMS CONTAINED IN THE CITY'S CERTIFIED 2021-2029 HOUSING ELEMENT.**

WHEREAS, on December 17, 2019, the City Council adopted the Diamond Bar General Plan 2040 and the Climate Action Plan 2040 to create a vision and blueprint for development through 2040. The Diamond Bar General Plan 2040 establishes the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use, and Community Core Overlay focus areas and corresponding land use designations, estimates that up to 3,750 new housing units could be built in the City by 2040, and anticipates that much of this growth will occur within these four focus areas;

WHEREAS, on August 11, 2022, the City Council adopted the City's 2021-2029 General Plan Housing Element ("2021-2029 Housing Element"), which was subsequently found by the California Department of Housing and Community Development (HCD) to be in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code) on October 5, 2022. The 2021-2029 Housing Element identifies sites to accommodate the City's Regional Housing Needs Allocation (RHNA) of 2,516 residential units, including through rezoning of underutilized sites in the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas to allow residential development at a minimum density of 20 dwelling units per acre and a maximum density of at least 30 dwelling units per acre;

WHEREAS, pursuant to State law, the City is required to rezone adequate sites to accommodate its RHNA pursuant to the 2021-2029 Housing Element by March 12, 2025;

WHEREAS, the City is in the process of developing specific plans for the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas to fully implement the Diamond Bar General Plan 2040; however, these specific plans will not be completed before the March 12, 2025 deadline;

WHEREAS, the City of Diamond Bar has initiated Planning Case No. 2024-87, which includes proposed amendments to the General Plan Land Use and Economic Development Element, Title 22 (Development Code) of the Diamond Bar City Code, and the City's Official Zoning Map to implement Program H-8 of the 2021-2029 Housing Element (collectively, the "Housing Element Site Overlay") to rezone sites within the Town Center Mixed-Use, Neighborhood Mixed-Use, and Transit Oriented Mixed-Use focus areas to implement Program H-8 of the 2021-2029 Housing Element until specific plans for each of the focus areas that fully implement the General Plan are adopted;

WHEREAS, in conjunction with the adoption of the Diamond Bar General Plan 2040 and the Climate Action Plan 2040, the City, as lead agency, prepared an Environmental Impact Report, State Clearinghouse Number 2018051066, to analyze the potential environmental impacts of those plans (the “EIR”). The City Council certified the EIR on December 17, 2019, and the City filed a Notice of Determination on December 18, 2019. In conjunction with adoption of the 2021-2029 Housing Element, the City, as lead agency, evaluated the potential environmental impacts of the Housing Element in an addendum to the EIR, and the City Council adopted the addendum on August 11, 2022. The proposed Housing Element Site Overlay implements the densities established in the General Plan Land Use Element and required by the 2021-2029 Housing Element for the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas. The Housing Element Site Overlay would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts; therefore, no further environmental analysis is required. (Public Resources Code § 21166; CEQA Guidelines §§ 15168, 15162.);

WHEREAS, on January 14, 2025, the Planning Commission held a duly noticed public hearing regarding the proposed Housing Element Site Overlay, reflected in the proposed General Plan Amendment attached hereto as Exhibit “A” and incorporated by reference into this Resolution, and duly considered all public testimony, evidence, and staff analysis. At the conclusion of the public hearing, the Planning Commission adopted a resolution recommending that the City Council adopt the proposed General Plan Amendment; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Diamond Bar as follows:

Section 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

Section 2. Based on the findings and conclusions set forth above, the City Council hereby approves Planning Case No. 2024-87 by adopting amendments to the General Plan 2040 Land Use and Economic Development Element attached hereto as Exhibit “A” and incorporated herein by reference.

PASSED, APPROVED, AND ADOPTED this 27th day of January, 2025.

CITY OF DIAMOND BAR

Chia Yu Teng, Mayor

Resolution No. 2025-04

ATTEST:

I, Kristina Santana, City Clerk of the City of Diamond Bar, California, do hereby certify that the foregoing Resolution was duly and regularly passed, approved and adopted by the City Council of the City of Diamond Bar, California at its special meeting held on the 27th day of January, 2025, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAINED:	COUNCIL MEMBERS:

Kristina Santana, City Clerk

Exhibit “A”**AMENDMENTS TO THE GENERAL PLAN 2040 LAND
USE AND ECONOMIC DEVELOPMENT ELEMENT**

Revisions to the following passages of the General Plan 2040 Land Use and Economic Development Element are highlighted with ~~striketrough~~ text to show deletions, and double underline text to show additions.

1. The descriptions of the Town Center Mixed Use and Neighborhood Mixed Use designations on Page 2-12 of the section entitled *Land Use Classifications* are revised as follows:

Town Center Mixed Use

Allows and encourages a mix of uses with an emphasis on community-serving and destination retail, dining, and entertainment uses. Offices and professional services, and residential uses are also permitted. Maximum FAR for non-residential uses is 1.5 and ~~a maximum~~ residential density of 20.0 to 30.0 dwelling units per acre (20.0 ~~- 30.0~~ du/ac) is permitted.

Neighborhood Mixed Use

Allows a range of housing types and commercial uses, with a maximum FAR for non-residential uses of 1.25 and ~~a maximum~~ residential density of 20.0 to 30.0 dwelling units per acre (20.0 ~~- 30.0~~ du/ac). General Plan policies further delineate permitted and desired mix of uses and housing types based on parcel size and project location.

2. Page 2-16, Table 2-2 is revised as follows

Table 2-2: Land Use Density/Intensity Standards Summary Table				
Land Use	Density (du/ac)	Intensity (FAR)	Acreage	% of Planning Area
CITY OF DIAMOND BAR				
...				
Mixed Use				
Town Center Mixed Use	Up to <u>Min. 20.0/Max 30.0</u>	Up to 1.5	45	<1
Neighborhood Mixed Use	Up to <u>Min. 20.0/Max 30.0</u>	Up to 1.25	38	<1
Transit-Oriented Mixed Use	Min. 20.0/Max 30.0	Up to 1.5	33	<1
...				

Note: Intensity (FAR) applies to non-residential floor area only.

Note: The Golf Course and Community Core Overlay designations cover the same area.

ORDINANCE NO. 01 (2025)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF TITLE 22 (DEVELOPMENT CODE) OF THE DIAMOND BAR CITY CODE TO ESTABLISH A HOUSING ELEMENT SITE OVERLAY DISTRICT TO IMPLEMENT THE GENERAL PLAN.

WHEREAS, On November 3, 1998, the City of Diamond Bar adopted a Development Code (Title 22 of the Diamond Bar City Code);

WHEREAS, on December 17, 2019, the City Council adopted the Diamond Bar General Plan 2040 and the Climate Action Plan 2040 to create a vision and blueprint for development through 2040. The Diamond Bar General Plan 2040 establishes the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use, and Community Core Overlay focus areas and corresponding land use designations, estimates that up to 3,750 new housing units could be built in the city by 2040, and anticipates that much of this growth will occur within these four focus areas;

WHEREAS, on August 11, 2022, the City Council adopted the City's 2021-2029 General Plan Housing Element ("2021-2029 Housing Element"), which was subsequently found by the California Department of Housing and Community Development (HCD) to be in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code) on October 5, 2022. The 2021-2029 Housing Element identifies sites to accommodate the City's Regional Housing Needs Allocation (RHNA) of 2,516 residential units, including through rezoning of underutilized sites in the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas to allow residential development at a minimum density of 20 dwelling units per acre and a maximum density of at least 30 dwelling units per acre;

WHEREAS, pursuant to State law, the City is required to rezone adequate sites to accommodate its RHNA pursuant to the 2021-2029 Housing Element by March 12, 2025;

WHEREAS, the City is in the process of developing specific plans for the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas to fully implement the Diamond Bar General Plan 2040; however, these specific plans will not be completed before the March 12, 2025 deadline;

WHEREAS, the City of Diamond Bar has initiated Planning Case No. 2024-87, which includes proposed amendments to the General Plan Land Use Element, Title 22 (Development Code) of the Diamond Bar City Code, and the City's Official Zoning Map to implement Program H-8 of the 2021-2029 Housing Element (collectively, the "Housing Element Site Overlay") to rezone sites within the Town Center Mixed-Use, Neighborhood Mixed-Use, and Transit Oriented Mixed-Use focus areas to implement Program H-8 of

Ordinance No. 01 (2025)

the 2021-2029 Housing Element until specific plans for each of the focus areas that fully implement the General Plan are adopted;

WHEREAS, on January 27, 2025, the City Council adopted Resolution No. 2025-XX approving an amendment to the Land Use Element of the Diamond Bar General Plan 2040 to establish a minimum residential density of 20 dwelling units per acre on sites within the Town Center Mixed-Use and Neighborhood Mixed-Use Land Use Designations and a maximum residential density of 30 dwelling units per acre on sites within the Town Center Mixed-Use Land Use Designation;

WHEREAS, the proposed amendments to the Development Code and Official Zoning Map implement and are consistent with the General Plan, including the Land Use Element and the 2021-2029 Housing Element;

WHEREAS, in conjunction with the adoption of the Diamond Bar General Plan 2040 and the Climate Action Plan 2040, the City, as lead agency, prepared an Environmental Impact Report, State Clearinghouse Number 2018051066, to analyze the potential environmental impacts of those plans (the “EIR”). The City Council certified the EIR on December 17, 2019, and the City filed a Notice of Determination on December 18, 2019. In conjunction with adoption of the 2021-2029 Housing Element, the City, as lead agency, evaluated the potential environmental impacts of the Housing Element in an addendum to the EIR, and the City Council adopted the addendum on August 11, 2022. The proposed Housing Element Site Overlay implements the densities established in the General Plan Land Use Element and required by the 2021-2029 Housing Element for the Town Center Mixed-Use, Neighborhood Mixed-Use, Transit Oriented Mixed-Use focus areas. The Housing Element Site Overlay would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts; therefore, no further environmental analysis is required. (Public Resources Code § 21166; CEQA Guidelines §§ 15168, 15162.)

WHEREAS, on January 14, 2025, the Planning Commission held a duly noticed public hearing regarding the proposed Housing Element Site Overlay and adopted Resolution No. 2025-02 recommending City Council approval of the proposed General Plan, Development Code, and Zoning Map Amendments;

WHEREAS, on January 27, 2025, the City Council held a duly noticed public hearing regarding the proposed Development Code Amendment; and

WHEREAS, the City Council hereby finds that the proposed amendments are internally consistent with the General Plan and other adopted goals and policies of the City and adopts the facts and reasons stated in Planning Commission Resolution No. 2025-02, a copy of which is on file with the City Clerk and which is incorporated herein by reference with the same force and effect as if set forth in full.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DIAMOND BAR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. Chapter 22.14 of Title 22 of the Diamond Bar City Code is hereby amended to add new Section 22.14.050, entitled “Housing Element Site Overlay,” to read in its entirety as follows:

“Sec. 22.14.050 – Housing element site (H) overlay district.

- (a) *Purpose.* The housing element site (H) overlay district is established to provide development and land use regulations for the development of multifamily dwellings on specified sites identified in the City of Diamond Bar 2021-2029 Housing Element to accommodate the City’s unmet Regional Housing Needs Allocation (RHNA).
- (b) *Applicability.* The (H) overlay district shall apply to those parcels so designated on the Zoning Map. The (H) overlay district generally applies to those parcels with a General Plan land use designation of Town Center Mixed-Use, Neighborhood Mixed-Use, and Transit-Oriented Mixed-Use identified in Tables B-3, B-4, and B-5 of Appendix B to the City of Diamond Bar 2021-2029 General Plan Housing Element, which have not otherwise been made subject to the regulations of an adopted specific plan or other residential or mixed-use zoning district.
- (c) *Uses.* Multifamily dwellings shall be a permitted use on sites within the (H) overlay district, either as a standalone development, or as part of a mixed-use development containing other uses permitted within the underlying zoning district. Other uses permitted by state law or another provision of the Development Code to be developed on sites zoned for multifamily use shall also be permitted or conditionally permitted, as applicable.
- (d) *Development Standards.* Except as otherwise expressly provided in this section, the site planning and development standards applicable to the development of property within the RH-30 (high density residential-30 dwelling units per acre) zoning district shall apply to developments within the (H) overlay district containing multifamily dwellings. All other applicable development standards in the underlying zoning district and not in conflict with this section shall apply to uses within a mixed-use development containing a multifamily dwelling.
- (e) *Special Provisions Applicable to Lower-Income Sites.* In accordance with subdivision (h) of Government Code Section 65583.2, the following additional regulations shall apply to those sites within the (H) overlay district identified in Tables B-3, B-4, and B-5 of Appendix B to the City of Diamond Bar 2021-2029

Ordinance No. 01 (2025)

General Plan Housing Element to accommodate the City's low- or very low-income housing needs:

- i. At least sixteen (16) dwelling units may be developed on the site.
 - ii. Residential uses shall occupy at least 50 percent of the total gross floor area of any new development on the site.
 - iii. For developments in which 20 percent or more of the units are affordable to lower income households, multifamily dwellings shall be considered a use by right and shall be reviewed ministerially pursuant to section 22.18.040(f).
- (f) *Parking Requirements.* Except as otherwise expressly provided in Section 22.18.010 or another provision of this Code, or by state law, the number of and design of required off-street parking spaces shall be as set forth in Chapter 22.30. The calculation of required parking spaces shall be based upon the parking required for each individual use within a development. Where a mix of uses are developed and two or more uses have distinct and differing peak parking usage periods, an applicant may request, but shall not be entitled to, a reduction in the required number of parking spaces. Such a request may be approved by the final review authority, provided that the most remote space is located within 300 feet of the use it is intended to serve (as measured along the most direct pedestrian path) and the number of parking spaces provided shall not be less than either (i) the demonstrated estimated peak demand for the site during any twenty-four hour period, plus a 15 percent contingency, or (ii) the minimum number of spaces required in Chapter 22.30 for use requiring the fewest spaces. A shared parking analysis prepared by a duly licensed professional shall be provided by the applicant to support a request for a parking reduction.
- (g) *Special Procedures Applicable to Housing Development Projects.* The special procedures applicable to housing development projects set forth in Chapter 22.18 shall apply to proposed development on sites within the (H) overlay district.

SECTION 3. The Zoning Map of the City of Diamond Bar is hereby amended as shown in Exhibit 1 to this Ordinance to denote the Housing Element Site (H) Overlay District for the applicable properties.

SECTION 4. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

Ordinance No. 01 (2025)

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a certified copy of this Ordinance to be posted within fifteen (15) days after this Ordinance is passed and adopted, in the Office of the City Clerk and two additional public places, together with the vote for and against the same.

ADOPTED this ____ day of _____, 2025.

Chia Yu Teng, Mayor

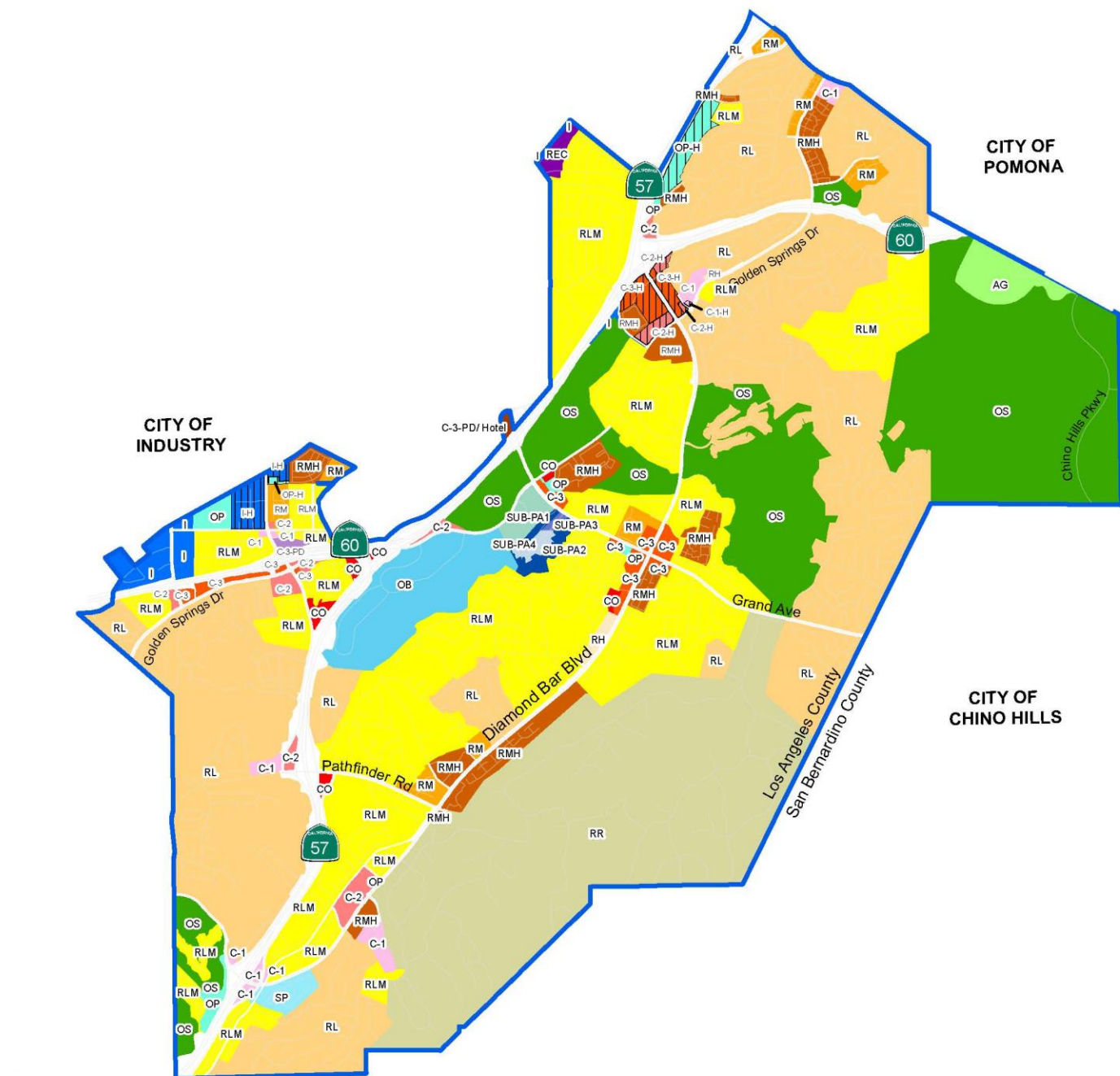
ATTEST:

I, Kristina Santana, City Clerk of the City of Diamond Bar, California, do hereby certify that the foregoing Ordinance was introduced at the special meeting of the City Council held on the 27th day of January, 2025, and was duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, 2025, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Kristina Santana, City Clerk

City of Diamond Bar Zoning Map



City Boundary	OP-H: Office, Professional-Housing Element Site Overlay
Zoning	OS: Open Space/ Conservation
AG: Agricultural	REC: Recreation
C-1: Neighborhood Commercial	RH: High Density Residential
C-1-H: Neighborhood Commercial-Housing Element Site Overlay	RH-30: High Density Residential-30 units/acre
C-2: Community Commercial	RL: Low Density Residential
C-2-H: Community Commercial-Housing Element Site Overlay	RLM: Low Medium Density Residential
C-3: Regional Commercial	RM: Medium Density Residential
C-3-H: Regional Commercial-Housing Element Site Overlay	RMH: Medium High Density Residential
C-3-PD: Regional Commercial Planned Development	RR: Rural Residential
C-3-PD/Hotel: Regional Commercial/Hotel	SP: Specific Plan Overlay
CO: Commercial Office	SUB-PA1: Planning Area 1
I: Light Industry	SUB-PA2: Planning Area 2
I-H: Light Industry-Housing Element Site Overlay	SUB-PA3: Planning Area 3
OB: Office, Business Park	SUB-PA4: Planning Area 4
OP: Office, Professional	

Zoning Map

