

PLANNING COMMISSION AGENDA

Tuesday, May 28, 2024
6:30 PM

Diamond Bar City Hall – Windmill Community Room
21810 Copley Drive, Diamond Bar, CA 91765

PUBLIC ADVISORY:

Members of the public are encouraged to participate and address the Planning Commission during the public comment portion of the meeting either in person or via teleconference.

<i>CHAIR</i>	<i>RUBEN TORRES</i>
<i>VICE CHAIR</i>	<i>MAHENDRA GARG</i>
<i>COMMISSIONER</i>	<i>NAILA BARLAS</i>
<i>COMMISSIONER</i>	<i>WILLIAM RAWLINGS</i>
<i>COMMISSIONER</i>	<i>RAYMOND WOLFE</i>

How to Observe the Meeting From Home:

Members of the public can observe the meeting by calling (213) 929-4212, [Access Code: 369-981-816](#) or visiting <https://attendee.gotowebinar.com/register/2331418089055201877>

How to Submit Public Comment:

Please note that the meeting will proceed at the Windmill Conference Room should comments by teleconferencing become infeasible due to an Internet or power outage, or due to technical problems outside the City's control. If you wish to make certain that your comments are heard, please attend the meeting in person or send an email by 4:00 p.m. on the day of the meeting/hearing

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 Planning@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 Planning Commission members and read into the record at the meeting, up to a maximum of five minutes.

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 Chairperson 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 Planning Commission Meeting, please contact the Community Development Office (909) 839-7030 within 72 hours of the meeting. Commission recordings will be available upon request the day following the Planning Commission Meeting.

City of Diamond Bar
Planning Commission

MEETING RULES

PUBLIC INPUT

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

Speakers are limited to five minutes per agenda item, unless the Chairperson determines otherwise. The Chairperson 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 Planning Commission 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 Planning Commission. Behavior that disrupts the orderly conduct of the meeting may result in the speaker being removed from the meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE PLANNING COMMISSION

Agendas for regular Planning Commission meetings are available 72 hours prior to the meeting and are posted in the City's regular posting locations and on the City's website at www.diamondbarca.gov. The Planning Commission may take action on any item listed on the agenda.

Copies of staff reports or other written documentation relating to agenda items are on file in the Planning Division of the Community Development Department, located at 21810 Copley Drive, and are available for public inspection upon request. If you have questions regarding an agenda item, please call (909) 839-7030 during regular business hours.

HELPFUL CONTACT INFORMATION

Copies of Agenda, Rules of the Planning Commission, Recordings of Meetings (909) 839-7030

Email: info@diamondbarca.gov

Website: www.diamondbarca.gov

The City of Diamond Bar thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

**CITY OF DIAMOND BAR
PLANNING COMMISSION
May 28, 2024**

AGENDA

Next Resolution No. 2024-06

CALL TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE:

1. **ROLL CALL:** COMMISSIONERS: Barlas, Rawlings, Wolfe, Vice Chair Garg, Chair Torres
2. **APPROVAL OF AGENDA:** Chair
3. **PUBLIC COMMENTS:**

"Public Comments" is the time reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the Planning Commission on consent calendar items or other matters of interest not on the agenda that are within the subject matter jurisdiction of the Planning Commission. Although the Planning Commission values your comments, pursuant to the Brown Act, members of the Planning Commission or staff may briefly respond to public comments, if necessary, but no extended discussion and no action on such matters may take place. There is a five-minute maximum time limit when addressing the Planning Commission. Please complete a speaker card and hand it to the Minutes Secretary (completion of this form is voluntary). The Planning Commission will call on in-person speakers first and then teleconference callers, one at a time to give their name and if there is an agenda item number they wish to speak on before providing their comment. If you wish to speak on a public hearing item or Planning Commission consideration item, you will then be called upon to speak at that point in the agenda.

4. CONSENT CALENDAR:

The following items listed on the consent calendar are considered routine and are approved by a single motion. Consent calendar items may be removed from the agenda by request of the Planning Commission only:

- 4.1 **Minutes of the Special Joint Study Session of the City Council and Planning Commission Meeting** - March 26, 2024.
- 4.2 **Minutes of the Planning Commission Regular Meeting** – March 26, 2024.

5. OLD BUSINESS: None.

6. NEW BUSINESS:**6.1 Review Of Fiscal Year 2024-2025 Capital Improvement Program -**
Conformity with the General Plan.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution (Attachment A) finding the proposed Fiscal Year 2024-2025 Capital Improvement Program to be in conformance with the General Plan.

7. CONTINUED PUBLIC HEARING:**7.1 Development Code Amendment No. PL2022-59** - The City of Diamond Bar proposes to amend various provisions of Title 22 (Development Code) of the Diamond Bar City Code to implement Housing Programs contained in the City's certified 2021-2029 Housing Element, to conform to changes in new State housing laws and City policies, and to make typographical corrections and clarifications. (Continued from May 14, 2024)

PROJECT ADDRESS: Citywide

APPLICANT: City of Diamond Bar Community Development Department.

ENVIRONMENTAL DETERMINATION: The Planning Commission will consider a recommendation that the City Council find the proposed Development Code Amendment categorically and statutorily exempt from CEQA.

RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council approve Development Code Amendment No. PL2022-59.

8. PLANNING COMMISSION COMMENTS / INFORMATIONAL ITEMS:**9. STAFF COMMENTS / INFORMATIONAL ITEMS:****10. SCHEDULE OF FUTURE EVENTS:**

CITY COUNCIL MEETING: Tuesday, June 4, 2024, 6:30 pm
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA

PLANNING COMMISSION MEETING: Tuesday, June 11, 2024, 6:30 pm
Windmill Community Room
Diamond Bar City Hall
21801 Copley Drive

CITY COUNCIL MEETING: Tuesday, June 18, 2024, 6:30 pm
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA

PLANNING COMMISSION MEETING: Tuesday, June 25, 2024, 6:30 pm
Windmill Community Room
Diamond Bar City Hall
21801 Copley Drive

CITY COUNCIL MEETING: Tuesday, July 2, 2024, 6:30 pm
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA

4th OF JULY HOLIDAY: Thursday, July 4, 2024
In observance of the holiday, city offices will be closed. City offices will reopen on Friday, July 5, 2024.

11. ADJOURNMENT

**CITY OF DIAMOND BAR
SPECIAL JOINT STUDY SESSION MINUTES OF THE
CITY COUNCIL AND PLANNING COMMISSION
DIAMOND BAR CITY HALL – WINDMILL COMMUNITY ROOM
21810 COPLEY DRIVE, DIAMOND BAR, CA 91765
March 26, 2024**

CALL TO ORDER: Mayor Liu called the Study Session to order at 5:03 p.m.

ROLL CALL: Council Members Ruth Low, Steve Tye, Mayor Pro Tem Chia Yu Teng and Mayor Stan Liu

Absent: Council Member Andrew Chou

Commissioners Naila Barlas, William Rawlings, Vice Chair Mahendra Garg, Chair Ruben Torres

Absent: Commissioner Raymond Wolfe

Staff present in person: Dan Fox, City Manager; James Eggart, Assistant City Attorney; Greg Gubman, Director of Community Development; Grace Lee, Planning Manager; May Nakajima, Senior Planner; Dat Tran, Associate Planner; Kristina Santana, City Clerk; Stella Marquez, Administrative Coordinator

1. LEGISLATIVE UPDATE: NEW LAND USE AND HOUSING LAWS FOR 2024:

CM/Fox introduced Assistant City Attorney James Eggart, who supports the Planning Commission and has become an expert in navigating the complicated and ever-changing legislation and regulations from HCD.

ACA/Eggart provided an update on the new Land Use and Housing Laws with emphasis on laws that were adopted in the most recent legislative session, as well as a few laws that were adopted in 2022 and some existing laws that relate to Code Amendments that will come before the Planning Commission and City Council later this year. During his presentation, ACA/Eggart responded to Council Member and Commissioner's questions and concerns.

CDD/Gubman spoke to density bonus questions regarding the proposed Town Center Specific Plan.

ACA/Eggart concluded his presentation outlining the next steps in the process toward adoption of the Code Amendments.

There were no public comments offered.

MARCH 26, 2024

PAGE 2

CC STUDY SESSION

ADJOURNMENT: With no further business to come before the City Council and Planning Commission, Mayor Liu adjourned the Special Joint Study Session at 6:20 p.m.

Respectfully Submitted,

Greg Gubman
Community Development Director

The foregoing minutes are hereby approved by the Planning Commission this 14th day of May, 2024.

Ruben Torres, Chairperson

Respectfully Submitted,

Kristina Santana, City Clerk

The foregoing minutes are hereby approved this 21st day of May, 2024.

Stan Liu, Mayor

**MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
March 26, 2024**

CALL TO ORDER:

Chair/Torres called the meeting to order at 6:32 p.m. in the City Hall Windmill Community Room, 21810 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Garg led the Pledge of Allegiance.

1. ROLL CALL: Commissioners Rawlings, Wolfe, Vice Chair Garg, Chair Ruben Torres

ABSENT: Commissioner Naila Barlas

STAFF PRESENT: Greg Gubman, Community Development Director; James Eggart, Assistant City Attorney; Grace Lee, Planning Manager; May Nakajima, Senior Planner, Dat Tran, Associate Planner, and Stella Marquez, Administrative Coordinator

2. APPROVAL OF AGENDA: As Submitted.

3. PUBLIC COMMENTS: Paul Deibel commented about the City Council/Planning Commission Joint Study Session that was held prior the Planning Commission meeting. He encouraged affordable housing in Diamond Bar.

4. CONSENT CALENDAR:

4.1 Minutes of the March 12, 2024, Regular Planning Commission Meeting.

C/Garg moved, VC/Rawlings seconded, to approve the Minutes of the March 12, 2024, Regular Planning Commission meeting. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Rawlings, VC/Garg, and Chair/Torres
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	Wolfe
ABSENT:	COMMISSIONERS:	Barlas

5. OLD BUSINESS: None.

6. NEW BUSINESS: None.

MARCH 26, 2024

PAGE 2

PLANNING COMMISSION

7. PUBLIC HEARING(S):

- 7.1 Development Review No. PL2023-05:** Under the authority of DBCC Section 22.48, the applicant and property owner are requesting Development Review approval to construct a new 4,310 square-foot, three-story, single-family residence with a 416 square-foot attached garage, 2,292 square-foot outdoor deck area, a pool and rear yard improvements on a 31,990 gross square-foot lot. The subject property is zoned Low-Medium Density Residential (RLM) with an underlying General Plan land use designation of Low Density Residential.

PROJECT ADDRESS: 1200 Chisolm Trail Drive
Diamond Bar, CA 91765

APPLICANT: James V. Coane + Associates
30 North Raymond Avenue, Suite 611
Pasadena, CA 91103

PROPERTY OWNER: Ricky Linn
1200 Chisolm Trail Drive
Diamond Bar, CA 91765

AP/Tran presented the staff report and recommended Planning Commission approval of Development Review No. PL2023-05 based on the Findings of Fact, and subject to the conditions of approval as listed within the Resolution.

Chair/Torres opened the public hearing.

No public comments were offered.

Chair/Torres closed the public hearing.

C/Rawlings moved, Wolfe seconded, to approve Development Review No. PL2023-05. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Rawlings, Wolfe, VC/Garg, and Chair/Torres
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Barlas

9. PLANNING COMMISSION COMMENTS/INFORMATION ITEMS: None offered.

MARCH 26, 2024

PAGE 3

PLANNING COMMISSION

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

CDD/Gubman reported that there will not be Planning Commission meetings in April. However, so the next meeting would be held on May 14.

11. SCHEDULE OF FUTURE EVENTS:

As noted in the agenda.

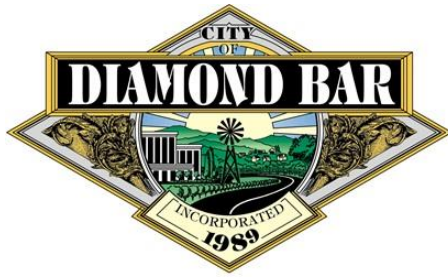
ADJOURNMENT: With no further business before the Planning Commission, Chair/Torres adjourned the Regular Planning Commission meeting at 6:51 p.m.

The foregoing minutes are hereby approved this ____ day of May, 2024.

Attest:
Respectfully Submitted,

Greg Gubman, Community Development Director

Ruben Torres, Chair



PLANNING COMMISSION AGENDA REPORT

CITY OF DIAMOND BAR ~ 21810 COPLEY DRIVE ~ DIAMOND BAR, CA 91765 ~ TEL. (909) 839-7030 ~ FAX (909) 861-3117

AGENDA ITEM NUMBER: **6.1**

MEETING DATE: May 28, 2024

CASE/FILE NUMBER: Review of Fiscal Year 2024-2025 Capital Improvement Program (CIP) for Conformity with the General Plan

This item was originally scheduled for the May 14, 2024 Planning Commission meeting. Due to a lack of quorum, the meeting was adjourned pursuant to Government Code Sections 54955 and 54955.1, and all business items scheduled before the Planning Commission for May 14, 2024, were continued to May 28, 2024.

BACKGROUND:

Each year, prior to the adoption of the City's annual budget, the Planning Commission reviews the proposed fiscal year Capital Improvement Program (CIP) for consistency with the City's General Plan (*General Plan 2040*) and adopts a resolution to record its findings. The process is mandated pursuant to California Government Code Section 65401 (see Attachment 2).

ANALYSIS:

The proposed FY2024-2025 CIP is detailed in Attachment 4, and is comprised of the following expenditures:

CIP FY2024-2025	New Projects Expenditures	Total of New and Carryover Projects
Street Improvements	\$ 13,356,189	\$ 24,140,253
Traffic Management/Safety Improvements	\$ 64,000	\$ 64,000
Transportation Infrastructure Improvements	N/A	\$ 336,500
Miscellaneous Public Works Improvements	\$ 380,000	\$ 903,472
Facilities, Parks and Rec. Improvements	\$ 450,000	\$ 4,812,596
Total:	\$ 14,250,189	\$ 30,256,821

These capital improvement projects are funded by various sources: General Fund; Safe Clean Water Program (Measure W); Road Maintenance and Rehabilitation

Account (SB-1); Measure M; Measure R Local Return; Gas Tax; Proposition A; Proposition C; SB 821 Fund (Bike and Pedestrian); AB 2766; Community Development Block Grant (CDBG) Funds; Hauler Fees; Measure A; City's Park Development Fund; Highway Safety Improvement Program Grant; PEG Fees; (201) Measure W; Measure M Subregional Program (MSP) Grant; Surface Transportation Program-Local (STP-L) Grant; Foothill Transit Grant; and Habitat Conservation Grant.

The Public Works Department develops the project list based on identified community improvement needs. Planning staff finds that the proposed FY2024-2025 CIP is consistent with *General Plan 2040*'s numerous Goals and Policies, including, but not limited to, the following:

Land Use & Economic Development Element

Policy LU-P-14

Policy LU-P-51

Community Character & Placemaking Element

Policy CC-P-4

Policy CC-P-64

Circulation Element

Policy CR-P-1

Policy CR-P-20

Policy CR-P-26

Policy CR-P-36

Policy CR-P-48

Resource Conservation Element

Goal RC-G-2

Goal RC-G-3

Goal RC-G-7

Policy RC-P-5

Policy RC-P-22

Public Facilities & Services Element

Policy PF-P-18

Public Safety Element

Goal PS-G-12

Policy PS-P-51

Community Health & Sustainability Element

Policy CHS-P-38

Policy CHS-P-41

The full text of the above Goals and Policies are provided in the attached Resolution.

Capital Improvement Projects

Below is a summary of the various projects proposed under the FY2024-2025 CIP:

Street Improvement Projects

- *Road Maintenance Projects:* Grind and overlay, slurry seal or chip seal maintenance is applied to designated roadways within the City. This type of maintenance activity is applied annually to residential streets and arterial roadways on an eight-year cycle per neighborhood to extend the life of the existing road pavement, and the appropriate pavement markings are re-established. Road maintenance improvements also include curb ramp upgrades with sidewalks, as well as curb and gutter repairs as necessary.
 - *Residential & Collector Street Rehabilitation – Areas 3,4 and 5 (Design); Arterial Street Rehabilitation – 3 Locations (Design); CDBG Curb Ramp - Areas 3, 4 and 5 (Design):* The project includes the design of street improvement plans for residential and arterial street rehabilitation program for the next three years. The locations are prioritized using the City's latest Pavement Management Plan. The design work has already started in March 2023 and will be completed in mid-2024. However, it will remain open during the next two years for the consultant to provide design support during construction of the designed projects. This is a carry-over project from FY2023-2024.
 - *Residential & Collector Street Rehabilitation – Area 3 (Construction):* Area 3 is located east of the western City limits, north of the southern City limits, south of

Pathfinder Rd, and west of the Country Estates. The Construction work commenced in April 2024 to be completed in August 2024.

- *Arterial Street Rehabilitation (Construction)* – In FY 2023-24, a larger-than-usual arterial rehabilitation program was approved to improve the City's Pavement Condition Index and damages caused by a larger and longer than usual rainy season. Arterial streets covered by this project include:
 - Golden Springs Dr. from Grand Ave. to Temple Ave.;
 - Grand Ave. from Diamond Bar Blvd. to East City Limits; and
 - Gateway Center, Copley Dr., and Bridgegate Dr.

The treatment will include AC edge grind or full-width overlay and ADA curb ramp improvements. The construction work commenced in April 2024 to be completed in August 2024. This is a carryover project from FY2023-2024.

- *Residential & Collector Street Rehabilitation – Area 4 (Construction)*: Area 4 is located in the southeast of the City between the City limit and west of SR57 and includes the residential areas on both sides of the southern leg of SR60 in Diamond Bar. The construction work is scheduled between April 2025 to be completed in June 2025. This is a new project for FY 2024-2025.
- *Arterial Street Rehabilitation (Construction)* – A smaller-scale arterial rehabilitation project is proposed for FY 2024-2025 due to increased pavement work unit costs and other active street projects in this fiscal year. Arterial streets covered by this project include:
 - Lemon Ave (SR60 to City Limit); and
 - Brea Cyn Cutoff (SR57 to City Limit).

The treatment will include AC edge grind or full-width overlay and ADA curb ramp improvements. Construction work is scheduled for April 2025 and will be completed in June 2025. This is a new project from FY2024-2025.

- *CDBG Area 4 ADA Curb Ramp Project (Construction)*: The project includes upgrading existing curb ramps and installing new curb ramps that comply with the latest Federal ADA compliance standards. Construction is expected to start in June 2024 and completed in July 2024. This is a carryover project from FY2023-2024.
- *CDBG Area 5 ADA Curb Ramp Project (Construction)*: The project includes upgrading existing curb ramps and installing new curb ramps that comply with the latest Federal ADA compliance standards. Construction is expected to start in May 2025 and complete in June 2025. This is a new project for FY2024-2025.

- *Diamond Bar Blvd Complete Street Project (Construction)* – As part of the City's ongoing effort to prepare a Specific Plan for the proposed Town Center, the Diamond Bar Complete Street plans were revised to reflect the latest design being considered to create the vision and goals of the Town Center Specific Plan. This project turns Diamond Bar Blvd between Golden Springs Drive and Palomino Road into a complete street. Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enable safe access for all people who need to use them, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. The project, among other things, will provide for a 12' wide sidewalk that includes street trees, street furniture, and street lights (width may vary in some locations). The redesign work is being completed, and the construction work is scheduled for June 2024 to December 2026. This is a new project for FY2024-2025.

Traffic Management/Safety Projects

- *Battery Backup and CCTV Replacement Program:* To protect against black-outs at signalized intersections during a power loss, this project will replace the edge equipment that was originally installed in 2008 and 2011. This is the 4th phase of a multi-year replacement program. Construction is expected to start in November 2024 and be completed by the end of the fiscal year. This is a new project for FY2024-2025.

Transportation Infrastructure Improvements

- *Intersection Safety Improvements (Construction):* This project will install nearside supplemental traffic signals, pedestrian countdown signal heads, and restripe crosswalks to high visibility crosswalks to increase pedestrian and bikers safety Citywide. Locations include:
 - Diamond Bar Blvd. at Golden Springs, Sunset Crossing, Grand Ave., Pathfinder, and Brea Canyon;
 - Golden Springs at Brea Canyon, Carpio;
 - Grand Ave. at Summitridge Dr; and
 - Brea Canyon at Pathfinder Rd.

The State grant administration work has been completed. The design work is underway. Construction is expected to start in August 2024 and be completed in June 2025. This is a carryover project from FY2023-2024.

Miscellaneous Public Works Improvements

- *Full Capture Devices on Stormwater Catchbasin for Trash Amendment Compliance - Phase 1:* Pursuant to the State Water Quality Control Board's Trash Amendment Compliance requirements, the City is required to install full-capture trash filters on the stormwater catchbasins in certain areas. This project is the first phase of a two-

phase project to comply with that requirement. The design will start in July 2024, and construction will follow, to be completed by the end of FY 2024-2025. This is a new project for FY2024-2025.

- *Grand Avenue Median Drainage Improvement Project (Design and Construction):* Design and construction of drainage improvements to mitigate ponding water in the travel lane and crosswalk due to a low point at a median nose. To coordinate the work with the street pavement rehab projects and all other street improvement projects (the City's and regional projects), the project construction was delayed. The construction contract has been awarded under the arterial and residential pavement rehabilitation project, and the work started in April 2024 and is to be completed by August 2024. This is a carryover project from FY2023-2024.
- *Brea Canyon Storm Drain Lining Project:* This project will rehabilitate a City-owned storm drain line between Diamond Bar Blvd. and Golden Springs Drive. The design is complete, and the construction will be scheduled for September 2024 to be completed in October 2024. This is a carryover project from FY 2023-2024.
- *Steep Canyon Erosion Control and Sedimentation Prevention:* The project will minimize the amount of sediment—from an existing constructed hill—discharged into the storm drain system. Currently sediment from the hillside is transferred from the hillside by the stormwater that sheet flows to the street and the adjacent stormwater catch basin. The project will design and construct an LID BMP (settling basins or bioswales) to remove the sediment from the stormwater before transferring its overflow to the storm drain system. Design is at 100% progress, and construction is expected to start in August 2024 and be completed by October 2024. This is a carryover project from FY2023-2024.

Facility, Parks and Recreation Improvements

- *Ronald Reagan Park Pickleball Court, Playground and ADA (Design):* The community requested the installation of a pickleball court in Ronald Reagan Park, located at 2201 Peaceful Hills Rd. Additionally, the park needs ADA improvements, as scheduled in the City's 5-Year CIP. This design project will address those who need to prepare plans and specifications which will be used for construction under a different project or as a future amendment to this project. The design is scheduled to start in November 2024 and be completed by the end of the fiscal year. This is a new project for FY2024-2025.
- *Sycamore Canyon Park Lower Bridge Replacement Options (Design):* The lower bridge at Sycamore Canyon Park located at 22930 Golden Springs Dr., needs to be replaced with another bridge or an alternative access option as scheduled in the City's 5-Year CIP. This design project will address those who need to prepare plans and specifications which will be used for construction under a different project or as a future amendment to this project. The design is scheduled to start in November

2024 and be completed by the end of the fiscal year. This is a new project for FY2024-2025.

- *Diamond Bar Center GVBR Lighting & Controls Upgrade (Construction)*: The project includes the construction of a new house lighting and controls system for the Grand View Ballroom at the Diamond Bar Center. This will improve reliability, efficiency and provide a better send user experience. The design has been completed. Construction is expected to start in July 2024 and be completed in June 2025. This is a carryover project from FY2023-2024.
- *Diamond Bar Center Main Entry/Doors & ADA Improvements (Construction)*: The project includes the construction of the main entry, new door hardware, and ADA improvements at the Diamond Bar Center. The design has been completed. Construction is expected to start in July 2024 and be completed in June 2025. This is a carryover project from FY2023-2024.
- *City Hall Cable Channel Broadcast and A/V Equipment Upgrade (Construction)*: This project includes the upgrading broadcast and A/V equipment at City Hall, which will provide staff with the ability to broadcast from the City Hall Windmill Room. Project implementation started September 2023 and is currently in the procurement of the devices due to long lead time. It's scheduled to be completed by April 2025. This is a carryover project from FY2023-2024.
- *Pantera Park Hard Court Rehab and LED Retrofit Project (Design and Construction)*: This project includes the design and rehabilitation of the tennis and basketball courts. Work on this project is expected to start in May 2024 and be completed by August 2024. It is a carryover project from FY2023-2024.
- *City Hall Roof Rehabilitation/Solar System Removal and Reinstallation (Construction)*: The project is the construction work related to the City Hall roof rehabilitation that will include the removal and reinstallation of the solar system at City Hall. Construction is expected to start in May 2024 and be completed in July 2024. This is a carryover project from FY 2023-2024.
- *Maple Hill Park Playground/Restroom Replacement and ADA Upgrades (Construction)*: The project includes the construction of a new playground, restroom building, and ADA upgrades at Maple Hill Park. The design is completed. Construction is expected to start in June 2024 and be completed by June 2025. This is a carryover project from FY2023-2024.
- *Diamond Bar Center AC Replacement & Air Quality Upgrades (Construction)*: The project includes the construction of a new HVAC system to replace the existing system at the Diamond Bar Center, which will improve reliability, efficiency, and indoor air quality. The design was completed last year. Construction started in December 2023, and due to the lead time for manufacturing of the custom-made

unit, it will be completed by December 2024. This is a carryover project from FY2023-2024.

- *Heritage Park Renovation Phases 1 and 2 (Design)*: The project includes the design of the following phases of improvement to facilities at Heritage Park:
 - Phase 1: Renovate the community center, restrooms, and ADA improvements to increase accessibility for persons of all ages; and
 - Phase 2: Update the playground, tot lot, picnic area, and basketball courts to provide a stimulating play experience for children and individuals with disabilities.

Design started in August 2023 and is expected to be completed in June 2024. This is a carryover project from FY2023-2024.

PREPARED BY:

Kristina Santana

Kristina Santana, City Clerk

5/28/2024

REVIEWED BY:

Grace Lee

Grace Lee, Planning Manager

5/16/2024

Greg Gubman

Greg Gubman, Community Development Director

5/16/2024

Attachments:

- A. Draft Resolution No. 2024-XX
- B. California Government Code Section 65401
- C. Street Rehabilitation Map
- D. Proposed FY2024-2025 CIP List

**PLANNING COMMISSION
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, FINDING THAT THE PROPOSED FISCAL YEAR 2024/25 CAPITAL IMPROVEMENT PROGRAM (CIP) IS CONSISTENT WITH THE GENERAL PLAN OF THE CITY OF DIAMOND BAR AND RECOMMENDING APPROVAL TO THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65401.

A. RECITALS

1. WHEREAS, on April 18, 1989, the City of Diamond Bar ("City") was established as a duly organized municipal corporation of the State of California.
2. WHEREAS, on December 17, 2019, the City of Diamond Bar adopted the most recent comprehensive update of the General Plan ("General Plan 2040").
3. WHEREAS, the City prepared a proposed CIP and Budget for the City's 2022/23 Fiscal Year ("FY") which outlines a program identifying proposed public works improvement projects to occur during the fiscal year. The projects include, but are not limited to, street and highway improvements, traffic signal modifications, and park improvements.
4. WHEREAS, California Government Code Section 65401 requires the Planning Commission to review proposed public works projects for the ensuing fiscal year to determine compliance with the City's General Plan.
5. WHEREAS, on May 28, 2024, at a regularly scheduled meeting, the Planning Commission reviewed and considered the proposed FY 2024/25 CIP, and the projects contained therein, and concluded said review prior to the adoption of this Resolution.

B. RESOLUTION

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

1. This Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the facts and evidence presented during the Planning Commission meeting regarding the City's proposed Fiscal Year 2024-2025 Capital Improvement Program, including oral and documentary evidence provided by City staff, and in accordance with the provisions of California Government Code Section 65401, the Planning Commission hereby finds as follows:
 - (a) The projects identified in the City's proposed Fiscal Year 2024-2025 Capital Improvement Program, are consistent with the City's General Plan 2040's numerous goals and policies adopted December 17, 2019, including, but not limited to, the following:

(i) Land Use & Economic Development Element

- *Policy LU-P-14* – Improve vehicular accessibility, traffic flow, and parking availability as well as pedestrian and bicycle access and amenities within office, commercial, and industrial areas.
- *Policy LU-P-51* – Provide streetscape and intersection improvements along Golden Springs Drive to enhance comfort and safety for all modes of travel and increase accessibility to and from surrounding areas.

(ii) Community Character & Placemaking Element

- *Policy CC-P-4* – Continue to support community identity with streetscape improvement and beautification projects in both existing residential areas and commercial centers, as well as new mixed-use areas that incorporate unified landscaping and pedestrian amenities. Amenities should include seating, bus shelters, pedestrian safety treatments such as sidewalk bulb-outs and widening and improved crosswalks, and city-branded decorative elements such as street lighting, concrete pavers, tree grates, and theme rails.
- *Policy CC-P-64* – Provide streetscape and intersection improvements along Golden Springs Drive to enhance comfort and safety for all modes of travel and increase accessibility to and from surrounding areas.

(iii) Circulation Element

- *Policy CR-P-1* – When redesigning streets, plan for the needs of different modes by incorporating elements such as shade for pedestrians, safe pedestrian-friendly crossings/intersections, lighting at the pedestrian scale, bike lanes, signage visible to relevant modes, transit amenities, etc.
- *Policy CR-P-20* – Implement measures such as additional signal timing and synchronization, speed limit regulations, and ITS techniques to increase safety and reduce congestion. Maintain a pavement management system and maintenance program for all public roadways throughout the City.
- *Policy CR-P-26* – As opportunities arise, coordinate with other jurisdictions, including neighboring cities, Los Angeles County, San Bernardino County, and Caltrans, on improvements to street segments common to the City of Diamond Bar and other jurisdictions.
- *Policy CR-P-36* – Where appropriate, plant street trees and provide landscaping along major pedestrian and bicycle routes

to provide shade and barriers between cyclists and motorists, as well as enhance aesthetics.

- *Policy CR-P-48* – As opportunities arise, coordinate with Foothill Transit to maintain and improve bus stops and shelters, as well as identify areas where service can be improved or expanded to increase system use.

(iv) Resource Conservation Element

- *Goal RC-G-2* – Seek to link the various elements of the open space network through the development of an integrated system of trails and greenways.
- *Goal RC-G-3* – Preserve to the extent possible open space ridgelines, hilltops, and prominent slopes for aesthetic, biological and natural resource conservation, and safety purposes.
- *Policy RC-P-5* – Link parks, open spaces, and regional hiking trails with a trail network where feasible, acknowledging topographical constraints and other barriers. Incorporate existing trails and bicycle and pedestrian infrastructure, working with willing landowners to prioritize land acquisition where necessary. Where possible, incorporate landscaping and enhance natural features to create greenways along the trail network.
- *Goal RC-G-7* – Protect waterways—including creeks, riverines, artesian springs, seeps, and wetlands—and watersheds in Diamond Bar from pollution and degradation as a result of urban activities.
- *Policy RC-P-22* – Protect and, where feasible, enhance or restore the City’s waterways and drainages, preventing erosion along the banks, removing litter and debris, and promoting riparian vegetation and buffers.

(v) Public Facilities & Services Element

- *Policy PF-P-18* – Where feasible, link parks, open spaces, and regional hiking trails with a trail network. Incorporate existing trails and bicycle and pedestrian infrastructure, working with willing landowners to prioritize land acquisition where necessary. Where possible, incorporate landscaping and enhance natural features.

(vi) Public Safety Element

- *Goal PS-G-12* – Support measures to reduce noise emission by motor vehicles, aircraft, and trains.
- *Policy PS-P-51* – Coordinate with the Union Pacific Railroad and other agencies and private entities to consider the implementation of a railroad quiet zone and other methods of reducing railroad noise impacts on surrounding noise-sensitive uses along the Union Pacific Railroad line adjacent to the city.

(vii) Community Health & Sustainability Element

- *Policy CHS-P-38* – Promote the adoption of rooftop and parking lot solar power and/or other alternative energy usage on developed sites in Diamond Bar through actions such as:
 - a. Establishing incremental growth goals for solar power/alternative energy systems in Diamond Bar;
 - b. Developing guidelines, recommendations, and examples for cost-effective solar and/or other alternative energy-based installation; and
 - c. Installing solar/alternative energy technology on existing City facilities.
- *Policy 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.

(b) The proposed projects comply with all other applicable requirements of State law and local ordinances, regulations, and standards; and

(c) The proposed Fiscal Year 2024-2025 Capital Improvement Program is found to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15301 of the CEQA Guidelines (operation, repair, maintenance of existing facilities).

3. Based on the findings and conclusions set forth above, this Resolution shall serve as the Planning Commission’s report to the City Council regarding the General Plan conformity of the proposed public works projects in the City’s Fiscal Year 2024-2025 Capital Improvement Program as required by California Government Code Section 65401.

The Planning Commission shall:

- (a) Certify as to the adoption of this Resolution; and
- (b) Forthwith transmit a certified copy of this Resolution to the City Council of the City of Diamond Bar for use in its deliberations regarding the City's budget.

ADOPTED AND APPROVED THIS 28th DAY OF MAY, 2024, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

Ruben Torres, Chairman

I, Greg Gubman, Secretary of the Planning Commission of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 28th day of May, 2024, by the following vote to wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

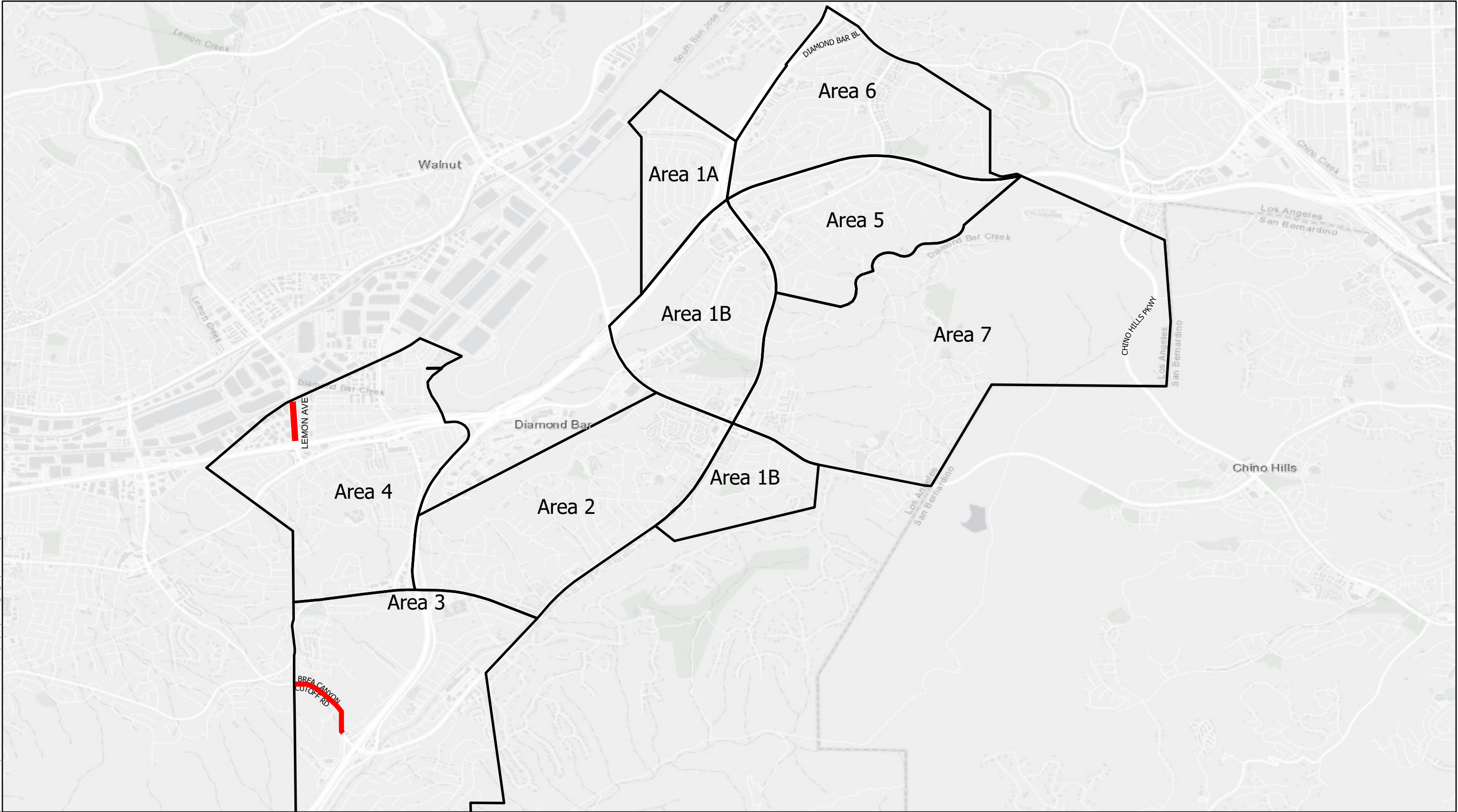
ATTEST:

Greg Gubman, Secretary

CALIFORNIA GOVERNMENT CODE SECTION 65401

Review of Capital Improvement Projects for Conformity with the General Plan

If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.



Area 4

- 2.5 GRIND AND 2.5 ARHM OVERLAY
- 2.0" GRIND AND 2.0" ARHM OVERLAY with BASE REPAIRS
- CAPE SEAL + BASE REPAIRS
- SLURRY SEAL + CRACK SEAL with BASE REPAIRS



SOURCE
Human Geography MAP

2023-2026 Street Rehabilitation
Area 4 - Arterials, Residentials, and Collectors

JOB NUMBER 742.05.30	DRAWN MSamara	DATE 03/04/2024	REVISED -
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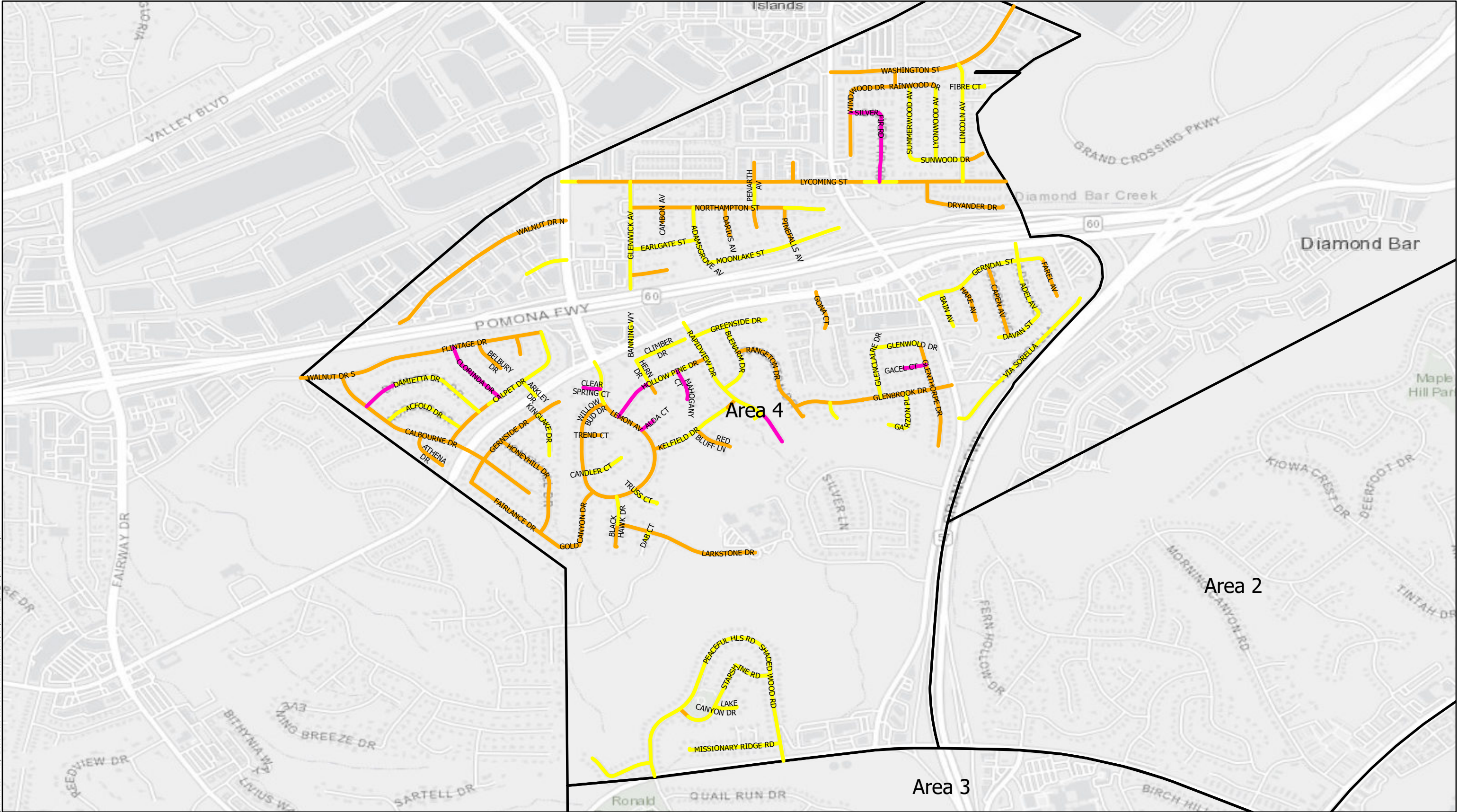
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FIGURE
1

APPROVED
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Area 4 Treatment 2.5 GRIND AND 2.5 ARHM OVERLAY 2.0" GRIND AND 2.0" ARHM OVERLAY with BASE REPAIRS - CAPE SEAL + BASE REPAIRS - SLURRY SEAL + CRACK SEAL with BASE REPAIRS	NCE DIAMOND BAR SOURCE Human Geography MAP	2023-2026 Street Rehabilitation Area 4 Residentials and Collectors <table border="1"><tr><td>JOB NUMBER</td><td>DRAWN</td><td>DATE</td><td>REVISED</td></tr><tr><td>742.05.30</td><td>MSamara</td><td>03/04/2024</td><td>-</td></tr></table>	JOB NUMBER	DRAWN	DATE	REVISED	742.05.30	MSamara	03/04/2024	-	0 1,000 2,000 ft. FIGURE 2 APPROVED JBui
JOB NUMBER	DRAWN	DATE	REVISED								
742.05.30	MSamara	03/04/2024	-								

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Street Improvement Projects					Funding Sources:											
Project #	Phase	Project Description	Status	FY 24/25 Budget Request	TDA C6 Grant	Surface Transp. Prog. Local (STPL)	MSP Grant	(201) Measure W	(202) RMRA	(203) Measure M	(204) Measure R Local Return	(206) Prop A	(207) Prop C	(209) TDA	(252) Hauler Fees	(225) CDBG
SI23101	DESIGN	Residential and Collector Street Rehab.- Area 3, 4, 5 (Design) Arterial Street Rehab - 3 Locations (Design) CDBG Curb Ramp - Area 3, 4, 5 (Design)	Ongoing- No New Request	\$ -												
SI24101	CONSTRUCT	Residential and Collector Street Rehab - Area 3 (Const.)	Ongoing- No New Request	\$ -												
SI24103	CONSTRUCT	Arterial Street Rehab (Const.) -Golden Springs Dr from Grand Ave to Temple Ave -Grand Ave from Diamond Bar Blvd to East City Limits -Gateway Center, Copey Dr, Bridgegate Dr	Ongoing- No New Request	\$ -												
SI25105	CONSTRUCT	Arterials Street Pavement Rehabilitation -Lemon Ave (SR60 to City Limit); Brea Cyn Cutoff (SR57 to City Limit)	NEW	\$ 1,500,000					\$ 900,000				\$ 600,000			
SI25101	CONSTRUCT	Residential and Collector Street Rehab - Area 4 (Const.)	NEW	\$ 2,450,000					\$ 400,000	\$ 950,000	\$ 850,000				\$ 250,000	
SI25104	CONSTRUCT	CDBG Area 5 ADA Curb Ramp Project (Const.)	NEW	\$ 164,189												\$ 164,189
SI25106	CONSTRUCT	Diamond Bar Blvd Complete Street Project Construction	NEW	\$ 9,242,000	\$ 3,936,000	\$ 1,165,000	\$ 2,985,000	\$ 456,000				\$ 600,000		\$ 100,000		
SI24104	CONSTRUCT	CDBG Area 4 ADA Curb Ramp Project (Const.)	Ongoing- No New Request	\$ -												
Total - Street Improvement Projects				\$ 13,356,189	\$ 3,936,000	\$ 1,165,000	\$ 2,985,000	\$ 456,000	\$ 1,300,000	\$ 950,000	\$ 850,000	\$ 600,000	\$ 600,000	\$ 100,000	\$ 250,000	\$ 164,189
Traffic Management/Safety Projects					Funding Sources:											
Project #	Phase	Project Description	Status	FY 24/25 Budget Request	(207) Prop C	(203) Measure M	(205) Gas Tax									
TM25201	ALL	Battery Back-Up and CCTV Replacement Program FY24/25	NEW	\$ 64,000	\$ 64,000											
Total - Traffic Management/Safety Projects				\$ 64,000	\$ 64,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Transportation Infrastructure Improvements					Funding Sources:											
Project #	Phase	Project Description	Status	FY 24/25 Budget Request	(207) Prop C	Foothill Transit Grant (45030)	(206) Prop A	HSIP Grant (CalTrans)	(209) TDA							
TI24301	CONSTRUCT	Intersection Safety Improvements (Constr.)	Ongoing- No New Request	\$ -												
Total-Transportation Infrastructure Improvements				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Miscellaneous Public Works Improvements					Funding Sources:											
Project #	Phase	Project Description	Status	FY 24/25 Budget Request	(201) Measure W	MSP Grant	(203) Measure M	(207) Prop C	(206) Prop A	(209) TDA						
PW25403	ALL	Full Capture Devices on Stormwater Catchbasin for Trash Amendment Compliance - Phase 1	NEW	\$ 380,000	\$ 380,000											
PW23402	ALL	Grand Avenue Median Drainage Improvement Project (Design and Const.)	Ongoing - No New Request	\$ -												
PW23403	CONSTRUCT	Brea Canyon Storm Drain Lining Project (800 ft between DB Church and GSD)	Ongoing - No New Request	\$ -												
PW24401	ALL	Steep Canyon Erosion Control and Sedimentation Prevention (Design & Const.)	Ongoing - No New Request	\$ -												
Total - Miscellaneous PW Improvements				\$ 380,000	\$ 380,000	\$ -	\$ -	\$ -	\$ -	\$ -						
Facilities, Parks and Rec Improvements					Funding Sources:											
Project #	Phase	Project Description	Status	FY 24/25 Budget Request	(100) General Fund	Habitat Conserv Grant (43110)	(262) Park Development	(504) Building & Facilities Fund	(201) Measure W	(261) Measure A	PEG Fees					
FP25507	DESIGN	Ronald Reagan Park Pickleball Court, Playground and ADA (Design)	NEW	\$ 300,000	\$ 300,000											
FP25508	DESIGN	Sycamore Canyon Park Lower Bridge Replacement Options (Design)	NEW	\$ 150,000	\$ 150,000											
FP24500	CONSTRUCT	DBC GVBR Lighting & Controls Upgrade (Const.)	Ongoing - No New Request	\$ -												
FP24501	CONSTRUCT	DBC Main Entry/Doors & ADA Improvements (Const.)	Ongoing - No New Request	\$ -												
FP23504	CONSTRUCT	City Hall Cable Channel Broadcast and A/V Equipment Upgrade (Const.)	Ongoing - No New Request	\$ -												
FP23503	CONSTRUCT	Pantera Park Hard Court Rehab and LED Retrofit Project (Design & Const.)	Ongoing - No New Request	\$ -												
FP23506	ALL	Maple Hill Park Playground/Restroom Replacement and ADA Upgrades	Ongoing - No New Request	\$ -												
FP22501	CONSTRUCT	DBC AC Replacement & Air Quality Upgrades (Const.)	Ongoing - No New Request	\$ -												
FP24502	DESIGN	Heritage Park Renovation Phases 1 and 2 (Design)	Ongoing - No New Request	\$ -												
FP24505	CONSTRUCT	City Hall Roof Rehabilitation/Solar System Removal and Reinstallation	Ongoing - No New Request	\$ -												
Total - Facilities, Parks and Rec Improvements				\$ 450,000	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					

Total FY 2024/25 Capital Improvement Program (NEW REQUEST)	\$ 14,250,189
Total FY 2023/24 Carryover Projects (i.e. ongoing projects)	\$ 16,006,632
Grand Total	\$ 30,256,821

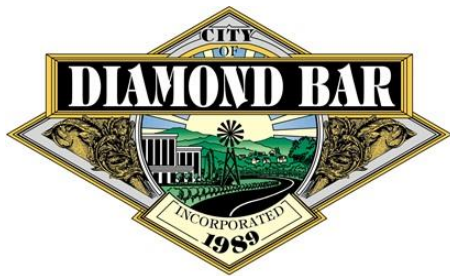
*see below and Draft Five-Year CIP Program for further information



Fund #	Funding Source Totals	FY 24/25 Request	Listed Projects Lifetime
100 General Fund	\$	450,000	\$ 3,186,670
201 Measure W	\$	836,000	\$ 1,540,972
202 RMRA (SB-1)	\$	1,300,000	\$ 5,350,000
203 Measure M	\$	950,000	\$ 2,530,000
204 Measure R	\$	850,000	\$ 2,025,000
205 Gas Tax	\$	-	\$ 400,000
206 Prop A	\$	600,000	\$ 650,000
207 Prop C	\$	664,000	\$ 3,616,100
209 SB 821 Fund - Bike and Pedestrian P	\$	100,000	\$ 133,650
251 AB2766	\$	-	\$ -
225 CDBG	\$	164,189	\$ 309,653
252 Hauler Fees	\$	250,000	\$ 500,000
261 Measure A	\$	-	\$ -
262 Park Development	\$	-	\$ 1,217,600
504 Building & Facilities Maintenance Fi	\$	-	\$ -
- HSIP Grant	\$	-	\$ 302,850
- PEG Fees	\$	-	\$ 408,326
- (201)Measure W	\$	3,936,000	\$ 3,936,000
- MSP Grant	\$	2,985,000	\$ 2,985,000
- STPL	\$	1,165,000	\$ 1,165,000
301-45030 Foothill Transit Grant	\$	-	\$ -
301-43110 Habitat Conservation Grant	\$	-	\$ -
Total	\$	14,250,189	\$ 30,256,821

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Draft FY 2024/25 CIP Program Totals by Type	
Street Improvements	\$ 13,356,189
Traffic Management/Safety Improvements	64,000
Transportation Infrastructure Improvements	-
Miscellaneous Public Works Improvements	380,000
Facilities, Parks and Rec. Improvements	450,000
Total	\$ 14,250,189



PLANNING COMMISSION AGENDA REPORT

CITY OF DIAMOND BAR ~ 21810 COPLEY DRIVE ~ DIAMOND BAR, CA 91765 ~ TEL. (909) 839-7030 ~ FAX (909) 861-3117

AGENDA ITEM NUMBER:	7.1
MEETING DATE:	May 28, 2024
CASE/FILE NUMBER:	Development Code Amendment No. PL2022-59
PROJECT LOCATION:	Citywide
APPLICATION REQUEST:	To amend various provisions of Title 22 (Development Code) of the Diamond Bar City Code to implement Housing Programs contained in the City's certified 2021-2029 Housing Element, to conform to changes in new State housing laws and City policies, and to make typographical corrections and clarifications.
APPLICANT:	Community Development Department
STAFF RECOMMENDATION:	Adopt the attached Resolution recommending the City Council approve Development Code Amendment No. PL2022-59.

The matter was originally scheduled to be heard on May 14, 2024. However, due to a lack of quorum, the meeting was adjourned pursuant to Government Code Sections 54955 and 54955.1, and all business and public hearing items scheduled before the Planning Commission for May 14, 2024, were continued to May 28, 2024.

SUMMARY:

The Diamond Bar Development Code (Title 22 of the Diamond Bar City Code) was first adopted in 1998. Its purpose and intent are "to implement the policies of the Diamond Bar general plan by classifying and regulating the uses of land and structures within the City of Diamond Bar."¹ Amendments to the Development Code are needed from time to time to reflect community values, to keep pace with new state and federal laws, to implement

¹ DBCC §22.01.020

local policies, and to resolve the internal inconsistencies and errors that are eventually encountered.

In the wake of the numerous housing and development laws passed by the State Legislature in recent years, together with the housing programs contained in the City's certified 2021-2029 Housing Element, staff is recommending adoption of an omnibus ordinance that would amend several sections of the Development Code to ensure continued conformance with State law. The proposed ordinance also incorporates several "cleanup" items to clarify the intent of various existing regulations.

BACKGROUND:

State Housing Laws

In addition to the routine cleanup items and the codifying of miscellaneous laws that the City is already subject to, the amendments proposed in the attached ordinance (Attachment B) are largely focused on ensuring that the City is in compliance with the onslaught of housing laws passed by the State Legislature in recent years. These laws were discussed during a joint study session of the City Council and Planning Commission on March 26, 2024, and are summarized below:

- The **Housing Accountability Act (Gov't Code §65589.5)** prevents cities from applying non-objective development standards and findings to proposed housing development projects, limits cities' authority to disapprove or impose certain conditions on proposed housing development projects, and imposes other temporal and procedural limits on cities' review of housing projects. "Objective" standards are those that involve no personal or subjective judgment and are uniformly verifiable by reference to an external benchmark or criterion. Cities or counties found to have acted in violation of the Housing Accountability Act may be subject to certain enhanced remedies, including significant fines.
- The **Housing Crisis Act of 2019 (SB 330)** established laws intended to streamline housing development approvals, requires cities to maintain their existing affordable housing stock and protect displaced tenants of affordable housing units, limits cities' authority to rezone property to a lower residential density, and restricts cities from establishing new residential design standards that are not objective.
- **State Density Bonus Law ("SDBL," Gov't Code §65915-65918)**, as amended by AB 1287, requires cities to grant increased density, incentives and concessions, and waivers of development standards to residential developers in exchange for the production of affordable housing units.
- **No Net Loss Law (Gov't Code §65863)** requires that a city make specified findings before it allows development of a parcel at a lower residential density than identified in the city's housing element for that parcel or takes any other administrative, quasi-judicial, or legislative action to reduce, require, or permit the reduction of the allowable residential density for such a parcel.

- **Housing Element Law (Gov't Code §§65580 – 65589.11)**, among other things, requires cities to identify and remove governmental constraints on the production of housing, to treat transitional and supportive housing similarly to other residential dwellings, and to provide for a variety of housing types, including single-room occupancy housing.
- **Senate Bill 35 (Gov't Code §65913.4)** requires cities to ministerially review and approve qualifying affordable housing projects in an effort to meet statewide affordable housing goals.
- **Government Code §65651, et seq. and §65660, et seq.** require cities to allow certain supportive housing projects and low-barrier navigation centers as uses to be established by right.
- **Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Law (Article 2, commencing with § 66314, of Chapter 13 of Division 1 of Title 7 of the Government Code)** requires cities to adopt ordinances providing for streamlined ministerial review and approval of ADUs and JADUs and limiting the development standards cities can apply to ADUs and JADUs.

Diamond Bar Housing Element

The proposed amendments also implement several of the housing programs contained in the City's certified 2021-2029 Housing Element, as summarized below:

- **Program H-11. Housing for Persons with Special Needs** - *Continue to facilitate emergency shelters and transitional/supportive housing and continue participating with Los Angeles Homeless Services Authority and San Gabriel Valley Council of Governments on efforts to address homelessness throughout the planning period. Process an amendment to the Development Code to allow supportive housing, low barrier navigation centers and large residential care facilities consistent with State law.*

The proposed Code amendment would update the land use table to reflect mandatory changes in State law, including: removing the Conditional Use Permit (CUP) requirement for residential care facilities serving seven or more persons in all residential zones and reclassify them as permitted by right; permitting "transitional/supportive housing" by right in all residential zones, subject to certain requirements; and adding "supportive housing for the homeless" and "low-barrier navigation centers" as permitted uses by right in the Industrial zoning district, subject to certain requirements pursuant to Government Code Section 65653.

- **Program H-12. Affordable Housing Incentives/Density Bonus** - *Amend the Development Code in 2021 consistent with current Density Bonus Law and continue to encourage the production of affordable housing through the use of density bonus and other incentives.*

The proposed Code amendment would update the City's density bonus regulations to conform to the current provisions of the SDBL.

- **Program H-13. Efficient Project Processing** - *Continue to offer streamlined development processing, and periodically review departmental processing procedures to ensure efficient project processing.*

The proposed Code amendment would implement various provisions of State law aimed to ease local government constraints on housing development, as well as eliminate conflicting provisions found within the Development Code.

ANALYSIS:

Adoption Process

Before the City Council adopts an ordinance to amend the Development Code, the Planning Commission must first conduct a public hearing to consider the proposed amendments. The Commission then forwards its recommendations via a resolution advising the Council whether or not the proposed amendments should be adopted.

Proposed Development Code Amendments

The full text of the proposed code amendments is contained in the draft ordinance (Attachment B). The following discussion cites the applicable Development Code section or chapter being amended, and provides the basis for each proposed amendment. Each item below is numbered to correspond to the section numbering in the ordinance.

1. **22.04.020(c)(3) - Floor Area Ratio:** Typographical errors are corrected.
2. **22.08.030 Table 2-3 - Residential District Land Use Table:** Consistent with recent State law, the residential land use table is amended to remove the CUP requirement for residential care facilities serving seven or more persons in all residential zones and reclassify them as permitted by right. "Transitional/supportive housing" is added as permitted by right in all residential zones, subject to new requirements set forth under Development Code Section 22.42.170. Lastly, "Second Units" is deleted because the term has been renamed "Accessory Dwelling Units," and was already added as a permitted use in all residential zones under an earlier ordinance.
3. **22.08.040 Table 2-4 - Restrictions on nonconforming structures:** Currently, this section allows for additions to nonconforming structures without approval of a Minor Conditional Use Permit (MCUP) if the addition is limited to one-story and has the same setbacks as the adjoining portion of the existing structure. The intent of this section, when drafted, was to allow the continuation of nonconforming *side setbacks only*, and has been clarified as such (applies to Sections 3 and 25 of the ordinance).
4. **22.10.030 Table 2-5 - Office District Land Use Table:** The current definition of "school" is very broad and encompasses all types of schools, education and training

facilities, as well as studios. This creates confusion to the public and City staff when determining land use. The proposed amendment would create separate discrete definitions for each. Educational uses such as public schools are now separated from specialized education or training type uses, such as dance studios. Public schools will remain as permitted uses and the new definition of private and trade schools are subject to approval of a CUP in the office zoning districts. “Specialized education and training” will also have its own definition and subject to approval of a CUP in the office zoning districts (applies to Sections 4 and 5 of the ordinance).

“Medical services-Clinics and laboratories” is currently a conditionally permitted use in the OP zoning district, but should be a use permitted by right since the OP zoning district is intended for office-based working environments such as general, professional, administrative offices, and similar related compatible uses.

Footnote 6 (Massage) – Deletion of this footnote was inadvertently missed when the City adopted its updated massage ordinance in 2016. This footnote is no longer applicable.

5. **22.10.030 Table 2-6 - Commercial/Industrial District Land Use Table:** Consistent with recent State law, the commercial and industrial land use table is proposed to be amended to allow “low-barrier navigation centers” and “transitional/supportive housing” in the Light Industry (I) zoning districts subject to new requirements set forth in Section 22.42.170.

Massage footnote – See item 4 above.

6. **22.16.070(1) - Open space requirement:** Currently, the Code requires commercial projects to provide a minimum of 1/10th of one percent of the total land area of the center as useable open space, which is a typographical error and has been corrected to one percent.
7. **22.16.090(3)(c) - Setback regulations and exceptions:** The current language provides a loophole whereby some applicants have labeled patio covers as “back porches” on plans and permit applications in an attempt to allow them to encroach into the rear setbacks. To close this loophole, the language has been revised to limit porch encroachments into the front setbacks only.
8. **22.16.130 - View protection:** Figure 3-5 is a variation of Figure 3-4, which pertains to setbacks, not view protection, and therefore should be deleted. No replacement figure is necessary.
9. **Chapter 22.18 - Special procedures applicable to housing development projects:** Because State housing laws have been amended so extensively, Development Code Chapter 22.18 (“Affordable Housing Incentives/Density Bonus Provisions”) is proposed to be repealed in its entirety and replaced it with comprehensively rewritten standards to be fully consistent with State law. The

revised Chapter 22.18—retitled “Special Procedures Applicable to Housing Development Projects”—the myriad legislative mandates as follows:

- a. Density bonus regulations are revised to conform to the current provisions of the SDBL, which requires cities to grant increased density, incentives and concessions, and waivers of development standards to residential developers in exchange for the production of affordable housing units;
- b. Provisions of the Housing Crisis Act of 2019 are added to require development project proponents to replace demolished residential dwelling units and protected rental units, and to provide relocation assistance and other benefits to existing occupants of demolished protected rental units;
- c. Minimum requirements for affordable housing regulatory agreements are added;
- d. Provisions of State law pertaining to review by the City of applications for permits and/or land use entitlements for housing development projects are enumerated; and
- e. The “No Net Loss” provisions of the Housing Crisis Act of 2019 are enumerated.

10.22.30.080 (5)(a)(1) - Driveway extensions for single-family residential property:

Clarification was added that an extension of the driveway towards the side property line farthest from the driveway is not permitted. Additionally, the illustration has been updated to further clarify the intended requirement.

11.22.42.110 Table 3-15 - Setbacks for accessory uses and structures: A minor typographical error is corrected, and a footnote was also added to expressly state that the listed structures and water features are subject to Building Code requirements.

12.22.42.120 - Accessory dwelling units and junior accessory dwelling units: The proposed amendments would ensure compliance with the most recent ADU legislation: AB 2221 and SB 897 (2022), AB 976 and AB 1332 (2023), and SB 477 (2024). These bills made several changes to existing law that clarify certain provisions and further ease development restrictions. The most significant recent change was to height restrictions where the construction of two-story ADUs must now be permitted, subject to certain requirements.

13.22.42.170 - Transitional and supportive housing: A new section is added to address transitional and supportive housing, per State law, specifying that these facilities are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use. This section also specifies legal requirements, review and approval procedures for "Supportive Housing For the Homeless" and "Low-Barrier Navigation Centers," pursuant to State law. These uses

are proposed to be permitted uses by right in the Industrial zoning district, subject to certain requirements pursuant to Government Code Section 65653.

14. **22.44.020 Table 4-1 - Director vs. Hearing Officer:** The proposed amendment identifies the Director—rather than the Hearing Officer—as the review authority for administrative development reviews and minor conditional use permits. References to Hearing Officer have been removed since the Director or their designee has the same authority.
15. **22.44.040(a) - Application fees:** A typographical error has been corrected from the word “then” to “than.”
16. **22.47.020(a) - Plot Plan review:** Small projects such as decks and tenant improvements should be processed administratively via the Zoning Clearance application process.
17. **22.48.030(b) - Administrative Development Review:** Language revised to replace “hearing officer” with “director” (see Item 14 above).
18. **22.48.050(a) and (b) - Responsibility for development review:** The review authority for Development Review applications should be the Planning Commission, not the “development review commission,” so this typographical error and has been corrected. Under subsection (b), “hearing officer” is replaced with “director.”
19. **22.56.020 - MCUP review authority:** “Hearing officer is replaced with “director.”
20. **22.56.030(c) - MCUP review authority:** See item 19.
21. **22.56.040 - MCUP review authority:** See item 19.
22. **22.56.050 - MCUP review authority:** See item 19.
23. **22.60.020 - Applicability of Specific Plan:** A typographical error has been corrected from the word “innovate” to “innovative.”
24. **22.68.020(b)(1)(a) - Restrictions on nonconforming uses:** A typographical error has been corrected from the word “then” to “than.”
25. **Restrictions on nonconforming structures - Section 22.68.030(b)(2):** See item 3.
26. **22.80.020 - Definitions of specialized terms and phrases:** The following definitions are to be added or amended: Low barrier navigation center, Public right-of-way, School (Private, Public and Trade), Specialized education and training, Studio, Supportive housing, and Transitional housing. The housing terms are required in conjunction with the proposed amendments per State housing law. “Public right-of-way” is added since it is not expressly defined anywhere else in the Municipal Code. As noted above, the current definition of “school” is very broad and encompasses all types of schools, education and training facilities, and studios. The proposed amendment would create separate discrete definitions for each.

Staff recommends approval of these amendments in order to eliminate conflicting provisions, provide clarification, and achieve changes in the Development Code

necessary to implement the Housing Programs in the City's certified 2021-2029 Housing Element, and compliance with State law.

ENVIRONMENTAL REVIEW:

Staff has determined that the proposed Development Code Amendment is categorically and statutorily exempt from the California Environmental Quality Act ("CEQA"). Section 27 of the Ordinance provides a detailed analysis to support this determination.

NOTICE OF PUBLIC HEARING:

Notice for this hearing was published in the *San Gabriel Valley Tribune* newspaper on May 3, 2024, in a 1/8-page display. Pursuant to Planning and Zoning Law Government Code Section 65091(a)(4), if the number of property owners to whom a public hearing notice would be mailed is greater than 1,000, a local agency may provide notice by placing a display advertisement of at least 1/8 page in one newspaper of general circulation. A copy of the public notice was also posted at the City's designated community posting sites.

PREPARED BY:

Kristina Santana

Kristina Santana, City Clerk

5/28/2024

REVIEWED BY:

Grace Lee

Grace Lee, Planning Manager

5/16/2024

Greg Gubman

Greg Gubman, Community Development Director

5/16/2024

Attachments:

- A. Draft Planning Commission Resolution No. 2024-XX (Recommending Approval of Development Code Amendment)
- B. Draft Ordinance No. XX (2024)

**PLANNING COMMISSION
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO VARIOUS PROVISIONS OF TITLE 22 (DEVELOPMENT CODE) OF THE DIAMOND BAR CITY CODE TO IMPLEMENT HOUSING PROGRAMS CONTAINED IN THE CITY'S CERTIFIED 2021-2029 HOUSING ELEMENT, TO CONFORM TO CHANGES IN NEW STATE HOUSING LAWS AND CITY POLICIES, AND TO MAKE TYPOGRAPHICAL CORRECTIONS AND CLARIFICATIONS.

A. RECITALS

1. On November 3, 1998, the City of Diamond Bar adopted a Development Code (Title 22 of the Diamond Bar City Code);
2. On December 17, 2019, the City Council adopted an updated General Plan to create a vision and blueprint for development through 2040;
3. On August 11, 2022, the City Council adopted the City's 6th Cycle (2021-2029) General Plan 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;
4. The Development Code requires periodic updates to ensure consistency with City policies, new State laws, and to improve clarity to better serve the public;
5. The proposed Development Code amendments correct various typographical errors and provide clarification related to certain Code provisions, update Code provisions to conform to changes in State laws, and implement the Housing Action Plan in the City's certified 2021-2029 Housing Element, including Programs H-11, H-12 and H-13;
6. The City has determined that the proposed Development Code Amendment is not subject to, and/or is exempt from, review under the California Environmental Quality Act ("CEQA");
7. Pursuant to Government Code Sections 65090, a notice of at least 1/8 page display was published in the *San Gabriel Valley Tribune* newspaper on May 3, 2024, and a copy of the public notice was posted at the City's designated community posting sites. Due to a lack of quorum, the regular Planning Commission meeting was adjourned pursuant to Government Code Sections 54955 and 54955.1, and all business items scheduled before the Planning Commission for May 14, 2024, were continued to May 28, 2024;
8. On May 28, 2024, the Planning Commission held a duly noticed public hearing regarding the proposed Development Code Amendment reflected in the draft ordinance attached hereto as Exhibit "A" and incorporated by reference into this Resolution, and duly considered all public testimony, evidence, and staff analysis; and
9. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

1. This Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based on the findings and conclusions set forth above, the Planning Commission hereby recommends that the City Council approve Development Code Amendment No. PL2022-59 by adopting amendments to Title 22 of the Diamond Bar Municipal Code described in the draft ordinance attached hereto as Attachment "A" and incorporated herein by reference.

The Planning Commission Secretary shall:

- (a) Certify to the adoption of this Resolution; and
- (b) Forthwith transmit a certified copy of this Resolution to the City Council of the City of Diamond Bar.

APPROVED AND ADOPTED THIS 28TH DAY OF MAY, 2024, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Ruben Torres, Chairperson

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 28th day of May, 2024, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

ORDINANCE NO. XX (2024)

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 IMPLEMENT HOUSING PROGRAMS CONTAINED IN THE CITY'S CERTIFIED 2021-2029 HOUSING ELEMENT, TO CONFORM TO CHANGES IN NEW STATE HOUSING LAWS AND CITY POLICIES, AND TO MAKE TYPOGRAPHICAL CORRECTIONS AND CLARIFICATIONS.

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 an updated General Plan to create a vision and blueprint for development through 2040;

WHEREAS, on August 11, 2022, the City Council adopted the City's 6th Cycle (2021-2029) General Plan 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;

WHEREAS, the Development Code requires periodic updates to ensure consistency with City policies, new State laws, and to improve clarity to better serve the public;

WHEREAS, the proposed Development Code amendments correct various typographical errors and provide clarification related to certain Code provisions, update Code provisions to conform to changes in State laws, and implement the Housing Action Plan in the City's 6th Cycle (2021-2029) Housing Element, including Programs H-11, H-12, and H-13;

WHEREAS, on May 28, 2024, the Planning Commission held a duly noticed public hearing regarding proposed amendments to the Development Code, Planning Case No. PL2022-59, and adopted Resolution No. 2024-XX recommending City Council approval of said Development Code Amendment;

WHEREAS, on _____, 2024, 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.

2024-XX, 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. Paragraph (3) of Subsection (c) of Section 22.04.020 (Rules of Interpretation) of Title 22, Chapter 22.04 of the Diamond Bar City Code is hereby amended to make non-substantive changes as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

(3) *Floor Area Ratio (FAR)*. When calculating the allowable floor area of a structure based on the FAR established by the applicable zoning district, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5. For example, a maximum floor area ratio of 0.25 applied to a site of ~~25,856~~ 25,853 square feet results in a maximum allowable floor area of ~~7,757~~ 6,463 square feet (~~25,856~~ 25,853 x .025 0.25 = 7,756.8, ~~rounded up to 7,757~~ 6,463.25, rounded down to 6,463). The maximum FAR itself (0.09, 0.25, etc.) is never rounded.

Section 2. Table 2-3 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of Section 22.08.030 (Residential zoning district land uses and permit requirements) of Title 22, Chapter 22.08 of the Diamond Bar City Code is hereby amended (a) to reclassify “residential care facilities, general” from a conditionally permitted use to a permitted use in the RM (medium density residential), RMH (medium/high density residential), RH (high density residential), and RH-30 (high density residential – 30 dwelling units per acre) zoning districts; (b) to add “transitional housing” and “support housing” as expressly permitted uses in all residential zones; and (c) to delete “second units” from the list of land uses in the Table, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

	Permit Requirements by District							
Land Use (1)	RR	RL	RLM	RM	RMH	RH	RH-30	See Standards in Section:
...								
RESIDENTIAL USES (4)								
Residential care facilities, general				<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	
...								
Second units	P	P						22.42.120
...								
<u>Transitional / supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>22.42.170</u>

...

Section 3. Table 2-4 (Residential District General Development Standards) of Section 22.08.040 (Residential zoning district general development standards) of Title 22, Chapter 22.08 of the Diamond Bar City Code is hereby amended to add a reference to Section 22.68.030 for required side setbacks applicable to changes or expansions to residential dwelling units with nonconforming setbacks, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

TABLE 2-4
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District						
Development Feature	RR	RL	RLM	RM	RMH	RH	RH-30
...	...	...	...	...	...	...	...
Sides (each) <u>(4)</u>	15 ft. on one side, and 10 ft. on the other; but not less than 25 ft. between structures on adjoining parcels	10 ft. on one side, and 5 ft. on the other; but not less than 15 ft. between structures on adjoining parcels		5 ft.	5 ft.	5 ft.; plus 1 ft. for each story over 2	
...	...	...		...	...	...	...
Height limit <u>(4)(5)</u>	35 ft.			35 ft.			
...	...			...			

Notes:

- (1) Minimum area for parcels proposed in new subdivisions, except as otherwise provided by section 22.08.050 (Minimum lot area), and chapter 22.22 (Hillside Management). Condominium, townhome, or planned development projects may be subdivided with smaller parcel sizes for ownership purposes, with the minimum lot area requirement determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter.
- (2) Maximum number of dwellings allowed for each specified unit of land. The approval of a conditional use permit within areas subject to section 22.22.040 (Hillside management—Density) may result in fewer dwelling units being allowed than the maximum density shown. See also chapter 22.18 (Affordable Housing Incentives/Density Bonus Provisions) for possible density bonuses.
- (3) Front setbacks listed are minimums. For single-family detached tract development, a minimum five-foot setback variation for adjacent residential units is required.

(4) See section 22.68.030 (b)(2) for nonconforming side setbacks and distance separations to dwelling units.

(5) Maximum allowable height for structures. See section 22.16.060 (Height measurement and height limit exceptions).

Section 4. Table 2-5 (Allowed Uses and Permit Requirements for Office Zoning Districts) of Section 22.10.030 (Commercial/industrial district land uses and permit requirements) of Title 22, Chapter 22.10 of the Diamond Bar City Code is hereby amended (a) to reclassify “Medical services-Clinics and laboratories” from a conditionally permitted use to a permitted use in the OP (office, professional) zoning district; (b) to delete “schools, public and private” and “studios, art, dance, music, photography, etc.” from the list of land uses in the Table; (c) to classify “public schools,” as a permitted use and “private schools,” “trade schools,” and “specialized education and training” as conditionally permitted uses in the OP (office, professional), OB (office, business park), and CO (commercial office) zoning districts; and (d) to delete footnote (6) pertaining to massage businesses and establishments, as follows (deletions in ~~strike through~~ text and additions shown in double underline):

LAND USE(1)	Permit Requirement by District			
	OP	OB(3)	CO	See Standards in Section:
...	...	...	...	...
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
...	...	...	...	...
Schools, public and private	P	P	P	
<u>Schools, private</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
<u>Schools, trade</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Studios, art, dance, music, photography, etc.			CUP	
<u>Specialized education and training</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
...	...	...	...	...
SERVICE USES				
Medical services-Clinics and laboratories	CUP <u>P</u>	P	P	
...	...	...	...	...

...

Notes:

...

~~(6) Massage businesses or establishments that are sole proprietorships, where the sole proprietor is certified by the California Massage Therapy Council (CAMTC), and massage businesses or establishments that employ or use only persons certified by the CAMTC are permitted uses that do not require approval of a conditional use permit.~~

Section 5. Table 2-6 (Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts) of Section 22.10.030 (Commercial/industrial district land uses and permit requirements) of Title 22, Chapter 22.10 of the Diamond Bar City Code is hereby amended (a) to add “low-barrier navigation centers,” as a permitted use in the I (light industry) zoning district, subject to requirements set forth in Section 22.42.170; (b) to add “supportive housing” as described in Section 22.42.170(b), which is configured as a single-room occupancy housing development, as a permitted use in the I (light industry) zoning district, subject to specified standards and requirements; (c) to add other types of “transitional housing” and “supportive housing” configured as single-room occupancy housing developments as conditionally permitted uses in the I (light industry) zoning district, subject to specified standards and requirements; (d) to delete “schools—specialized education and training and non-degree,” “studios—photograph, portrait, martial arts, dance, aerobics, etc.,” and “retail sales” from the list of land uses in the Table; (e) to classify “trade schools” as a conditionally permitted use in the C-1 (neighborhood commercial) and C-2 (community commercial) zoning districts; (f) to classify “specialized education and training” as a conditionally permitted use in the C-1 (neighborhood commercial), C-2 (community commercial), C-3 (regional commercial), and I (light industry) zoning districts, subject to specified requirements; (g) to classify “studios” that offer instruction as a conditionally permitted use and studios that do not offer instruction as a permitted use in the I (light industry) zoning district; and (h) to delete existing footnote (6) pertaining to massage businesses and establishments, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

	Permit Requirement by District				
LAND USE (1)	C-1	C-2	C-3	I	See Standards in Section:
...	...	...	...	...	...
MISCELLANEOUS					
Emergency shelters				P	
<u>Low-barrier navigation centers</u>				<u>P</u>	<u>22.42.170</u>
Single-room occupancy housing				CUP	22.42.160

<u>Transitional / supportive housing</u>	...	...	...	<u>P or CUP (6)</u>	<u>22.42.170</u>
...	...	...	...	...	...
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
...	...	...	...	...	...
<u>Schools, trade</u>	<u>CUP</u>	<u>CUP</u>			
Schools—Specialized education and training and non-degree	CUP	CUP	See (5)	CUP	
<u>Specialized education and training</u>	<u>CUP</u>	<u>CUP</u>	<u>See (5)</u>	<u>CUP</u>	
Studios—Photograph, portrait, martial arts, dance, aerobics, etc.	CUP	CUP	CUP		
<u>Studios</u>				<u>P or CUP (7)</u>	
...	...	...	...	...	...

...

Notes:

...

(5) Educational classes/training programs as the primary use shall be limited to the second floor and above with approval of a CUP. Ancillary classes in conjunction with a permitted use shall require a CUP and be limited to 15 percent of a separately demised space occupied by a single tenant or 750 square feet, whichever is less.

~~(6) Massage businesses or establishments that are sole proprietorships, where the sole proprietor is certified by the California Massage Therapy Council (CAMTC), and massage businesses or establishments that employ or use only persons certified by the CAMTC are permitted uses that do not require approval of a conditional use permit.~~

(6) Transitional or supportive housing developments located in the Industrial zoning district shall be configured as, and are subject to the standards and restrictions that apply to, single-room occupancy housing. A supportive housing development as described in Section 22.42.170(b) is a permitted use in the Industrial zoning district subject to ministerial zoning clearance and/or plot plan review; other transitional or supportive housing developments located in the Industrial zoning district require conditional use

permit approval and are subject to the same permitting requirements as a single-room occupancy housing development.

(7) A CUP shall be required for studios that offer instruction.

Section 6. Subsection (1) of Section 22.16.070 (Open space for commercial projects) of Title 22, Chapter 22.16 of the Diamond Bar City Code is hereby amended to correct a typographical error, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

- (1) *Open space required.* Multitenant commercial centers one acre in size and larger shall provide a minimum of ~~0.01~~ one (1) percent of the total land area of the center as useable pedestrian-oriented open space, including plazas, patios, courtyards, and outdoor seating areas. The total land area of the center shall include all parcels that comprise the center including freestanding structures on separate parcels.

Section 7. Sub-subsections (c) and (d) of Subsection (3) (Allowed projections into setbacks) of Section 22.16.090 (Setback regulations and exceptions) of Title 22, Chapter 22.16 of the Diamond Bar City Code are hereby amended to re-letter the sub-subsections and clarify permitted locations and projections into setbacks for porches, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

~~c. Porches and stairways. The following standards shall apply to porches and stairways:~~

c. 1. Porches. Covered, unenclosed porches, located at the same level as the entrance floor of the structure, may extend up to six feet into the required front yard setback.

d. 2. Stairways. Outside stairways and landings, that are not attached to a deck, are not enclosed and do not extend above a ground floor entrance, may extend into required yards as follows:

- (a) *Front yard setback:* Up to six feet into a required front yard;
- (b) *Side yard setback:* Up to 30 inches into a required side yard, but no closer than three feet to a side property line;
- (c) *Rear yard setback:* Up to six feet into a required rear yard.

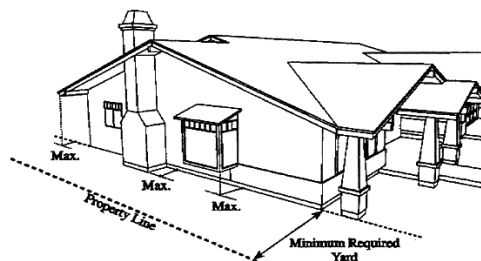


Figure 3-4

~~d. e.~~ e. *Setback requirements for specific structures:*

...

Section 8. Section 22.16.130 (View protection) of Title 22, Chapter 22.16 of the Diamond Bar City Code is hereby amended to delete Figure 3-5.

Section 9. Chapter 22.18 of Title 22 of the Diamond Bar City Code is hereby repealed and replaced with new Chapter 22.18, entitled “Special Procedures Applicable to Housing Development Projects,” to read in its entirety as follows:

CHAPTER 22.18. - SPECIAL PROCEDURES APPLICABLE TO HOUSING DEVELOPMENT PROJECTS

Sec. 22.18.010 – Affordable housing incentives/density bonus provisions.

(a) *Purpose.* The purpose of this section is to implement the incentive programs provided in Government Code Sections 65915 through 65918 (referred to collectively in this Section as the “State Density Bonus Law”) in order to provide additional opportunities for the provision of affordable housing within the City of Diamond Bar.

(b) *Applicability.* This section applies to any “housing development,” as defined in the State Density Bonus Law, including, without limitation, a development project for five or more residential units, including a mixed-use development, or a senior citizen housing development consisting of at least 35 units. This section also applies to density bonuses for land donations in accordance with Government Code Section 65915. In exchange for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or reduced parking ratios, a portion of the units shall be reserved for very low income households, lower income households, senior citizen households, moderate income households, transitional foster youth, disabled veterans, homeless persons, or lower income college students as provided in this section and the State Density Bonus Law. All such projects shall comply with all requirements stated in the State Density Bonus Law and shall be subject to the subdivision, plot plan review and/or development review requirements of this title, as applicable. This section shall be interpreted in a manner consistent with the State Density Bonus Law, as it may be amended from time to time, and the requirements of the State Density Bonus Law shall prevail over any conflicting provision of this Development Code.

(c) *Definitions.* As used in this section 22.18.010, the terms base density, concession, density bonus, development standard, disabled veterans, homeless persons, housing development, incentive, located within one-half mile of a major transit stop, lower income households, lower income student, maximum allowable residential density, moderate income households, persons and families of moderate income, qualified nonprofit housing corporation, replace, senior citizen housing development, shared housing building, shared housing unit, total dwelling units, total units, transitional foster youth, unit, unobstructed access to the major transit stop, very low income households, and very low income vehicle travel area shall have the meanings ascribed to them in the State Density Bonus Law, as it may be amended from time to time.

(d) *Determination of density bonus.* Qualified projects that meet the eligibility requirements set forth in this section and/or the State Density Bonus Law shall be granted a density bonus or bonuses in an amount specified in the State Density Bonus Law, as it may be amended from time to time. Eligibility for and/or calculation of a density bonus shall be subject to the following:

- (1) A density bonus is a density increase over the otherwise maximum allowable gross residential density for a site as of the date of application by the applicant to the city. For the purpose of calculating the density bonus, the maximum allowable residential density, or base density, shall be the greatest number of units allowed on the site under the Development Code, an applicable specific plan, or the land use element of the General Plan. Each component of any density calculations, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
 - (2) Except as otherwise required by the State Density Bonus Law, the density bonus units shall not be included when determining the number of required affordable units or senior citizen units.
 - (3) The developer can request a smaller density bonus than the project is entitled to, including no increase in density, but no reduction shall be permitted in the number of required affordable units.
 - (4) For purposes of calculating the amount of the density bonus, an applicant who requests a density bonus shall elect the category and corresponding provision of the State Density Bonus Law pursuant to which the density bonus will be awarded. Unless otherwise specified in this Section or the State Density Bonus Law, each residential development is entitled to only one density bonus, and density bonuses from more than one category may not be combined.
 - (5) The granting of a density bonus and/or related concession(s) or incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, zone change, study, or other discretionary approval.
 - (6) Pursuant to California Government Code Section 65915.5, the conversion of apartments to a condominium project shall not be eligible for a density bonus or other incentives if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided under Government Code Section 65915.
- (e) *Specific requirements.*
- (1) *Senior citizen housing requirements.*
 - a. Senior citizen housing development projects shall have a minimum of 35 units and shall meet the requirements described in Section 51.3 of the California Civil Code or any successor statute or regulation.
 - b. Mobile home parks shall limit residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code, or any successor statute or regulation.
 - (2) *Land donation requirements.* An applicant for a tentative map, parcel map or any other residential development approval shall receive a density bonus for the residential development in an amount specified by Government Code Section 65915, as it may be amended from time to time, when the applicant donates land to the city as provided in this section. This density bonus shall be in addition to any

other density bonus provided for in this section, up to a total combined density bonus of 35 percent. Applicants are eligible for the land donation density bonus if all of the following conditions are met:

- a. The developer shall donate and transfer land to the city no later than the date of approval of the final map or other approvals required for the residential development.
- b. The developable acreage and general plan and zoning designation of the land being transferred are sufficient to permit development of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- c. The transferred land shall be at least one acre or of sufficient size to permit development of at least 40 residential units and shall have the appropriate general plan designations and be appropriately zoned with appropriate development standards for development at a density of at least 30 dwelling units per acre.
- d. The transferred land shall be served by adequate public facilities and infrastructure.
- e. The transferred land and the very low income units constructed shall be subject to a deed restriction recorded with the county recorder, to ensure continued affordability of the units consistent with this Section, and the property owner shall enter into an affordable housing agreement with the city pursuant to this Section. The deed restriction / affordable housing agreement shall be recorded on the property at the time of the transfer.
- f. The transferred land shall be conveyed in fee simple to the city or to a housing developer approved by the city.
- g. The transferred land shall be within the boundary of the proposed residential development, or no more than approximately one-quarter mile from the boundary of the qualified project, if the city so approves.
- h. No later than the date of approval of the final map or other discretionary approval required for the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, and a proposed source of funding for the very low income units shall have been identified.

(3) *Child-care facility requirements.*

- a. Subject to subsection (e)(3)(c), below, the city shall grant either of the following to a qualifying housing development that includes a child-care facility located on the premises of, or adjacent to, the project:
 - i. An additional density bonus that is an amount of square feet of residential space equivalent to the square footage of the childcare facility; or

- ii. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child-care facility.
 - b. As a condition of receiving the additional density bonus or concession for a child-care facility, the project shall comply with the following requirements:
 - i. The child-care facility shall remain in operation for a period of time that is as long as, or longer, than the period of time during which the density bonus units are required to remain affordable.
 - ii. Of the children who attend the child-care facility, the percentage of children of very low income, lower income, or moderate income households shall be equal to, or greater than, the percentage of affordable units required to be set aside for each such group.
 - c. Notwithstanding any requirement of this Section, the City shall not be required to provide a density bonus or concession for a child-care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.
- (4) *Replacement housing requirement.* Pursuant to subdivision (c)(3) of Government Code Section 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein and the provisions of Section 22.18.020, including in the following circumstances:
- a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or
 - b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the five (5) year period preceding the application; or
 - c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or
 - d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five (5) year period preceding the application.
- (f) *Regulatory Agreement.* As a condition to the City's granting of a density bonus, incentives or concessions, waivers or reductions in development standards, and/or reduced parking ratios pursuant to this Section, the property owner(s) shall enter into a regulatory agreement with the City pursuant to Section 22.18.030, which satisfies the criteria set forth in subdivision (c) of Government Code Section 65915.

(g) *Concessions or incentives.* In compliance with State Density Bonus Law, developers that request a density bonus to provide on-site affordable housing may also eligible to receive one or more concessions or incentives, based on the type and scope of the project.

- (1) The review authority shall grant applicants for qualified projects the number of incentives and concessions required by Government Code Section 65915. The review authority shall approve a specific requested concession or incentive for a proposed project unless the review authority makes a written finding, based on substantial evidence, of any of the following:
 - a. The concession or incentive does not result in identifiable and actual cost reductions in order to provide for affordable housing costs or for affordable rents for the targeted units to be set aside;
 - b. The concession or incentive would have a specific adverse impact, as defined in Section 65589.5(d)(2) of the California Government Code, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
 - c. The concession or incentive would be contrary to state or federal law.
- (2) *Menu of concessions/incentives.* Concessions or incentives that a developer may request include those of the type set forth in subsection (k) of Section 65915 of the California Government Code, including the following:
 - a. Relaxation or other modification of zoning standards regulating such items as setbacks, height limitations, distances between buildings, required parking, parking development standards, projections into yards, and the like, which result in identifiable, and actual cost reductions. No separate variance application will be required for any modification of standards. However, the approved plans and application shall identify the zoning standards modifications which have been incorporated into the project.
 - b. Modification of architectural regulations ordinarily applied to a residential development project, which result in identifiable and actual cost reductions.
 - c. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 - d. Other regulatory incentives or concessions proposed by the developer or the City, which result in identifiable, and actual project cost reductions.
- (3) Parking incentives.

- a. Notwithstanding any other provision of this title, except as otherwise required pursuant to the State Density Bonus Law or other applicable law, if requested by the developer, the minimum number of off-street parking spaces, inclusive of accessible and guest parking spaces, required to be provided for all units within a qualifying density bonus housing development shall be as follows:

Number of Bedrooms	Required Parking Spaces per Unit*
0 to 1 bedroom	1
2 to 3 bedrooms	1.5
4 or more bedrooms	2.5
*If the total number of spaces required for a development results in a fractional number, it shall be rounded up to the next whole number.	
** Developments meeting the requirements of subdivisions (p)(2) or (p)(3) of Government Code Section 65915 may provide fewer parking spaces per unit as specified in the State Density Bonus Law.	

- (h) *Physical Constraints.* In accordance with Government Code Section 65915(e), in addition to any concessions or incentives requested, an applicant for a density bonus pursuant to this section may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions to which the applicant is entitled. The review authority shall approve a requested waiver or reduction of a development standard, unless it makes any of the following findings:
- (1) The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant.
 - (2) The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 - (3) The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
 - (4) The waiver or reduction of the development standard would be contrary to state or federal law.
- (i) *Project review procedures.* All project applications for which a density bonus, concessions or incentives, modifications or waivers of development standards, and/or reduced parking ratios is/are being requested shall be reviewed in accordance with section 22.18.040 and shall be subject to the following project review procedures:

- (1) In addition to any other application required for a proposed housing development project, applications for any requested density bonus, incentives or concessions, waivers or reductions of development standards, and/or reduced parking ratios pursuant to this section shall be filed with the department pursuant to section 22.44.030. The application shall be filed concurrently with the application or applications for other required land use permits and approvals for the proposed project and shall be processed in the same manner as, and concurrently with, the application or applications for other required project approvals. In addition to any other information requested by the director, the application shall identify the category and corresponding provision(s) of the State Density Bonus Law pursuant to which a density bonus is requested; the base density of the proposed project; the number of density bonus units requested, along with supporting calculations; any concessions/incentives requested, any development standards requested to be waived/modified, and any reduced parking ratios requested pursuant to subsection (g)(3). The application shall be accompanied by reasonable documentation satisfactory to the director to establish eligibility for all requested density bonuses and parking ratios. Upon approval of a housing development project pursuant to this section, the planning division shall note in the project record that a density bonus has been granted, and the approved plans and application shall identify all concessions and incentives and/or waivers and modifications granted and any special conditions imposed on the project to ensure unit affordability.

Sec. 22.18.020 – Dwelling unit protection regulations.

(a) *Purpose and Applicability.* The purpose of this Section is to implement the provisions of the Housing Crisis Act of 2019, which require development project proponents to replace demolished residential dwelling units and protected rental units and to provide relocation assistance and other benefits to existing occupants of demolished protected rental units. This Section applies to all development projects subject to Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code.

(b) *Definitions.* If defined in therein, terms used in this Section shall have the same meaning as defined in Government Code Sections 66300.5-66300.6. Unless otherwise defined in Government Code Sections 66300.5-66300.6, as used in this section, the following terms shall have the following meanings:

1. “Affordable housing cost” has the same meaning as defined in Health and Safety Code Section 50052.5.
2. “Affordable rent” has the same meaning as defined in Health and Safety Code Section 50053.
3. “Comparable unit” shall have the same meaning as the term “comparable replacement dwelling” as defined in Government Code Section 7260; provided, however, that with respect to an occupied protected unit that is a single-family home that will be demolished in conjunction with a proposed development project that consists of two or more dwelling units, a “comparable unit” need not contain more than three (3) bedrooms or have the same or similar square footage or the same number of total rooms.

4. "Development project" means the development of land requiring City approval. A development project includes, but is not limited to, a housing development project.
 5. "Equivalent size" means that the replacement protected units contain at least the same total number of bedrooms as the units being replaced.
 6. "Extremely low income households" has the same meaning as defined in Health and Safety Code Section 50106.
 7. "Housing Crisis Act" means and refers the provisions set forth in Chapter 12 of Division 1 of Title 7 of the Government Code, commencing with Section 66300, as such provisions may be amended from time to time.
 8. "Housing development project" has the same meaning as defined in Government Code Section 65905.5.
 9. "Lower income households" has the same meaning as defined in Health and Safety Code Section 50079.5. Lower income households includes very low income households and extremely low income households.
 10. "Protected unit" shall have the same meaning as defined in the Housing Crisis Act and includes, but is not limited to, existing or previously demolished residential dwelling units that are or were either rented by lower or very low income households or subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the five (5) year period preceding the application submittal date.
 11. "Relocation Assistance Law" shall mean Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and its related implementing regulations.
 12. "Replace" has the same meaning as provided in subparagraphs (B) and (C) of paragraph (3) of subdivision (c) of Government Code Section 65915; provided, however, that for purposes of a development project that that consists of a single residential unit on a site with a single protected unit, "replace" shall mean that the protected unit is replaced with a unit of any size at any income level.
 13. "Replacement protected units" means and refers to affordable residential units proposed to be developed to replace one or more protected units.
 14. "Very low income households" has the same meaning as defined in Health and Safety Code Section 50105. Very low income households includes extremely low income households.
- (c) *One-to-One Replacement of Demolished Dwelling Units.* If, and to the extent, required by the Housing Crisis Act, the final review authority shall not approve a housing development project that will require the demolition of one or more residential dwelling units unless the proposed project will create at least as many residential dwelling units as will be demolished in conjunction with the project.
- (d) *Replacement of Protected Units.* If, and to the extent, required by the Housing Crisis Act, the final review authority shall not approve a development project that will require the demolition

of one or more occupied or vacant protected units, or that is located on a site where one or more protected units were demolished in the previous five (5) years, unless all applicable requirements, including, but not limited to, the following, are complied with:

1. **Number of Total Units Required.** If the project is a housing development project, the project shall include at least as many total dwelling units as the greatest number of permitted dwelling units that existed on the project site within the five-year period preceding the application submittal date.
2. **Number of Replacement Protected Units Required.** Unless otherwise provided in the Housing Crisis Act, the development project shall replace all existing occupied or vacant protected units that will be demolished as part of the proposed project and all protected units that were previously located on the project site and demolished on or after January 1, 2020. Any replacement protected units provided will be considered in determining whether a housing development project satisfies the requirements of Government Code Section 65915 and Section 22.18.010.
 - a. **Projects Involving Demolition of Occupied Protected Units.** If any existing protected units to be demolished are occupied on the date of application submittal, the project shall provide at least the same number of replacement dwelling units of equivalent size to be made available at an affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy of the protected units. If a project site containing occupied protected units to be demolished also contains vacant protected units that will be demolished as part of the project, or previously contained protected units that were demolished within the five-year period preceding the application submittal date, the project shall also provide at least the same number of replacement protected units of equivalent size as such protected units, to be made available at an affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income of the existing or last household in occupancy of any protected units is not known, it shall be rebuttably presumed that lower income renter households occupied such protected units in the same proportion of lower income renter households to all renter households within the City of Diamond Bar, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement protected unit calculations resulting in fractional units shall be rounded up to the next whole number.
 - b. **Projects Only Involving Vacated or Demolished Protected Units.** If all protected units on the project site are vacant or have been demolished within the five-year period preceding the application submittal date, the project shall provide at least the same number of replacement protected units of equivalent size as the number of protected units as existed at the highpoint of those units in the five-year period preceding the application submittal date, to be made available at an affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy of the protected units at that time, if known. If the incomes of the

persons and families in occupancy the protected units at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these protected units in the same proportion of low-income and very low income renter households to all renter households within the City of Diamond Bar, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement protected unit calculations resulting in fractional units shall be rounded up to the next whole number.

c. **Replacement Protected Unit Size.** A replacement protected unit must include at least the same number of bedrooms as the protected unit being replaced; provided, however, that if, and to the extent permitted pursuant to the Housing Crisis Act, a protected unit may be replaced with two or more replacement protected units of the same or a lower income category as the protected unit, provided the cumulative number of bedrooms in the replacement protected units equals or exceeds the number of bedrooms in the protected unit being replaced. .

d. **Single-Family Projects Involving a Single Protected Unit.** Notwithstanding any other provisions of this subsection (d)(2), if a development project consists of the development of a single residential unit on a site with a single protected unit, that protected unit may be replaced with a unit of any size at any income level.

3. **Location of Replacement Protected Units.** If the project is a housing development project, replacement protected units shall be constructed on the same site as the demolished protected units being replaced and integrated into the development project, if feasible. Subject to approval of the final review authority, and to the extent permitted by the Housing Crisis Act, an applicant may develop, or contract with another entity to develop, a replacement protected unit on a different parcel in the City zoned for residential use, provided that (i) an application for development of the replacement protected units on different parcels is made concurrently with an application for all other components of the proposed development project, (ii) the other parcel is zoned for residential use and all objective general plan, zoning, and other standards and requirements are met, and (iii) the applicant demonstrates that no residential tenants on the other parcel have been or will be displaced as a result of development of the replacement protected unit.

4. **Timing of Construction of Replacement Units.** All replacement units shall be constructed concurrently with or prior to other components of the proposed development project.

5. **Affordability Restrictions.** All replacement protected units that will be rented shall be subject to a recorded affordability restriction for at least 55 years. Replacement protected units that will be offered for sale shall be subject to paragraph (2) of subdivision (c) of Government Code Section 65915.

6. **Regulatory Agreement Required.** The record owner(s) of the property shall enter into a regulatory agreement with City pursuant to section 22.18.030.

(e) ***Benefits to be Provided to Occupants of Protected Units.*** The final review authority shall not approve a development project subject to the Housing Crisis Act that will require the demolition of one or more occupied protected units, unless the applicant and record owner(s) of the subject

site agree to comply the requirements set forth in this subsection (e) and to provide any other benefits to existing occupants of protected units required pursuant to the Housing Crisis Act.

1. **Right to Remain in Occupancy Pending Demolition.** Any existing occupants of a protected unit to be demolished, regardless of their household income level, shall be allowed to occupy the unit until six (6) months before the start of construction activities on the site. The project proponent and/or record owner of the occupied protected unit shall provide the existing occupants with written notice of the planned demolition, the date the occupants must vacate the unit, and their rights under the Housing Crisis Act. Said notice shall be provided at least six (6) months in advance of the date that the existing occupants must vacate the unit, and a copy shall be concurrently delivered to the director.

2. **Right to Return if Demolition Does Not Proceed.** Any existing occupants of a protected unit to be demolished, regardless of their income level, that are required to leave the unit shall be allowed to return at their prior rental rate if the demolition does not proceed and the unit is returned to the rental market. This right shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the director.

3. **Right of First Refusal for a Comparable Unit in New Housing Development Project.** Except as otherwise expressly provided in this subsection (e)(3), the record owner(s) of a protected unit that will be demolished shall agree to provide existing occupants of the protected unit that are lower income households with a right of first refusal to rent or purchase a comparable unit available in the new housing development project, or in any required replacement units associated with a new development that is not a housing development project, affordable to the household at an affordable rent or affordable housing cost. The right of first refusal shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the director. Notwithstanding the foregoing, this subsection (g)(3) shall not apply to either (i) a development project that consists of a single residential unit located on a site where a single protected unit is being demolished; (ii) units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower income households, unless the occupant of the protected unit qualifies for residence in the new development and providing a comparable unit to the occupant would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development; or (iii) a development project that is an industrial use and to which the requirement to provide replacement units does not apply.

4. **Relocation Benefits.**

a. The applicant and/or the record owner(s) of a protected unit that will be demolished as part of a development project shall provide existing occupants of the protected unit to be demolished that are lower income households with relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to the Relocation Assistance Law. By way of example, said relocation benefits may include, without limitation, advisory assistance in finding comparable new housing, payment of moving expenses, and rental assistance payments.

b. The applicant shall engage a qualified third-party contractor or consultant (a “relocation consultant”) approved by the director to determine the eligibility of occupants for benefits, prepare a relocation plan, and oversee the provision of the required relocation benefits.

c. The applicant’s relocation consultant shall prepare a written relocation plan consistent with the provisions of the Relocation Assistance Law, which plan shall be subject to review and approval by the director. The relocation plan shall include, without limitation, provisions addressing the following:

- i. determination of eligibility requirements;
- ii. identification of eligible occupants;
- iii. occupant interviews and needs assessments;
- iv. an evaluation of the availability of comparable replacement housing within the relevant geographic area;
- v. identification of specific replacement housing options;
- vi. the provision for relocation advisory services to affected occupants;
- vii. a description of the relocation benefits available to eligible occupants;
- viii. a process for the provision of benefits and the submission of benefit claims by eligible occupants;
- ix. a process for occupants to appeal benefit determinations; and
- x. procedures for providing the benefits required pursuant to this subsection (e), including copies of the required notices, agreements, and other forms needed to implement the provision of said benefits.

d. Prior to the issuance of a grading or building permit for the development project, the relocation consultant shall provide a letter to the director certifying that the relocation process has been completed and that all required relocation benefits have been provided.

(f) *Fees.* The City may impose a fee or fees to recover the City’s other reasonable costs to implement the dwelling unit protection provisions of the Housing Crisis Act and this Section. Any such fees shall be adopted by resolution of the City Council.

(g) *Reimbursement of City’s Professional Fees and Costs.* To the extent not factored into the fee or fees established pursuant to subsection (f), in addition to such fees, if benefits are required to be provided to existing occupants of protected units pursuant to subsection (e), the applicant shall reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review or preparation of documents in connection with the review of a relocation plan, notices, or other required forms and documents and the monitoring and/or enforcement of compliance with requirements for provision of benefits. Concurrent with or prior to the applicant’s submittal of any notice, agreement, plan, or other document requiring approval of the director

pursuant to subsection (e), the applicant shall execute a reimbursement agreement with the City in a form approved by the City Manager and provide a deposit to the City in an amount sufficient to cover the estimated total professional fees and costs to be incurred by the City, as determined by the director in his or her reasonable discretion. The City Manager or his or her designee is authorized to execute said reimbursement agreement on behalf of the City.

Sec. 22.18.030 – Affordable housing regulatory agreements.

(a) *Purpose.* The purpose of this Section is to establish minimum requirements and procedures for the preparation, execution, and recording of regulatory agreements establishing covenants to ensure the initial and continued affordability of income-restricted residential dwelling units required to be provided in conjunction with the approval of a development project pursuant a provision of this Code or State law.

(b) *Definitions.* As used in this section, the following terms shall have the following meanings:

1. “Affordable Units” means residential dwelling units required to be made affordable to, and occupied by, households with incomes that do not exceed the limits specified in applicable law for middle income, moderate-income, lower income, very low income, or extremely low income households, as applicable, at an affordable rent or affordable housing cost, pursuant to State law or any provision of this Code.
2. “Owner” means the record owner or owners of the parcel or parcels on which affordable units will be located.
3. “Regulatory Agreement” means an agreement or agreements entered into between the City and an owner pursuant to this Section.

(c) *Requirement for Regulatory Agreement.* Whenever an applicant for a development project offers to or is required as a condition of development pursuant to State law or any provision of this Code to construct a specified number or percentage of affordable units, the owner shall enter into a regulatory agreement with the City meeting the requirements of this section in the form approved by the City Manager.

(d) *Required Provisions of Regulatory Agreements.* Unless otherwise provided by law or authorized by the City Manager, each regulatory agreement shall include provisions addressing or requiring the following:

1. **Identification of Affordable Units.** The number, affordability level, unit size and bedroom count mix, and location of the affordable units shall be set forth in the regulatory agreement. Unless otherwise mutually agreed by the applicant and City, affordable units shall be dispersed throughout the project. Projects that include mixed income multifamily structures shall comply with the requirements set forth in Health and Safety Code Section 17929.
2. **Timing of Construction.** The regulatory agreement shall require that the affordable units be constructed concurrently with or prior to other components of the development project.
3. **Affordability Period for Affordable Units.** The regulatory agreement shall require that the affordable units remain affordable to, and be occupied by, persons and families

of the required income level at an affordable rent or affordable housing cost, as applicable, for the minimum period of time required by law, or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or subsidy program associated with the development project. Where a minimum affordability period is not otherwise specified by statute or ordinance, the required affordability period for affordable units that will be rented shall be a minimum of fifty-five (55) years and the required affordability for affordable units that will be offered for sale shall be a minimum of forty-five (45) years. Determinations of affordable rents, affordable housing costs, and household income levels shall be made in accordance with the regulations published from time to time by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

4. Annual Tenant Income Verification, Compliance Reporting, and Certification. For projects containing affordable units that will be rented, the regulatory agreement shall include uniform provisions requiring the owner to verify and certify, prior to the initial occupancy, and annually thereafter, that each tenant household occupying each affordable unit meets the applicable income and eligibility requirements established for the affordable unit, and to annually prepare a compliance report and certify that the affordable units are in compliance with the regulatory agreement.

5. For-Sale Affordable Units. For projects containing affordable units that will be offered for sale, the regulatory agreement shall include uniform provisions requiring the owner to either (i) ensure that each affordable unit is offered at an affordable housing cost and is initially sold to and occupied by a household that meets the applicable income and eligibility requirements established for the affordable unit, or (ii) sell the affordable unit(s) to a qualified nonprofit housing corporation pursuant to applicable legal requirements and terms acceptable to the City. If the affordable units are developed pursuant to section 22.18.010 or section 22.18.020, the regulatory agreement shall contain provisions satisfying the criteria set forth in paragraph (2) of subdivision (c) of Government Code Section 65915. The regulatory agreement shall also require the initial purchaser and, if applicable, each subsequent purchaser, of an affordable unit, to execute and/or record one or more agreements and/or restrictive covenants benefiting and enforceable by the City, which address, among other things, the purchaser's obligations pertaining to certification of income, financing or refinancing of the unit, occupancy of the unit, property maintenance, insurance, periodic certification of compliance with applicable agreement terms, and re-sale of the unit. Such agreements or restrictive covenants may include, without limitation promissory notes, deeds of trust, reimbursement agreements, option agreements, equity sharing agreements, and/or other covenants and regulatory documents necessary to ensure continued compliance with pertinent provisions of applicable law, conditions of approval, and the regulatory agreement for the required affordability period.

6. Maintenance Standards. The regulatory agreement shall contain uniform provisions governing the owner's maintenance obligations and the City's rights in the event the owner fails to adhere to its maintenance obligations.

7. Annual Compliance Report. Each regulatory agreement shall contain provisions requiring the owner to submit an annual compliance report containing specified information to the City in a form reasonably satisfactory to director and to annually certify

that the affordable units are in compliance with the requirements of the regulatory agreement.

8. **Recordkeeping Requirements.** The regulatory agreement shall contain uniform provisions requiring the owner to maintain affordable unit sales documents, tenant leases, income certifications, and other books, documents, and records related to the sale or rental of the affordable units and operation of the project for a period of not less than five (5) years after creation of each such record; to allow the City to inspect any such books, documents, or records and to conduct an independent audit or inspection of such records at a location that is reasonably acceptable to the City Manager upon prior written notice; and to permit the City and its authorized agents and representatives to access the property and examine the housing units and to interview owners, occupants, tenants and employees for the purpose of verifying compliance with the regulatory agreement.

9. **Marketing and Sale of Affordable Units.** For housing development projects containing affordable units that will be offered for sale, the regulatory agreement shall contain uniform provisions addressing (i) how eligible buyers of the affordable units will be solicited, identified, and selected; (ii) procedures for establishing the affordable sales prices of the affordable units; (iii) procedures for verifying the income and eligibility of prospective buyers of the affordable units; and (iv) a description of the responsibilities of an owner or buyer upon resale of an affordable unit.

10. **Marketing and Management Plan for Rental Affordable Units.** For multi-family housing development projects containing affordable units that will be rented, the regulatory agreement shall contain uniform provisions regarding property management and management responsibilities and shall require the owner to prepare and obtain the City's approval of a marketing and management plan for the project prior to the issuance of a certificate of occupancy for any portion of the project. The marketing and management plan shall address in detail, without limitation, the following matters: (i) how the owner plans to market the affordable units to prospective tenant households; (ii) procedures for the selection of tenants of affordable units, including a description of how the owner plans to certify the eligibility of tenant households; (iii) procedures for annually verifying income and recertifying the eligibility of tenants of affordable units; (iv) the standard form(s) of rental agreement(s) the owner proposes to enter into with tenants of affordable units; (v) procedures for the collection of rent; (vi) procedures for eviction of tenants; (vii) procedures for ensuring that the required number and unit size mix of affordable units is maintained and that affordable units do not become congregated to a certain area of the building or project; (viii) procedures for complying with the owner's monitoring and recordkeeping obligations; (ix) the owner's property management duties; (x) the owner's plan to manage and maintain the project and the affordable units; (xi) the rules and regulations of the property and manner of enforcement; and (xii) and a program addressing security and crime prevention at the project.

11. **Provisions regarding Section 8 Certificates.** For projects containing affordable units that will be rented, the regulatory agreement shall include uniform provisions regarding the acceptance of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor (i.e., "Section 8 certificates"), which shall include the following requirements and limitations:

a. The owner shall accept as tenants persons who are recipients Section 8 certificates on the same basis as all other prospective tenants; provided, the owner shall not rent one of the affordable units to a tenant household holding a Section 8 certificate unless none of the housing units not restricted to occupancy by the affordability covenants are available. If the only available housing unit is an affordable unit, the owner shall no longer designate the housing unit rented to a tenant household holding a Section 8 certificate as an affordable unit, shall designate the next-available housing unit as an affordable unit, and shall make available, restrict occupancy to, and rent such newly designated affordable unit to a qualified tenant at the applicable affordable rent pursuant to the affordability covenants, such that at all times reasonably possible all of the required affordable units shall not be occupied by tenants holding Section 8 certificates.

b. Furthermore, in the event the owner rents an affordable unit to a household holding a federal certificate, the rental agreement (or lease agreement, as applicable) between the owner, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the affordable rent required for the affordable unit (not fair market rent) and that the rent collected directly from such tenant holding a federal certificate shall be not more than the specified percentage of the tenant's actual gross income pursuant to the applicable federal certificate program regulations; i.e., the rent charged to such tenant under the rental agreement shall be the affordable rent chargeable under the affordability covenant and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program.

c. The owner shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

d. If and to the extent these restrictions conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control.

12. Annual Monitoring Fee. Each regulatory agreement shall contain a provision requiring the owner to reimburse City for the estimated reasonable costs incurred by the City in administering and monitoring the owner's compliance with the regulatory agreement, including, but not limited to, City's review of annual compliance reports and conduct of inspections and/or audits.

(e) *Recordation.* Each regulatory agreement entered into pursuant to this section shall be recorded as a covenant against the property prior to final or parcel map approval, or, where the development project does not include a subdivision map, prior to issuance of a building permit for any structure in the development project. Except as otherwise authorized by the City Manager, the regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof, and in no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.

(f) *Delegation of Authority.* The City Manager is authorized to approve and execute each regulatory agreement and any amendments thereto on behalf of the City. The City shall maintain authority of each regulatory agreement and the authority to implement each regulatory agreement through the City Manager. The City Manager shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of each regulatory agreement on behalf of City.

(g) *Fees.* The City may charge a fee or fees to recover the City's reasonable costs to implement the provisions of this Section. Any such fees shall be adopted by resolution of the City Council.

(h) *Reimbursement of Professional Fees and Costs.* To the extent not factored into the fee or fees established pursuant to subsection (g), in addition to such fees, the development proponent and/or owner shall reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review or preparation of documents in connection with (i) preparation of the regulatory agreement and ancillary documents; (ii) establishing the affordable sales price and verifying the incomes and eligibility of prospective buyers of for-sale affordable units; (iii) review of the initial marketing and management plan and any amendments thereto; (iv) review of annual compliance reports submitted by an owner pursuant to a regulatory agreement; and (v) inspections and audits.

(i) *Preparation of Regulatory Agreement; Reimbursement Agreement.* Unless otherwise approved by the City Manager, each regulatory agreement shall be prepared by the City at the cost of the applicant and/or owner. Prior to the City commencing preparation of a regulatory agreement, the applicant and/or owner shall execute a reimbursement agreement with the City in a form approved by the City Manager and provide a deposit to the City in an amount sufficient to cover the estimated total professional fees and costs to be incurred by the City for preparation of the regulatory agreement, as determined by the director in his or her reasonable discretion. The City Manager or his or her designee is authorized to execute said reimbursement agreement on behalf of the City.

Sec. 22.18.040 Review of housing development projects.

(a) *Purpose.* The purpose of this Section is to implement specified provisions of State law pertaining to review by the City of applications for permits and/or land use entitlements for housing development projects. In the event of any conflict between the provisions of this Section and any provision of State law, the provision of State law shall govern.

(b) *Definitions.* As used in this section, the following terms shall have the following meanings:

1. "Housing Accountability Act" means and refers to the provisions of Government Code Section 65589.5.
2. "Housing development project" shall have the same meaning as defined in the Housing Accountability Act and includes (a) developments consisting of two or more residential units, (b) mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, and (c) transitional housing or supportive housing.

3. “Housing element parcel” means and refers to any parcel of land identified in the City’s general plan housing element site inventory described in subdivision (a)(3) of Government Code Section 65583, or in a housing element program to make sites available pursuant to subdivision (c)(1) of Government Code Section 65583, for residential development to meet the City’s share of regional housing need allocated pursuant to Government Code Section 65584.

4. “Housing for very low, low, or moderate income households” shall have the same meaning as defined in the Housing Accountability Act.

5. “Specific, adverse impact” shall have the same meaning as defined in the Housing Accountability Act. Generally, a “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for a housing development project is deemed complete.

(c) *Compliance with State law.*

1. Generally. Notwithstanding any provisions of this Development Code, all proposed housing development projects shall be reviewed in accordance with requirements and limitations imposed by State law, including, but not limited to, Government Code Sections 65589.5, 65915-65918, 65583, 65584, 65863, 65905.5, 65912.100-65912.105, 65852.24, 65852.28, 65913-65913.16, 65914.7, 65940-65945.3, 65650-65656, 65660-65688, 66300-66301, and 66499.41. Except to the extent otherwise provided by State law, such review shall ensure that proposed housing development projects comply with State law and all applicable, objective standards, provisions, conditions and requirements of the general plan, any applicable specific plan, this Development Code, and other applicable ordinances and policies of the City.

2. Findings required for disapproval of housing development projects. As provided in the Housing Accountability Act, when a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, the final review authority shall not disapprove the project or impose a condition that the project be developed at a lower density unless the review authority makes written findings, based on a preponderance of the evidence on the record, that (a) the project would have a specific, adverse impact on public health and safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and (b) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

3. Additional findings required for disapproval of housing development projects for very low, low, or moderate income households. As provided in the Housing Accountability Act, the final review authority shall not disapprove a housing development project for very low, low, or moderate income households or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low, or moderate income households, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as required by subdivision (d) of the Housing Accountability Act.

(d) *Consistency review of housing development projects.* The director is authorized to review and determine whether an application for a housing development project is consistent and complies with applicable, objective general plan, zoning, and subdivision standards and criteria within the time period(s) prescribed by law, including, but not limited to, those set forth in subdivision (j) of the Housing Accountability Act.

(e) *Housing development projects subject to discretionary review.* The provisions of this subsection shall apply to the consideration of applications for development review, conditional use permits, or other quasi-judicial approvals required for the construction or operation of a housing development project that is not subject to ministerial review by the director. In the event of a conflict between the provisions of this subsection and any other provision of this Development Code, the provisions of this subsection shall apply.

1. **Hearings.** Government Code Section 95905.5 limits the number of hearings the City may conduct in connection with consideration of an application for a housing development project. Therefore, for so long as Government Code Section 95905.5 so provides and remains in effect, no more than five hearings or continued hearings shall be conducted in connection with consideration of an application for a housing development project, unless otherwise agreed to by the applicant or the applicant's designated representative. A meeting at which a hearing is continued to another date without public testimony or substantial discussion of the project occurring shall not count as one of the five allowed hearings. The final review authority shall consider and either approve, conditionally approve, or disapprove the application at one of the five hearings allowed pursuant to Government Code section 95905.5; provided, however, that, unless otherwise provided by law, the application shall not automatically be deemed approved if the final review authority does not act on the application at one of the five allowed hearings.

2. **Required findings.** Except as otherwise permitted or required by State law, the final review authority shall approve or conditionally approve an application for development review, a conditional use permit, or other quasi-judicial approval for a housing development project unless it makes written findings for disapproval in accordance with the Housing Accountability Act. If applicable, the final review authority shall also make no net loss findings pursuant to Section 22.18.050. The findings set forth in Sections 22.48.040 and 22.58.040 are not required to be made as a prerequisite to approval or conditional approval of a site development permit or conditional use permit for a housing development project.

3. **Conditions of approval.** The final review authority may impose reasonable conditions of approval that are necessary to ensure that a proposed housing development project complies with all local, state and federal laws, and that impacts resulting from the development are adequately mitigated, subject to the limitations set forth in the Housing Accountability Act.

4. **Environmental review.** Except as otherwise provided by law, a discretionary permit or approval for a housing development project shall not be approved until all applicable provisions of the California Environmental Quality Act have been complied with.

(f) *Ministerial review.* The provisions of this subsection shall apply in the event that State law or any provision of this Code requires a housing development project to be reviewed ministerially and/or designates a housing development project a "use by right" as defined in Government Code

Section 65583.2. Housing development projects subject to ministerial review include, without limitation, (a) multi-family housing development projects located on Housing Element Parcels, in which at least twenty percent (20%) of the housing units are affordable to lower-income households, and (b) housing development projects that satisfy the criteria set forth in Government Code Sections 65650 *et. seq.*, 65660 *et. seq.*, 65852.21 and/or 66411.7, 65852.28 and/or 66499.41, 65912.110 *et. seq.*, 65912.120 *et. seq.*, 65913.4, or 65913.16 or in Health and Safety Code Section 17021.8.

1. The director is authorized to ministerially review and approve or disapprove the application(s) for the proposed housing development project in accordance with applicable law. The director's decision shall be transmitted to the applicant in writing within the time period mandated by law. Decisions of the director may be appealed to the Commission, who's decision shall be final.
 2. If the ministerial approval of a housing development project will result in fewer residential units by income category than projected for a housing element parcel in the general plan housing element, the "no net loss" provisions of Government Code Section 65863 and Section 22.18.050 apply and the director must also make the required findings.
 3. Except to the extent otherwise provided by State law, the director shall not ministerially approve a proposed housing development project unless it complies with all applicable, objective standards, provisions, conditions and requirements of the general plan, this Development Code, and other applicable ordinances and policies of the City.
 4. Except as otherwise provided by State law, a ministerial approval pursuant to this subsection shall remain valid for two years from the date of the final action establishing that approval and shall continue remain valid thereafter provided demolition and grading activity on the development site has begun pursuant to a permit issued by the City and is in progress.
- (g) *Standard conditions.* The director is authorized to promulgate, modify, and enforce standard conditions and requirements that apply to approved housing development projects, which implement applicable State, City, and other local agency standards, provisions, and conditions, provided such standard conditions and requirements are consistent with the provisions of the Diamond Bar City Code and State law.

Sec. 22.18.050 No Net Loss

- (a) *Purpose.* The purpose of this section is to implement the No Net Loss Law and the "no net loss" provisions of the Housing Crisis Act.
- (b) *Definitions.* The following definitions shall apply for purposes of this Section:
1. "Housing Crisis Act" means and refers the provisions set forth in Chapter 12 of Division 1 of Title 7 of the Government Code, commencing with Section 66300, as such provisions may be amended from time to time.
 2. "Housing element parcel" means and refers to any parcel of land identified in the City's general plan housing element site inventory described in subdivision (a)(3) of Government Code Section 65583, or in a housing element program to make sites available pursuant to subdivision (c)(1) of Government Code Section 65583, for residential

development to meet the City's share of regional housing need allocated pursuant to Government Code Section 65584.

3. "Lower residential density" has the same meaning as defined in the No Net Loss Law. Except as otherwise provided in the No Net Loss Law, lower residential density means fewer residential units in any income category than were (a) projected in the housing element site inventory to be accommodated on a housing element parcel or (b) projected in a housing element program to be developed on a housing element parcel.

4. "Not Net Loss Law" means and refers to the provisions of Government Code Section 65863, as such provisions may be amended from time to time.

(c) *No net loss provisions applicable to all parcels where housing is an allowable use.* With respect to land where housing is an allowable use, the Housing Crisis Act limits the City's authority to change the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or to reduce the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district. Therefore, notwithstanding any other provisions of this Development Code, for so long as the Housing Crisis Act continues to so limit the City's authority, the City shall not be obligated to accept or process an application for a general plan amendment, zoning map amendment, or zoning text amendment affecting a parcel on which housing is an allowable use if said application requests to change the general plan land use designation, specific plan land use designation, or zoning applicable to the parcel in a manner that would reduce the parcel's residential development capacity.

(d) *No Net Loss Law provisions applicable to housing element parcels.*

1. Reductions of allowable residential density. Except as otherwise authorized pursuant to the No Net Loss Law, in addition to any other findings required pursuant to Sections 22.60, 22.70, and/or any other applicable provision of this Development Code, prior to or concurrent with approving any general plan amendment, specific plan amendment, zoning ordinance, or any other action to reduce, or require or permit the reduction of, the allowable residential density for any housing element parcel, the City Council shall make written findings supported by substantial evidence of both of the following:

a. The reduction of residential density is consistent with the adopted general plan, including the housing element.

b. The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584. This finding shall include a quantification of the remaining unmet need for the City's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

2. Approval of development of a housing element parcel at a lower residential density.

a. Prior to or concurrent with approving an application allowing development of a housing element parcel at a lower residential density, the final review authority

shall make a written finding supported by substantial evidence as to whether the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584. This finding shall include a quantification of the remaining unmet need for the City's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

b. If the final review authority approves a development project on a housing element parcel that results in a lower residential density and does not find that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need by income level, the City shall within 180 days identify and make available additional adequate sites to accommodate the City's share of the regional housing need by income level in accordance with the No Net Loss Law. This subdivision shall not be interpreted to require the City to approve an application for any permit or legislative action associated with a proposed development project. However, pursuant to the No Net Loss Law, the final review authority for a permit for a proposed housing development project may not disapprove that permit on the basis that its approval would require the City to identify and make available additional adequate sites to accommodate the City's share of the regional housing need.

3. Applicant responsibility. If an applicant for a development project or permit requests in its initial application, as submitted, a non-residential development or a mixed-use or residential development at a residential density that would result in the remaining sites in the housing element not being adequate to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584, the applicant shall assist the City to comply with the No Net Loss Law as follows:

a. The applicant shall identify and include with its application a list of additional potential candidate sites to accommodate the shortfall in the City's share of the regional housing need by income level that would result from the proposed development project, along with such evidence as is reasonably requested by the director necessary to show that such candidate sites are adequate sites pursuant to Government Code Section 65583.2 and proof that the owner or owner(s) of each such candidate site consents to rezoning and/or identification of the site in the housing element. To the extent allowed by State law, sufficient additional adequate sites must be identified before the application may be deemed complete.

b. The applicant shall fund and/or provide outreach to property owners and tenants of property within the vicinity of candidate sites as required by the director, including, without limitation, the mailing of written notices and the advertisement and conduct of community meetings to provide information to interested community members about the identification and/or potential rezoning of the candidate sites.

c. To the extent permitted by State law, the applicant shall reimburse the City for the actual fees and costs charged for the services of attorneys and/or other

professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review or preparation of documents in connection with the identification of candidate sites and determination of their adequacy pursuant to Government Code Section 65583.2 and/or the preparation and processing of any required general plan and/or zoning amendments. Concurrent with submittal of an application for the proposed development project, the applicant shall execute a reimbursement agreement with the City in a form approved by the City Manager and provide a deposit to the City in an amount sufficient to cover the estimated total professional fees and costs to be incurred by the City, as determined by the director in his or her reasonable discretion. The City Manager is authorized to execute said reimbursement agreement on behalf of the City.

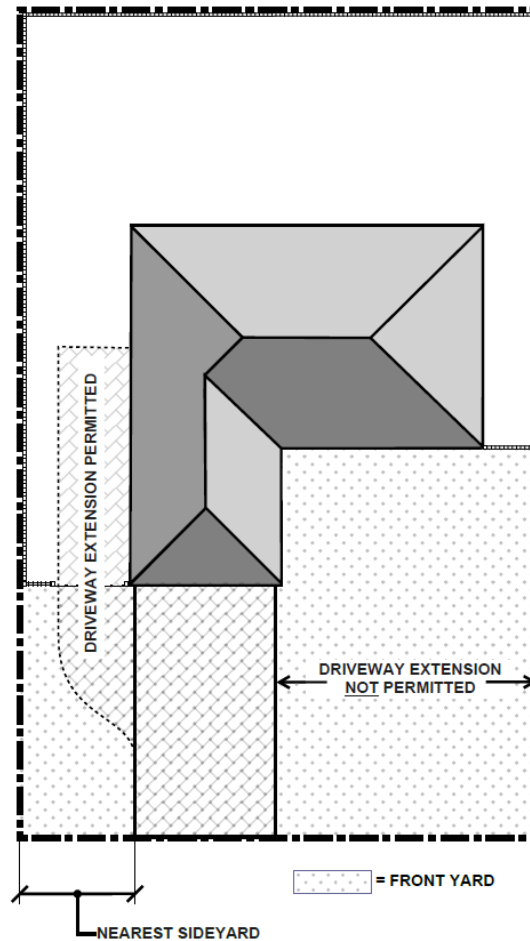
Section 10. Paragraph 1 of Sub-subsection a. of Subsection (5) of Section 22.30.080 (Driveways and site access) of Title 22, Chapter 22.30 of the Diamond Bar City Code is hereby amended to provide additional clarification pertaining to the permitted location of a driveway extension and to replace the existing diagram with a new diagram, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

(5) *Driveway width and length.*

a. *Single-family uses.*

1. Driveways are intended only to provide access to required off-street parking spaces in garages. No other paving, except walkways, shall be allowed within the front yard area. An extension of the primary driveway may be approved if the pavement width of the extension does not exceed 12 feet, is located toward the ~~nearest~~ side property line nearest to the driveway and the total hardscape area of the front yard does not exceed 50 percent of the existing front yard area. An extension of the driveway toward the side yard farthest from the driveway shall not be permitted. Front yard area shall be measured from the front property line to the front building line.

Front Yard



Section 11. Table 3-15 (Required Setbacks–Accessory Uses and Structures) of Section 22.42.110 (Residential accessory uses and structures) of Title 22, Chapter 22.42 of the Diamond Bar City Code is hereby amended to specify setback requirements for fish ponds and fountains in the front yard of single-family detached homes, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

Single-Family Detached Homes

Accessory Structure	Type of Setback ¹	Required Setback ²
...	...	...
Swimming pool, spa, the fish pond, outdoor play equipment, fountains, decorative pools <u>fish ponds, fountains, decorative pools</u> ^{3,4}	Sides, rear Street side	5 feet As required for main structure
...	...	...

Notes:

- (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the director.
- (2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.
- (3) Rear yard setback for a detached accessory structure on a double-frontage parcel shall be a minimum of 20 percent of the parcel depth to a maximum of 25 feet.
- (4) Shall be in compliance with the standards set forth in the Building Code, such as maximum depth and pool barrier requirements.

Section 12. Section 22.42.120 (Accessory dwelling units and junior accessory dwelling units) of Title 22, Chapter 22.42 of the Diamond Bar City Code is hereby amended to conform with State law, as follows (deletions in ~~strike through~~ text and additions shown in double underline):

Sec. 22.42.120. - Accessory dwelling units and junior accessory dwelling units.

The purpose of this section is to provide for the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with state law, in order to provide for additional housing opportunities for development of low- and moderate-income housing for the community in keeping with the Housing Element of the Diamond Bar General Plan.

- (1) *Applicability.* Except as otherwise provided by state law, the standards and limitations set forth in this section apply to the development of new ADUs and JADUs in the City.
- (2) *Interpretation.* The provisions of this section shall be interpreted to be consistent with the provisions of Chapter 13 of Division 1 of Title 7 of the Government Code ~~sections 65852.2 and 65855.22~~ and shall be applied in a manner that is consistent with state law.
- (3) *Effect of Conforming.* Consistent with state law, an ADU that conforms to the provisions of this section (a) shall be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located; (b) shall be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and (c) shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (4) *Definitions.* As used in this section, the following terms shall have the following meanings:
 - a. The terms “accessory dwelling unit”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section ~~65852.2~~ 66313 as that section may be amended from time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.
 - b. The term “junior accessory dwelling unit” shall have same meaning as that

stated in Government Code section ~~66313~~ ~~65852.22(h)(1)~~ as that section may be amended from time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.

- c. The term “attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure.
- d. The term “detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.
- e. The term “converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.

(5) *Areas Allowed.*

- a. ADUs. ADUs conforming to the provisions in this section may be located on any lot in the city that is zoned to allow single-family or multifamily residential uses and that includes a proposed or existing legally developed single-family dwelling, duplex, or multifamily dwelling.
- b. JADU. JADUs conforming to the provisions in this section may be located within a proposed or existing legally developed single-family dwelling on any lot in the city that is zoned to allow single-family residential uses.

(6) *Number Allowed.*

- a. *Single-Family Lots.* No more than one ADU or JADU shall be allowed on a lot developed or proposed to be developed with a single-family dwelling; provided, however, that a single-family lot may have both one JADU and either (i) one ADU located within the proposed space of a single-family dwelling or within the existing space of a single-family dwelling or accessory structure, or (ii) one detached, new construction, ADU not exceeding 800 square feet in total floor area.
- b. *Multifamily Lots.* Multifamily lots may have ~~either~~ up to two detached ADUs and ~~or~~ multiple converted ADUs as follows:
 - i. No more than a total of two (2) detached ADUs may be constructed on a lot developed or proposed to be developed with one or more multifamily dwelling structures.
 - ii. On lots with no detached ADUs, one (1) or more converted ADUs may be constructed within portions of existing multifamily dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multifamily structure. The number of ADUs

permitted under this subsection shall not exceed twenty-five (25) percent of the existing multifamily dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multifamily dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling units, except that at least one (1) converted ADU shall be allowed.

- iii. ~~Detached ADUs may not be combined on the same multifamily lot with converted ADUs.~~

(7) *ADU Standards and Criteria.*

- a. *Development Standards.* Except as modified by this subsection or as otherwise provided by state law, an ADU shall conform to the height, setback, landscaping, lot coverage, and other development standards applicable to the lot on which it is located, as set forth in the Development Code and/or in an applicable specific plan or planned development ordinance or resolution. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, lot coverage, open-space, front setbacks, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet, such standard shall be waived to the extent necessary to allow construction of an ADU of up to 800 square feet.
- b. *Location on Lot.* Attached and detached ADUs shall not be constructed within required setback areas. New detached ADUs shall be located in the rear half of the lot. Notwithstanding the foregoing, a portion of an ADU may be constructed within the required front setback area if, and only to the extent that, application of the requirements of this subsection (7)(b) would not permit an ADU of up to 800 square feet to be constructed on the lot in compliance with all other applicable development standards.
- c. *Access.* An attached or converted ADU shall maintain independent exterior access from the proposed or existing primary dwelling structure. Such access shall not be located on the front of the primary dwelling structure or face the street on which the primary dwelling fronts.
- d. *Passageway.* No passageway shall be required in conjunction with the construction of an ADU.
- e. *Setbacks.*
 - i. *Side and Rear Yard Setbacks.* Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.
 - ii. *Converted ADUs.* No setbacks are required for converted ADUs, provided the side and rear setbacks of the existing converted structure are sufficient for fire and safety, as dictated by current applicable uniform building and fire codes.

- f. *Building Separation.*
 - i. A minimum separation of six feet is required between a detached ADU and the primary dwelling unit.
 - ii. A minimum separation of six feet is required between an attached or detached ADU and all other freestanding accessory structures, including freestanding garages, on the property, provided, however, that a detached ADU may be attached to a freestanding garage in compliance with all Building Code requirements.
 - iii. Building separation requirements do not apply to converted ADUs that do not include an expansion of floor area of the existing structure.
- g. *Minimum ADU Size.* An ADU shall have a minimum floor area of at least 220 square feet.
- h. *Maximum ADU Size.*
 - i. Attached ADUs: The total floor area of an attached ADU shall not exceed the following:
 - 1. Studio or one bedroom: 850 square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.
 - 2. Two or more bedrooms: 1,000 square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.
 - ii. Detached ADUs: The total floor area of a detached ADU shall not exceed the following:
 - 1. Studio or one bedroom: 850 square feet.
 - 2. Two or more bedrooms: 1,000 square feet.
 - 3. Notwithstanding the foregoing, where a detached ADU and a JADU are combined on the same lot, the total floor area of the detached ADU shall not exceed 800 square feet.
 - iii. Converted ADUs: The maximum size limitations set forth in this subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the physical dimensions as the existing accessory structure to the extent necessary to accommodate ingress and egress.

- iv. Patios and Porches. An attached or detached ADU may include an attached covered patio and/or porch, which, if provided, shall be integrated into the design of the ADU and shall not exceed 60 square feet in size. Such a patio or porch shall not be considered in calculating the floor area of the ADU for purposes of the above maximum unit size limitations.
- i. *Height.*
 - i. Detached ADUs:
 - A. Except as provided below, the height of a detached ADU on a lot with an existing or proposed single-family or multifamily dwelling unit ~~New attached and detached ADUs shall be one story, constructed at ground level, and shall not exceed sixteen (16) feet, in height as measured from the finished grade to the highest area of the roofline.~~
 - B. The height of a detached ADU located on a lot with an existing or proposed multifamily, multistory dwelling unit, shall not exceed eighteen (18) feet.
 - C. The height of a detached ADU located on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed eighteen (18) feet; provided, however, that up to an additional two (2) feet in height is allowed if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - ii. Attached ADUs: The height of an attached ADU shall not exceed twenty-five (25) feet or the height limitation that applies to the primary dwelling, whichever is lower. In no event shall an attached ADU exceed two (2) stories.
 - iii. Converted ADUs: Converted ADUs are not subject to a height limitation.
 - iv. Measurement: The height of an ADU shall be as measured from the finished grade to the highest area of the roofline.
- j. *Exterior Design.* Except to the extent necessary to meet current fire and building codes, A-an ADU shall match the architectural style and design features of the primary residential structure as provided below, including, but not limited to:
 - i. Exterior finishes: Exterior finish Mmaterials shall be the same as or visually match those of the primary residential structure in terms of, colors, type, size, and placement, surface treatments and details;
 - ii. Roofing Pitch: Type, pitch and materials-Roof pitch shall be the same as the predominant roof pitch of the primary residential structure;

- iii. Proportion and form Trim: The trim around the doors and windows shall be the same type and finish as the primary residential structure; and
- iv. Windows: Type, forms, and dimensional ratios- Windows shall match those of the primary residential structure in terms of type, proportion (height and width ratio) and orientation (vertical vs. horizontal);
- v. Eaves: For an attached ADU, eaves shall project from the ADU the same distance as the eaves on the primary residential structure. For a detached ADU, eaves shall project from the ADU at least one foot on all elevations;
- vi. Fascia Boards: Fascia boards shall match the primary structure or in the event the primary structure has 2x4, shall be no wider than 2x6; and
- vii. The front elevation of an ADU that is visible from the street shall have the same architectural details as the primary residential structure.

A converted ADU that is constructed within all or a portion of the permitted existing interior space of a dwelling or accessory structure is not required to meet the foregoing exterior design standards; provided, however, that exterior alterations to the structure such as those necessary to meet building codes must meet the relevant design standards above.

- k. *Recreational Vehicles.* Neither the primary residence nor the proposed ADU shall be a recreational vehicle.
- l. *Off-Street Parking.*
 - i. One additional off-street parking space must be provided for a new attached or detached ADU. This parking space shall be accessible from the ~~existing~~ approved driveway approach, and may be provided in setback areas or as tandem parking on a driveway, unless specific findings are made by the director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns. An existing driveway may be widened to accommodate the one off-street parking space pursuant to section 22.30.080.
 - ii. Notwithstanding the foregoing, an additional off-street parking space is not required to be provided in the following instances:
 - 1. If the ADU is located within one-half mile walking distance of public transit.
 - 2. If the ADU is located within a historic district.
 - 3. If the ADU is part of the proposed or existing primary residence or an accessory structure;
 - 4. When on-street parking permits are required but not offered to the occupant of the ADU.

5. When there is a car share vehicle located within one block of the ADU.
 6. If the ADU is a detached ADU that has a total floor area of 800 square feet or less.
 7. If the ADU is located on a lot developed or proposed to be developed with one or more multifamily dwelling structures.
- iii. The parking space required for a new attached or detached ADU is in addition to the parking spaces required for the primary dwelling. However, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- m. *Utility Service.* Utilities serving an ADU (e.g., electricity, gas, sewer, and water) shall be common to and dependent on the primary residence. An ADU shall not be provided with separate metered utilities, unless otherwise required by applicable building, fire or electrical code provisions. For any ADU using septic facilities allowed by the California Regional Water Quality Control Board and the city, written certification of acceptability and approval by the local health officer shall be submitted.
 - n. *Impact Fees.* Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012). No impact fee is required for an ADU that is less than 750 square feet in size. Any impact fee that is required for an ADU that is 750 square feet or more in size shall be charged proportionately in relation to the square footage of the primary dwelling. For purposes of this section, “impact fee” does not include any planning application fee, plan check fee, or building permit fee that is otherwise applicable.

(8) *Standards and Criteria Applicable to JADUs.*

- a. *Footprint.* A JADU may only be constructed within the walls of a proposed or existing single-family dwelling, including an existing attached garage.
- b. *Unit Size.* A JADU shall not exceed 500 square feet in size.
- c. *Separate Entrance.* A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it located.
- d. *Kitchen Requirements.* A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- e. *Bathroom Facilities.* A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located. If a JADU does not include separate sanitation facilities, the JADU must include an interior entrance to the primary dwelling’s main living area.

- f. *Parking.* No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced. These replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
 - g. *Fire Protection.* For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
 - h. *Utility Service.* For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.
- (9) *Other Requirements.*
- a. *No Separate Conveyance.* Except as otherwise provided in Government Code section ~~65852.26~~66341 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be owned, sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner that would authorize such separate sale, conveyance, or ownership.
 - b. *No Short-Term Rental Permitted.* An ADU or JADU may be rented, although rental is not required. Any rental term of an ADU or JADU that is legally created after June 1, 2017 shall be ~~longer than~~ 30 days or longer.
 - c. *Owner Occupancy.*
 - i. ADUs. Owner-occupancy of a lot on which an ADU is located is not required.
 - ii. JADUs. An owner of record of the single-family lot upon which a JADU is located shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become unhabitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
 - D. *Recorded Covenant.* Prior to the issuance of a building permit for an ADU or a JADU, the owner(s) of record of the property shall provide to the director a copy of a covenant agreement, declaration of restrictions, or similar deed restriction recorded against the property, which is in a form prepared by and/or acceptable to the director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns; shall contain restrictions pertaining to ownership and conveyance, rental, owner occupancy, and the size and attributes of the ADU / JADU that conform to this section; and shall provide that it may not be modified or terminated without the prior written consent of the director.

(10) *Permit Application and Review Procedures.*

- a. *Building Permit Required.* A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this section or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling, and the construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in an existing multifamily dwelling.
- b. *Application.* Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- c. *Review.* Except as otherwise provided herein, ~~t~~The director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing within sixty (60) days from the date the City receives a complete application. Notwithstanding the foregoing sentence, beginning January 1, 2025, the director shall consider and approve or disapprove a complete application for a detached ADU within thirty (30) days from the date the City receives a complete application if the application utilizes either (i) an ADU plan pre-approved by the City within the current triennial California Building Standards Code rulemaking cycle or (ii) a plan that is identical to a plan used in an application for a detached ADU approved by the City within the current triennial California Building Standards Code rule-making cycle. Review is limited to whether the proposed ADU or JADU complies with the requirements of this section and/or state law, as applicable. If the director disapproves an application for an ADU or JADU, the director shall concurrently return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. If an applicant requests a delay in processing the application, the time period for the director to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU is submitted with an application to create a new single-family or multifamily dwelling on the lot, the director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- d. *Zoning Conformity.* The City shall not require the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU as a condition of approval of a permit application for the creation of an ADU or JADU.
- e. *Demolition Permits.* A demolition permit for a detached garage that is to be replaced with an ADU will be reviewed with the application for the ADU and issued at the same time. The applicant shall not be required to provide written notice or

post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

- e-f. *Conformity with State Law.* The City shall not apply any requirement or development standard provided for in this section to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, subdivision ~~(a)(e)(1)~~ of Government Code section ~~6632365852-2~~.

Section 13. Title 22, Chapter 22.42 of the Diamond Bar City Code is hereby amended to add new Section 22.42.170 pertaining to transitional and supportive housing to read in its entirety as:

Sec. 22.42.170. – Transitional and supportive housing.

- (a) *Transitional Housing and Supportive Housing.* Consistent with subdivision (c)(3) of California Government Code Section 65583, transitional and supportive housing are considered residential uses of property and shall be subject only to those permit requirements, development standards, and restrictions that apply to other residential dwellings of the same type or configuration in the same zoning district, as determined by the department based on the predominant characteristics of the proposed development. The applicant for a transitional or supportive housing development shall provide all information reasonably requested by the department necessary to establish that the proposed use meets the definition of transitional housing or supportive housing pursuant to California Government Code Section 65582.
- (b) *Permanent Supportive Housing For Persons Experiencing Homelessness.* Notwithstanding any other provision of this Development Code, in accordance with California Government Code Section 65650 *et. seq.*, a supportive housing development shall be a use by right in any zoning district where multifamily and mixed uses are permitted and shall be reviewed and approved by the Director ministerially through the zoning clearance and/or plot plan procedures within the time periods set forth in California Government Code Section 65653 if it conforms to each of the following requirements:
- i. The development shall consist of 50 units or fewer.
 - ii. The development shall conform to all objective development standards and policies that apply to multifamily dwellings or multifamily residential components of mixed-use projects in the zoning district in which the development is located; provided, however, that, if the proposed development is located within one-half mile of a public transit stop, no minimum parking requirements shall apply to the units occupied by supportive housing residents.
 - iii. The development shall satisfy all requirements set forth in California Government Code Section 65651, including, without limitation, the following:
 - A. Units with the development shall be subject to a recorded affordability restriction for 55 years.

- B. One hundred percent of the units, excluding managers' units, within the development shall be restricted to lower income households and receiving public funding to ensure affordability of the housing to lower income Californians.
- C. At least 25 percent of the units in the development or 12 units, whichever is greater, shall be restricted to residents who meet criteria of the target population as defined in California Health and Safety Code Section 50675.14. If the development consists of fewer than 12 units, then 100 percent of the units, excluding manager's units, in the development shall be restricted to such residents.
- D. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - 1. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - 2. For a development with more than 20 units, at least three percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- E. The project shall replace any existing or previously demolished protected units on the site in the manner provided in subdivision (c)(3) of Government Code Section 65915.
- F. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at a minimum, a stovetop, a sink, and a refrigerator.
- iv. The applicant shall submit for review and approval by the Director a plan for providing on-site supportive services, along with supporting documentation, in accordance with California Government Code Section 65652. Such on-site supportive services may include, but are not limited to, transportation services, counseling services, individual case management, job readiness training, assistance in applying for competitive employment, housing retention assistance services, health status improvement services, mental health services, drug rehabilitation services, parenting services, and budgeting and life skill services.
- v. The property owner shall enter into a regulatory agreement with the City, in a form approved by the City Manager, to ensure compliance with the provisions of Government Code Section 65651 and this Section. The regulatory agreement shall be recorded as a covenant against the property prior to issuance of a building permit for any structure in the development. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the covenant or regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien

or encumbrance whatsoever for the entire term of the required covenants. The City Manager is authorized to approve and execute each regulatory agreement and any amendments thereto on behalf of the City.

- (c) *Low-Barrier Navigation Centers.* Notwithstanding any other provision of this Development Code, a low-barrier navigation center shall be permitted as a use by right in any areas zoned for mixed use and in nonresidential zoning districts permitting multifamily uses and shall be reviewed and approved by the Director ministerially through the zoning clearance and/or plot plan procedures within the time periods set forth in California Government Code Section 65664 if it satisfies the requirements set forth in California Government Code Section 65662. The applicant for low-barrier navigation center shall provide all information reasonably requested by the department necessary to establish that it meets all applicable requirements.

Section 14. Table 4-1 of Section 22.44.020 (Authority for land use and zoning decisions) of Title 22, Chapter 22.44 of the Diamond Bar City Code is hereby amended to delete the “Hearing Officer” column from the Table and to identify the Director, rather than Hearing Officer, as the review authority for administrative development reviews and minor conditional use permits, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

Type of Permit or Decision	Director	Hearing Officer	Planning Commission	City Council
...	...	...	...	...
Administrative development review	<u>Final</u>	Final	Appeal	Appeal
...	...	...	...	...
Minor conditional use permits	<u>Final</u>	Final		
...	...	...	...	...

Note: The director ~~and hearing officer~~ may defer action on permit applications and refer the item(s) to the commission for the final decision.

Section 15. Subsection (a) of Section 22.44.040 (Application fees) of Title 22, Chapter 22.44 of the Diamond Bar City Code is hereby amended to make a typographical correction, as follows (deletions in ~~strikethrough~~ text and additions shown in double underline):

- (a) Filing fees required. The council shall, by resolution, establish a schedule of fees for permits, entitlements, amendments, and other matters pertaining to this Development Code, hereafter referred to as the city's fee resolution. The schedule of fees may be changed or modified only by resolution of the council. The city's processing fees are cumulative. For example, if an application for a lot line adjustment also requires a minor variance, both fees

will be charged. Also, specified projects may be subject to a deposit and an hourly rate, rather ~~then~~ than a flat application fee(s), in compliance with the city's fee resolution. Processing shall not commence on an application until all required fees/deposits have been paid. Without the application fee, or a deposit if applicable, the application will not be deemed complete.

Section 16. Subsection (a) of Section 22.47.020 (Applicability) of Title 22, Chapter 22.47 of the Diamond Bar City Code is hereby amended to remove decks and tenant improvements from the list of improvements requiring a plot plan review, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

- (a) *Required.* A plot plan review shall be required prior to the issuance of a building, grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code. A plot plan review shall also be required for additions of 301 square feet or larger and less than 50 percent of the existing habitable floor area of all existing structures on the site in residential zoning districts, retaining walls, ~~decks, tenant improvement,~~ and similar structures/improvements. Where no other authorization is required, a request for plot plan review shall be approved by the department before the commencement of any business or land use activity.

Section 17. Subsection (b) of Section 22.48.030 (Application, processing, and review) of Title 22, Chapter 22.48 of the Diamond Bar City Code is hereby amended to identify the Director, rather than Hearing Officer, as the review authority for administrative development reviews, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

- (b) Factors to be considered. In conducting the review for a particular project, the ~~hearing officer~~ director or commission shall consider the location, design, site plan configuration and the overall effect of the proposed project upon surrounding properties and the city in general. Review shall be conducted by comparing the proposed project to applicable general plan policies, any applicable specific plan, development standards, design guidelines, and other applicable ordinances for the city.

Section 18. Section 22.48.050 (Responsibility for development review) of Title 22, Chapter 22.48 of the Diamond Bar City Code is hereby amended to make a typographical correction and to identify the Director, rather than Hearing Officer, as the review authority for administrative development reviews, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

Sec. 22.48.050. - Responsibility for development review.

- (a) ~~Development review commission~~ Planning Commission. The commission is authorized to impose conditions which may include the following:
- (1) Requirements for open spaces, screening and buffering of adjacent properties, fences, and walls;
 - (2) Requirements for installation and maintenance of landscaping and erosion control measures;

- (3) Requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation;
 - (4) Regulation of hours or other characteristics of operation;
 - (5) Requirements for maintenance of on-site improvements;
 - (6) Establishment of development schedules or time limits for performance or completion; and
 - (7) Other conditions necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare and necessary to make the findings required by section 22.48.040 (Findings and decision) above.
- (b) *Administrative development review—~~Hearing officer~~ Director.* The ~~hearing officer~~ director is authorized to impose conditions which may include those areas listed in section 22.48.050(a), above. If, in the opinion of the ~~hearing officer~~ director, the application involves unusual site development requirements or unique operating characteristics, or raises questions of development policy pertaining to applications for administrative development review and that require commission consideration, the ~~hearing officer~~ director shall defer and refer the application to the commission for review and decision.

Section 19. Section 22.56.020 (Applicability) of Title 22, Chapter 22.56 of the Diamond Bar City Code is hereby amended to identify the Director as the review authority for minor conditional use permits, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

Sec. 22.56.020. - Applicability.

An application for a minor conditional use permit may be filed with the department in compliance with chapter 22.44 (Applications, Processing, and Fees) for a specified land use that is allowed within a particular zoning district with the approval of a minor conditional use permit. A public hearing is required for all minor conditional use permits, which shall be considered by the ~~hearing officer~~ director.

Section 20. Subsection (c) of Section 22.56.030 (Application filing, processing, and review) of Title 22, Chapter 22.56 of the Diamond Bar City Code is hereby amended to identify the Director as the review authority for minor conditional use permits, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

Sec. 22.56.030. - Application filing, processing, and review.

- (a) Filing. An application for a minor conditional use permit shall be completed, filed and processed in compliance with chapter 22.44 (Applications, Processing, and Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by section 22.56.040 (Findings and decision), below.
- (b) Project review procedures. Each application shall be analyzed by the department to ensure that the application is consistent with the purpose and intent of this chapter.

- (c) Notice and hearings. Upon receipt of a minor conditional use permit application in proper form, the ~~hearing officer~~ director shall hold at least one public hearing, in compliance with chapter 22.72 (Public Hearings).

Section 21. Section 22.56.040 (Findings and decision) of Title 22, Chapter 22.56 of the Diamond Bar City Code is hereby amended to identify the Director as the review authority for minor conditional use permits, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

Sec. 22.56.040. - Findings and decision.

Following a public hearing, the ~~hearing officer~~ director shall record the decision in writing with the findings on which the decision is based, or may refer the application to the commission. The minor conditional use permit application shall not be approved, with or without conditions, unless all of the following findings can be made:

Section 22. Section 22.56.050 (Conditions of approval) of Title 22, Chapter 22.56 of the Diamond Bar City Code is hereby amended to identify the Director as the review authority for minor conditional use permits, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

Sec. 22.56.050. – Conditions of approval.

In approving a minor conditional use permit, the ~~hearing officer~~ director may impose conditions deemed necessary to ensure that the approval will be in compliance with the findings required by (Findings and decision), above.

Section 23. Section 22.60.020 (Applicability) of Title 22, Chapter 22.60 of the Diamond Bar City Code is hereby amended to make a typographical correction, as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

A specific plan, which is designed to provide for flexibility and encourage ~~innovate~~ innovative use of land resources and development of a variety of housing and other development types, shall be required under the following circumstances:

- (1) *Sphere of influence.* Areas included within the city's sphere of influence require the preparation of a specific plan to protect unique biological resources, create fiscal benefits for the city, and enhance its infrastructure;
- (2) *Planning areas.* Areas designated planning areas (PA) require the preparation of a specific plan in compliance with chapter 22.12 (Special Purpose Zoning Districts);
- (3) *Specific plan zoning district.* Areas designated specific plan zoning district require the preparation of a specific plan in compliance with chapter 22.12 (Special Purpose Zoning Districts); and
- (4) *Private property owners.* A specific plan, as a tool which is available to private property owners not covered by subsections (1), (2), and (3), above, could assist in the comprehensive master planning of a specific site(s).

Section 24. Subsection (a) of Subsection (1) of Subsection (b) of Section 22.68.020 (Restrictions on nonconforming uses) of Title 22, Chapter 22.68 of the Diamond Bar City Code is hereby amended to make a typographical correction, as follows (deletions in ~~strike through~~ text and additions shown in double underline):

- (b) *Nonconforming use of a conforming structure.* The nonconforming use of a structure that otherwise conforms with applicable provisions of this Development Code may be continued, transferred, and sold, as follows, provided that no structural alterations, except those required by law, are made:
 - (1) *Expansion of use.* The nonconforming use of a portion of a conforming structure may be extended throughout other portions of the structure. However, an expansion shall not:
 - a. Be granted more ~~then~~ than one time; and
 - b. Exceed a maximum of ten percent of the total floor area of the structure before the expansion.

Section 25. Paragraph (2) of Subsection (b) of Section 22.68.030 (Restrictions on nonconforming structures) of Title 22, Chapter 22.68 of the Diamond Bar City Code is hereby amended to clarify the reference to side setbacks, as follows (deletions in ~~strike through~~ text and additions shown in double underline):

- (b) *Changes to, or expansion of, a structure.* The addition, enlargement, extension, reconstruction, relocation or structural alteration of a nonconforming structure, may be allowed with minor conditional use permit approval, in compliance with chapter 22.56, (Minor Conditional Use Permits). The hearing officer may approve a minor conditional use permit only if the following findings can be made, in addition to those contained in section 22.56.040 (Findings and decision).

In the case of residential dwelling units with nonconforming setbacks or distance separations to dwelling units on adjoining parcels, a minor conditional use permit shall not be required if the proposed change or expansion meets the following criteria:

- (1) The addition or improvement conforms to all other applicable provisions of this Development Code; and
- (2) An addition to the first floor (i.e., the floor level closest in elevation to the adjacent street grade) or lower levels may have the same side setbacks as the adjoining portion of the existing structure; however, if the existing adjoining side setback is less than five feet, the exterior limits of new construction shall maintain a minimum five-foot setback.

Section 26. Section 22.80.020 (Definitions of specialized terms and phrases) of Title 22, Chapter 22.80 of the Diamond Bar City Code is hereby amended to revise the definitions of “supportive housing” and “transitional housing” to conform to State law, replace the existing definition of “school” with new separate definitions for “private school,” “public school,” and “trade school,” replace the existing definition of “studios for art, dance, music, photography, etc.” with new separate definitions for “studio” and “specialized education and training,” revise, and add new definitions for “low-barrier navigation center”

and “public right-of-way,” as follows (deletions in ~~striketrough~~ text and additions shown in double underline):

...

(l) Definitions, “L.” The following definitions are in alphabetical order:

...

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 6-6 (Lot Features). The director shall determine lot width for parcels of irregular shape.

Low-barrier navigation center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A low-barrier navigation center includes any facility that meets the definition and requirements set forth in Sections 65660 and 65662 of the California Government Code.

Lumber and wood product manufacturing. Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

Containers, pallets and skids

Milling operations

Trusses and structural beams

Turning and shaping of wood products

Wholesaling of basic wood products

Wood product assembly

Craft-type shops are included in "handcraft industries and small-scale manufacturing." Other wood and cabinet shops are included under "furniture and fixture manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "building material stores."

...

(p) Definitions, “P.” The following definitions are in alphabetical order:

...

Public nuisance. A public nuisance affects an entire community or neighborhood, or any considerable number of persons at the same time, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Civil Code § 3480. A public nuisance is an act or omission which interferes with the interests of the community or interferes with the public health, safety, and welfare.

Public right-of-way. The area dedicated to public use for street or pedestrian purposes, including privately owned and maintained roads within the city that are generally held open to the public for purposes of vehicular and pedestrian traffic and includes alleys, driveways, highways, medians, parkways, planter strips, roads, sidewalks, and streets.

Public safety facilities. Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

. . .

(s) Definitions, "S." The following definitions are in alphabetical order:

~~*School.* An institution of learning, whether public or private that offers instruction, training, testing, apprenticeship, tutoring, exam preparation, educational guidance, counseling and evaluation. Learning may occur at training facilities, educational institutions, and through correspondence, television, Internet, or other means such as:~~

~~Boarding schools~~

~~Business, secretarial, and vocational schools~~

~~Community colleges, colleges and universities~~

~~Elementary, middle, and junior high schools~~

~~Establishments providing courses by mail or Internet~~

~~High schools~~

~~Military academies~~

~~Professional schools (law, medicine, etc.)~~

~~Seminaries/religious ministry training facilities~~

~~Also includes specialized non-degree grant schools offering instructions in:~~

~~Art studio~~

~~Ballet and other dance studios~~

~~Computers and electronics~~

~~Drama studio~~

~~Drivers' education~~

~~Language~~

~~Martial arts studio~~

~~Math~~

~~Music~~

~~Science~~

~~Tutorial services~~

~~Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, arts, communications, and management. Does not include preschools and child day care facilities (see "child day care facilities").~~

School, Private. An institution conducting regular academic instruction at kindergarten, elementary, secondary or higher levels operated by a nongovernmental organization and which is not a trade school.

School, Public. A public governmental institution conducting regular academic instruction at kindergarten, elementary, secondary, or higher levels.

School, Trade. Private schools offering preponderant instruction in the technical, commercial and/or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments.

Second hand stores. Indoor retail establishments that buy and sell used products, including books, clothing, furniture and household goods. The sale of antiques is included under "art, antique, collectible and gift sales." The sale of cars and other used vehicles is included under "auto, mobile home and vehicle sales." Does not include pawn shops.

...

Sound level meter. An instrument, including a microphone, an amplifier, an output meter and frequency weighting network, for the measurement of sound levels, that satisfies the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters.

Specialized education and training. Small scale facilities, typically occupying no more than one demised instructional space. These include facilities for, but not limited to, art, ballet and other dance, drama, drivers' education, language, martial arts, math, music, science, tutorial services.

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, including fitness, environmental awareness, communications, and management. Does not include preschools and child day care facilities (see "child day care facilities").

Stand. A natural grouping of three or more trees.

...

~~*Studios for art, dance, music, photography, etc.* Facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.~~

Studio. The workplace of one (1) or more individuals who are engaged in the production of works of art or handcrafts for a living, including, but not limited to, painting, sculpture, music, photography, ceramics and glass works.

Subdivider. A person, firm, corporation, partnership or association, a governmental agency, public entity, or public utility, or the grantor to any such agency, entity, utility, or subsidiary, who proposes to subdivide land or real property for themselves or others, except employees and consultants or other persons or entities acting in this capacity on behalf of the subdivider.

...

~~*Supportive housing.* Housing configured as rental housing developments~~ *A housing development, as defined in either Section 65582 or 65650 of the California Government Code,* with no limit on length of stay, that is occupied by the applicable target population ~~as defined in Section 50675.14 of the California Health and Safety Code,~~ and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. ~~Supportive housing shall be considered a residential use subject to the same standards as other similar residential uses of the same type in the same zone, based upon the predominant operating characteristics of the use.~~ Supportive housing does not include parolee-probationer homes; nor

does this definition include commercial lodging facilities providing prenatal and/or postnatal accommodations.

...

(t) Definitions, "T." The following definitions are in alphabetical order:

...

Transitional housing. ~~Housing. A form of supportive housing consisting of buildings configured as rental housing developments, but operated under program requirements that require call for the termination of assistance and recirculating recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which that shall be no less than six months from the beginning of the assistance, pursuant to Subsection (h) of Section 50675.2 of the California Health and Safety Code. Transitional housing shall be considered a residential use subject to the same standards as other similar residential uses of the same type in the same zone, based upon the predominant operating characteristics of the use.~~ Transitional housing does not include parolee-probationer homes; nor does this definition include commercial lodging facilities providing prenatal and/or postnatal accommodations.

...

Section 27. The City Council finds that this Ordinance is not subject to, and/or is exempt from, review under the California Environmental Quality Act ("CEQA").

The amendments pertaining to transitional and supportive housing, low-barrier navigation centers, general residential care facilities, affordable housing and density bonus regulations, dwelling unit protection regulations, review by the City of applications for permits and/or land use entitlements for housing development projects, and no net loss regulations implement or repeat existing provisions of state law and are therefore ministerial actions that are not subject to CEQA.

In addition, the amendments pertaining to transitional and supportive housing, low-barrier navigation centers, general residential care facilities, density bonus regulations, and accessory dwelling units were contemplated in the Housing Element Update and are within the scope of the Final EIR No. SCH 2018051066 for the Diamond Bar 2040 General Plan certified by the City Council on December 17, 2019, as addended pursuant to the Addendum adopted by the City Council on August 11, 2022 in conjunction with adoption of the Housing Element Update, and thus no further environmental review is required as to these amendments pursuant to Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the amendments will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts.

To the extent they are subject to review under CEQA, the amendments to Section 22.42.120 pertaining to accessory dwelling units are also statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h).

To the extent they are subject to review under CEQA, the amendments pertaining to transitional and supportive housing and low-barrier navigation centers are categorically exempt pursuant to CEQA Guidelines sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

To the extent they are subject to review under CEQA, the amendments modifying the definitions and use tables pertaining to schools, studios, and facilities for education and training in the I (light industry) zoning district are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as the type of uses under these use categories are already permitted or conditionally permitted in the applicable zones or less intensive zones (i.e., studios are existing permitted uses in commercial zoning districts and are similar to other uses already permitted in the I (light industry) zoning district).

The amendments clarifying permitted locations and projections into setbacks for porches (Section 22.16.090) and specifying setback requirements for fish ponds and fountains in the front yard of single-family detached homes (Section 22.42.110) are categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).

The amendments that correct typographical errors, delete obsolete provisions, add or correct cross-references to other Development Code sections or state statutes, clarify ambiguities in existing definitions or regulations, implement or repeat existing state law requirements, or relate only to review procedures or requirements are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines, as they organizational and administrative actions of government that will not result in direct or indirect physical changes in the environment.

To the extent not otherwise exempt from review for other reasons stated herein, the Ordinance is not subject to CEQA because it can be seen with certainty that the proposed Development Code Amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment (Section 15060(c)(2) of the CEQA Guidelines) and this Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061 (b)(3) of the CEQA Guidelines).

Section 28. Severability. If any section, clause, phrase, word or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each other section, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 29. The City Clerk shall attest and certify to the passage and adoption of this Ordinance within 15 days after adoption, cause it to be published or posted in accordance with California law, and it shall be effective 30 days after adoption pursuant to Government Code Section 36937.

PASSED, APPROVED and ADOPTED this ___th day of ____, 2024.

THE CITY OF DIAMOND BAR:

Stan Liu, Mayor

ATTEST:

I, Kristina Santana, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Diamond Bar held on the ___th day of ____, 2024, and was duly adopted at a regular meeting of the City Council of the City of Diamond Bar held on the ___th day of ____, 2024, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Kristina Santana, City Clerk

CITY OF DIAMOND BAR
COMMUNITY DEVELOPMENT DEPARTMENT

PROPERTY LOCATION									
PLANNING COMMISSION REVIEW	File #	AP	Applicant	PC 5/28/24	CC 6/4/24	PC 6/11/24	CC 6/18/24	PC 6/25/28	CC 7/2/24
CIP FY2024-2025 GP Conformity		GL	City of Diamond Bar	X					
Development Code Amendment (To implement Housing Programs contained in the City's certified 2021- 2029 Housing Element, changes to State law and City policies)	DCA PL2022-59	MN/GL	City of Diamond Bar	PH			PH		
ADMINISTRATIVE REVIEW									
Property Location		AP	Applicant						
None									
PENDING ITEMS									
Property Location	File #	AP	Applicant	Status					
1125 Grand Ave (Massage Establishment)	CUP PL2024-12	MN	AA & FR Health Center Inc	Under Review					
1024 Brea Canyon Road (Public Convenience and Necessity Determination for Gas Station Convenience Store)	PCN PL2024-32	DT	Michael Zavaro	Under Review					
1198 Chisolm Trail Dr. (New single-family residence)	DR PL2021-51	DT	Michael Wu	Under Review					
2725 Clear Creek (New Single-Family Residence)	DR PL2022-74	DT	Diane Shi	Second incomplete letter sent 11/30/23 – waiting for additional information					
2000 Chestnut Creek (New Single-Family Residence)	DR MCUP PL2024-7	DT	Claire Lee	First incomplete letter sent 2/22/24 – waiting for additional information					
2001 Derringer Lane (2-lot subdivision)	TPM 83036 PL2021-46	MN	Gurbachan S. Juneja	Fourth incomplete letter sent 8/25/2023 – waiting for additional information					
3333 Diamond Canyon Rd (Child Day Care Center)	CUP PL2024-15	MN	Kingdom Seed Academy	Under Review					

LEGEND

PH = PUBLIC HEARING
 AP = ASSIGNED PLANNER
 PC = PLANNING COMMISSION
 CC = CITY COUNCIL
 D = DISCUSSION ITEM

PENDING ITEMS (continued)				
Property Location	File #	AP	Applicant	Status
Gentle Springs Ln. and S. Prospectors Rd.	GPA, ZC, VTTM, DR PL2021-23	GL/DT	Tranquil Garden LLC	First incomplete letter sent 4/16/21 – waiting for additional information
22909 Lazy Trail Rd. (Addition and remodel to single family residence)	DR, MCUP PL2021-05	DT	Walt Patroske	Under Review
24167 Lodge Pole Road (Addition to single family residence)	DR PL2023-10	DT	Soledad Corona	Third incomplete letter sent 12/20/23 – waiting for additional information
1829 Los Cerros Drive (Addition and remodel to single-family residence)	DR PL2023-46	DT	Mike Cutrona	First incomplete letter sent 7/12/23 - waiting for additional information
2235 Morning Canyon Rd. (20-unit condos)	TTM 83836, DR, TP PL2022-89	MN	Samir M. Khoury	Under Review
23901 Ridge Line (2-lot Subdivision)	TPM PL2022-119	DT	Pete Volbeda	Second incomplete letter sent 12/5/23 – waiting for additional information
SB9 Ordinance	DCA PL2019-43	MN	City of Diamond Bar	Under Review
Walnut Valley Unified School District (Billboard Ordinance)	DCA PL2021-43	DT/GL	WVUSD	Under Review