

**CITY COUNCIL
RESOLUTION NO. 2013-29**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, ADOPTING A GENERAL PLAN AMENDMENT FOR THE AFFORDABLE HOUSING LAND USE AND ZONING DESIGNATION PROJECT (PLANNING CASE NO. PL2013-227) ON PROPERTY LOCATED WEST OF CHINO HILLS PARKWAY, SOUTH OF DIAMOND RANCH HIGH SCHOOL, DIAMOND BAR, CALIFORNIA (EASTERLY PORTION OF ASSESSORS PARCEL NUMBER 8701-022-273).

A. RECITALS

1. State housing element law requires each city to make available adequate sites with appropriate zoning to accommodate its fair share of regional housing needs as established in the Regional Housing Needs Assessment; and
2. On April 19, 2011, the Diamond Bar City Council adopted the 2008-2014 Housing Element update, which includes a program to establish a new land use district allowing High Density Residential development at 30 dwelling units per acre and redesignate sufficient sites to accommodate at least 466 lower-income residential units for the 2008-2014 planning period; and
3. The 2014-2021 Regional Housing Needs Assessment identifies the City's share of regional housing need for lower-income households as 490 units for the planning period; and
4. In order to provide adequate sites with appropriate zoning to accommodate the City's fair share of regional housing need, a General Plan Amendment (hereinafter the "Amendment") is necessary to establish a new *High Density Residential-30* (RH-30) land use designation and to make corresponding text amendments to the General Plan Land Use Element, as shown in Exhibit A, attached hereto, and change the land use designation on the Land Use Map for the property identified as "Site A" in Exhibit B, attached hereto, from *Planning Area 1/Specific Plan* (PA 1/SP) to *Planning Area 5/High Density Residential-30* (PA-5/RH-30); and
5. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the Amendment and related zoning approvals, which found that the Amendment would not have a significant effect on the environment; and

6. In accordance with CEQA Guidelines Sections 15090 through 15093, the City Council adopted a resolution certifying the EIR and adopting a mitigation reporting and monitoring program for the project; and
7. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on August 23, 2013. Public hearing notices were mailed to property owners within a 1,000-foot radius of the parcel on which the zone change is proposed, as well as all speakers who have previously attended the scoping meeting or the Planning Commission hearing, or who have submitted comments in writing, and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board in two locations (Chino Hills Parkway and Rockbury/Deep Springs Drive) and the notice was posted at three other locations within the project vicinity; and
8. On August 13, 2013, the Planning Commission conducted a duly noticed public hearing regarding the Amendment and related actions, solicited testimony from all interested individuals, and concluded said hearing on that date; and
9. The Planning Commission has determined that the Amendment and related zoning approvals represent a consistent, logical, appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City's General Plan, and has recommended its approval by the City Council; and
10. On September 3, 2013, the City Council conducted a duly noticed public hearing regarding the Amendment and related actions, solicited testimony from all interested individuals, and concluded said hearing on that date; and
11. The documents and materials constituting the administrative record of the proceedings upon which the City Council's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21810 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

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

1. That all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct;
2. The City Council hereby approves the proposed General Plan Amendment

for the Affordable Housing Land Use and Zoning Designation Project (Planning Case No. PL2013-227) based on the following findings, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Section 65358:

Finding: The Amendment is internally consistent with the General Plan and other adopted goals and policies of the City.

Facts in Support of Finding:

a. The Amendment will establish a new *High Density Residential-30* (RH-30) designation in the General Plan Land Use Element to allow owner- and renter-occupied multi-family residential development at a density of up to 30 units per acre, as required by Government Code Section 65583.2(c)(3)(B); and will amend the Land Use Map (Figure I-2 of the Land Use Element) to redesignate the property identified as "Site A" in Exhibit B, attached hereto, from *Planning Area 1/Specific Plan* (PA 1/SP) to *Planning Area 5/High Density Residential-30* (PA-5/RH-30) to accommodate the need for lower-income housing commensurate with the Regional Housing Needs Assessment for the City.

b. For the reasons set forth below, the Amendment is consistent with the following goals and policies of the 2008-2014 Housing Element:

GOAL 2 Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents.

The RH-30 designation will facilitate a greater diversity of housing at higher densities than allowed under current land use regulations, which limit density to 20 units/acre.

GOAL 3 Provide adequate sites through appropriate land use and zoning designations to accommodate future housing growth.

The Amendment will accommodate future housing growth for all economic segments of the community, including lower-income households.

Policy 3.1 Maintain an inventory of potential sites available for future housing development.

The Amendment will expand the City's inventory of potential housing development sites.

Policy 3.3 Integrate multi-family residential uses within the Tres Hermanos Specific Plan.

The Amendment will allow multi-family residential uses within a portion of the Tres Hermanos area, and would not constrain the future adoption of a specific plan for the entire Tres Hermanos area.

GOAL 4 Mitigate potential governmental constraints which may hinder or discourage housing development in the City.

The RH-30 land use designation will serve to mitigate governmental constraints by allowing higher density development than is currently permitted in the City.

Policy 4.1 Continue to provide regulatory incentives and concessions to facilitate affordable housing development in the City.

The increased density permitted under the RH-30 designation will serve as an incentive to affordable housing development by reducing the per-unit land cost.

GOAL 5 Consistent with the Vision Statement, encourage equal and fair housing opportunities for all economic segments of the community.

The RH-30 designation will facilitate the production of lower-cost housing, which furthers equal housing opportunities for all economic segments and persons with special needs.

- c. For the reasons set forth below, the Amendment is consistent with Goal 1 and related strategies of the Land Use Element:

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

The Amendment would expand the mix of land uses in the City to include higher-density residential product types and would also preserve a significant portion of the site for open space as required by the Hillside Management Ordinance (Municipal Code Chapter 22.22).

Strategy 1.2.3 Maintain residential areas which protect natural resources, hillsides, and scenic areas. (a) Development in hillside areas should be designed to be compatible with surrounding natural areas, compatible to the extent practical with surrounding

development, aesthetically pleasing, and provide views from development, but not at the expense of views of the development. (b) Earthwork in hillside areas should utilize contour or landform grading. (c) Minimize grading to retain natural vegetation and topography.

All development within the RH-30 area will be required to be consistent with this strategy through required compliance with the Hillside Management Ordinance.

Strategy 1.2.6 Broaden the range of, and encourage innovation in, housing types. Require developments within all Residential areas to provide amenities such as common usable, active open space and recreational areas, when possible.

The RH-30 designation will facilitate greater innovation in housing types by allowing higher density than currently permitted. New developments will be required to provide amenities such as open space and recreational areas in conformance with zoning regulations.

Strategy 1.2.7 Where consistent with the other provisions of the Diamond Bar General Plan, encourage the provision of low and moderate cost housing.

The RH-30 land use designation will encourage the provision of low- and moderate cost housing by reducing the land cost per unit compared to lower density development.

Strategy 1.5.6 Preserve significant environmental resources within proposed developments, allow clustering or transferring of all or part of the development potential of the entire site to a portion of the site, thus preserving the resources as open space, and mandating the dedication of those resources to the City or a conservancy.

The RH-30 land use designation will allow development clustering in order to preserve sensitive resources and open space.

Strategy 1.6.4 Encourage clustering within the most developable portions of project sites to preserve open space and/or other natural resources. Such development should be located to coordinate with long-term plans for active parks, passive (open space) parks, and preserve natural open space areas.

Site A comprises approximately 30 gross acres, of which a net development area of approximately 16.33 acres is required to

accommodate 490 units at a density of 30 units/acre. The gross site area allows for clustering development to preserve the most valuable natural resources and open space on the site.

Strategy 2.2.1 Require that new development be compatible with surrounding land uses.

Zoning regulations for the RH-30 area require design review to ensure that future development is compatible with surrounding uses.

Strategy 2.2.2 Prohibit the development of adjacent land uses with significantly different intensities or that have operational characteristics which could create nuisances along a common boundary, unless an effective buffer can be created.

Site A is not immediately adjacent to any residential use. Diamond Ranch High School is adjacent to the north of the site, and can be buffered by the difference in elevation as well as placement of development on the site.

Strategy 3.2.1 Within the urban residential portions of the City, require the incorporation of open space and recreational areas into the design of new projects. Within topographically rugged and rural areas, emphasize the preservation of natural landforms and vegetation.

Required compliance with the RH-30 zoning regulations and the Hillside Management Ordinance will ensure that open space and recreational areas will be incorporated into the design of any new development on Site A.

Strategy 3.2.10 New development shall comply with the City's Hillside Management Ordinance.

Any residential development within the RH-30 area will be required to comply with the Hillside Management Ordinance.

Strategy 3.3.1 Balance the retention of the natural environment with its conversion to urban form.

Site A comprises approximately 30 gross acres, of which a net development area of approximately 16.33 acres is required to accommodate 490 units at a density of 30 units/acre. The gross site area allows for clustering development to preserve the most valuable natural areas on the site.

Strategy 3.3.2 Promote the incorporation of hillside features into project design.

Required compliance with the Hillside Management Ordinance will ensure that hillside features are incorporated into future project design on Site A.

- d. For the reasons set forth below, the Amendment is consistent with Strategy 1.1.3 of the Resource Management Element:

Strategy 1.1.3 Require that dwelling units and structures within hillside areas be sited in such a manner as to utilize ridgelines and landscape plant materials as a backdrop for the structures and the structures themselves to provide maximum concealment of cut slopes.

Required compliance with the Hillside Management Ordinance will ensure that any new development within Site A will be sited in conformance with this strategy.

- e. For the reasons set forth below, the Amendment is consistent with the Circulation Element:

Goal 2 Provide a balanced transportation system for the safe and efficient movement of people, goods, and services through the City.

Future development within Site A will be required to provide an internal circulation network that includes streets and also accommodates alternative modes of transportation. This site is also adjacent to transit routes along Chino Hills Parkway.

Goal 3 Maintain an adequate level of service on area roadways.

The EIR prepared for the project included an analysis of project area roadways and levels of service. With the identified mitigation measures, no significant impacts to roadway level of service would occur.

- f. For the reasons set forth below, the Amendment is consistent with the Public Services and Facilities Element:

Goal 1 Provide adequate infrastructure facilities and public services to support development and planned growth.

Public services and utilities, including water, sewer, gas, electricity,

and other utilities are available to serve future development of Site A.

3. The City Council hereby authorizes the Community Development Director to make such other clerical revisions to the General Plan and Development Code text and statistical tables as may be necessary to maintain consistency with the intent of the Amendment.
4. The City Council further directs the Community Development Department, as part of the 5th Cycle (2014-2021) Housing Update, to evaluate sites other than Site A, including "Tres Hermanos South" (as described in the aforementioned EIR under Section 6/Alternatives Analysis as Alternative 3) and the Kmart property, to accommodate the City's fair share of the region's lower-income housing need.

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF SEPTEMBER 2013, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

BY: 
Jack Tanaka, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Resolution was passed, approved and adopted at a regular meeting of the City Council held on the 3rd day of September, 2013, by the following vote:

AYES: Council Members: Chang, Herrera, Tye, MPT/Everett, M/Tanaka
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

ATTEST: 
Tommye Cribbins, City Clerk
City of Diamond Bar

ATTACHMENTS:

Exhibit A: Land Use Element Text Revisions

Exhibit B: Amended Land Use Element Map

Exhibit A

Land Use Element Text Revisions

Section E., Strategy 1.1.1 is amended to add a new paragraph (g) as follows:

- (g) Designate properties for high-density multi-family use as **High Density Residential-30 (RH-30)** allowing a maximum net density of 30 units/acre and a minimum net density of 20 units/acre to accommodate the City's share of the regional affordable housing need as required by the Regional Housing Needs Assessment (RHNA). Net density is the number of dwelling units divided by the net site area. Net site area is comprised of all portions of the project site, prior to site development, except for those portions of the project site which: lie within the setbacks of state or federally designated jurisdictional wetlands; contain plant communities which should be avoided, based on the findings of professional biological surveys; are located within pre-existing public streets, utility easement, and drainage channels or basins.

Section E., Strategy 1.6.1 is amended to add a new paragraph (e) as follows:

- (e) **Planning Area 5**

PA-5 is entirely surrounded by PA-1, adjacent to Diamond Ranch High School. PA-5 incorporates a 30-acre (gross) area designated RH-30 to accommodate a maximum of 490 high-density multi-family housing units consistent with the Regional Housing Needs Assessment and the Housing Element.

The first paragraph of Section F.2 is amended as follows:

"The Element uses certain terminology to describe the land use designations. The term "density" refers to residential uses and to the population and development capacity of residential land. Density is described in terms of dwelling units per gross acre of land (du/ac) unless stated otherwise. For example, 100 dwelling units occupying 20 gross acres of land is 5.0 du/ac."

Exhibit A (continued)

Table I-3, General Plan Land Use (By Category) is amended as follows:

**Table I-3
General Plan Land Use (By Category)**

Land Use Designations	Permitted Density / Intensity	Gross Acres In the City	Gross Acres In Sphere	Total Gross Acres
Residential Designations				
RR Rural Residential	(1 ac/du)	1,392		1,392
RL Low Density Residential	(up to 3 du/ac)	3,089		3,089
RLM Low-Medium Residential	(up to 5 du/ac)	838		838
RM Medium Density Residential	(up to 12 du/ac)	275		275
RMH Medium High Residential	(up to 16 du/ac)	197		197
RH High Density Residential	(up to 20 du/ac)	66		66
RH-30 High Density Residential (30 units/net acre)	(up to 30 du/net ac)	30		30
Subtotal		5,887		5,887
Non-Residential Designations				
C General Commercial	(.25 – 1 FAR)	172		172
CO Commercial / Office	(.25 – 1 FAR)	63		63
OP Professional Office	(.25 – 1 FAR)	178		178
I Light Industrial	(.25 – 1 FAR)	93		93
Subtotal		506		506
Mixed Use Designations				
PA Planning Areas	(see text)			
PA-1		690		690
PA-2		401		401
PA-3		55		55
PA-4		82		82
PA-5		30		30
Subtotal		1,258		1,258
Other Designations^(a)				
PF Public Facilities		27		27
W Water		19	2	21
F Fire		1		1
S School		345		345
PK Park		158		158
GC Golf Course		178		178
OS Open Space		642		642
PR Private Recreation		15		15
AG Agriculture		0	3,589	3,589
Fwy / Major Roads	1 du / 5 ac	684		684
Total		9,690	3,591	13,281

Exhibit A (continued)

Table I-3, General Plan Land Use (By Category) is amended as follows:

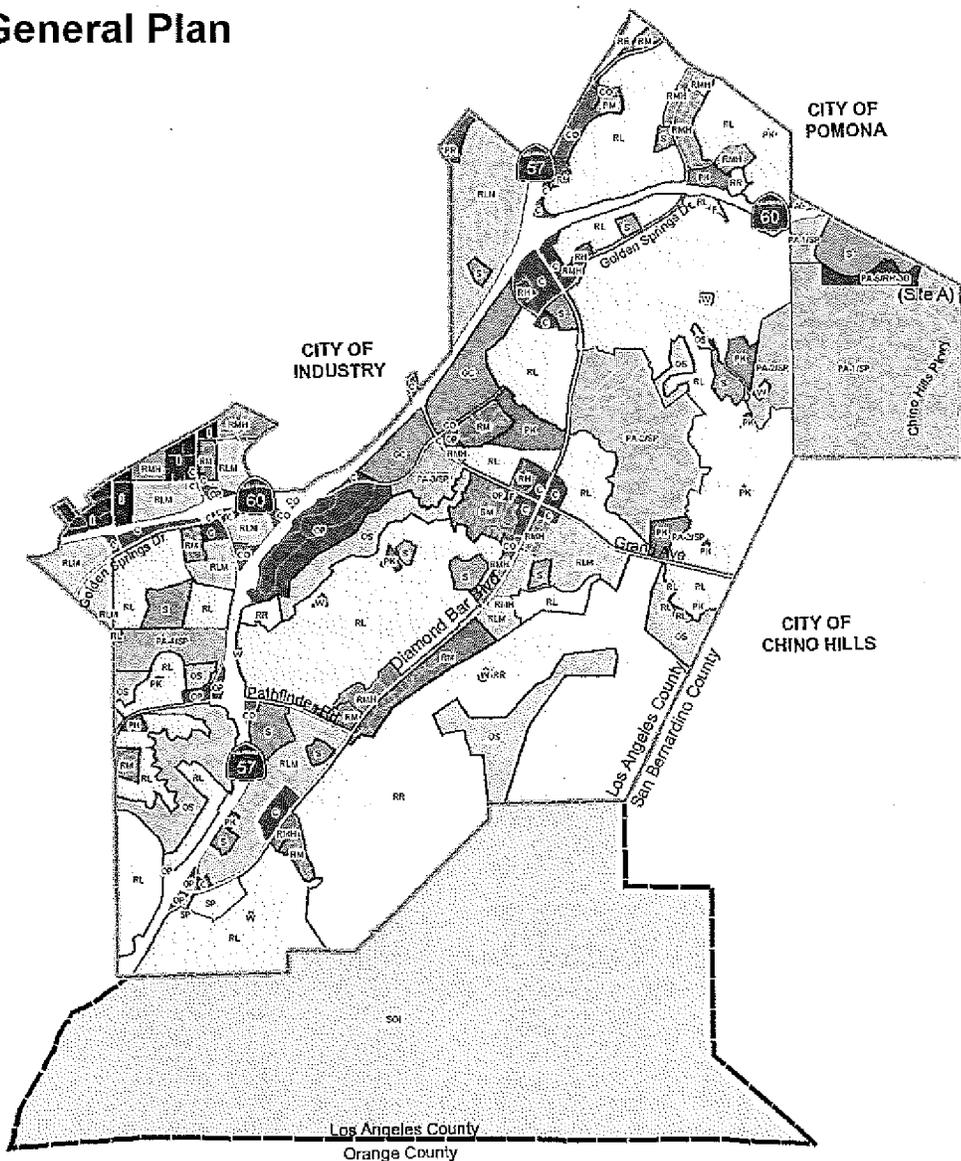
**Table I-4
Potential Residential and Commercial Growth**

Land Use	Existing Units/Sq. Ft.	Potential Additional Units/Sq. Ft.	Expected Total Development	Population at General Plan Buildout
Residential City Sphere	$\frac{18,276 \text{ DUS}^{(1)}}{0}$	$\frac{1,284 \text{ DUS}^{(3)}}{718 \text{ DUS}^{(4)}}$	$\frac{19,560}{718}$	$\frac{64,920^{(6)}}{2,200^{(7)}}$
Commercial/Industrial	5,865,000 Sq. Ft. ⁽²⁾	1,550,000 Sq.Ft. ⁽⁵⁾	7,415,000	

- (1) Housing units as of 1/1/2007 (Source: California Department of Finance and City of Diamond Bar 2008-2014 Housing Element, Adopted April 19, 2011).
- (2) The Planning Network, 1990
- (3) City of Diamond Bar 2008-2014 Housing Element (Table B-1), Adopted April 19, 2011. Residential Densities include Vacant sites and Projects currently approved/not built.
- (4) Residential Densities on Vacant Land are assumed at 100% of the maximum permitted density. Includes projects currently under construction (7/94)
- (5) Based on average development intensities consistent with current development patterns on vacant land. Includes projects currently under construction (7/94)
- (6) 2007 Dept. of Finance. Population based on 3,313 persons per household at a 1.71% vacancy rate.
- (7) Population based on 3.19 persons per household at a 4.5% vacancy rate.

Exhibit B

City of Diamond Bar General Plan



RR - Rural Residential - (max. 1 du/acre)	W - Water
RL - Low Density Residential (max. 2 du/acre)	PK - Park
RLM - Low-Medium Residential (max. 6 du/acre)	GC - Golf Courses
RM - Medium Density Residential (max. 12 du/acre)	OS - Open Space
RMH - Medium High Density Residential (max. 16 du/acre)	PR - Private Recreation
RH - High Density Residential (max. 20 du/acre)	A3 - Agriculture (max. 1du/5 acres)
RH-30 - High Density Residential-30 (min. and max. 30 du/acre)	PA-1/SP
C - General Commercial (max. 1.0 FAR)	PA-2/SP
CO - Commercial Office (max. 1.0 FAR)	PA-3/SP
OP - Professional Office (max. 1.0 FAR)	PA-4/SP
I - Light Industrial (max. 1.0 FAR)	Prepared PA-SRH-30
PF - Public Facility	SP - Specific Plan Overlay
F - Fire	BDI - Sphere of Influence
S - School	City Boundary

Land Use Map

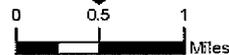


Figure I-2
Proposed Land Use Map