

**CITY COUNCIL
RESOLUTION NO. 2013- 15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR
ADOPTING THE NEGATIVE DECLARATION AND APPROVING AMENDMENT
TO THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN TO
ACCOMMODATE THE NEED FOR EMERGENCY SHELTER AND SINGLE-
ROOM OCCUPANCY HOUSING IN THE I (LIGHT INDUSTRIAL) LAND USE
CATEGORY OF THE GENERAL PLAN (PLANNING CASE NO. 2012-513)**

A. RECITALS

1. On April 18, 1989, the City of Diamond Bar was established as a duly organized municipal corporation of the State of California. Thereafter, the City Council of the City of Diamond Bar adopted its Ordinance No. 14 (1990), thereby adopting the Los Angeles County Code as the ordinances of the City of Diamond Bar. Title 21 of the Los Angeles County Code contains the Subdivision Code of the County of Los Angeles applicable to development applications within the City of Diamond Bar.
2. On July 25, 1995, the City of Diamond Bar adopted its General Plan. The General Plan establishes goals, objectives and strategies to implement the community's vision for its future.
3. The City of Diamond Bar has determined that the existing Land Use Element, Objective 1.1, Strategy 1.1.4 relating to the Light Industrial land use category contained within the City of Diamond Bar General Plan required modification to accommodate the need for emergency shelters and single-room occupancy housing as identified in the Housing Element. The proposed amendment implements policies and programs contained in the City's certified 2008-2014 Housing Element, therefore, is consistent with the Housing Element goals, policies, and programs in that it provides for adequate housing sites to achieve a variety and diversity of housing by establishing zoning standards and regulations for emergency shelter and single-room occupancy housing.
4. Pursuant to Government Code Section 65090 and 65353, a notice of at least 1/8 page display was published in the Inland Valley Daily Tribune and San Gabriel Valley Tribune newspapers on May 24, 2013, and a copy of the public notice was posted at the City's three designated community posting sites.
5. The proposed action does not constitute a substantial amendment of the General Plan; accordingly, the provisions of Government Code Sections 65352 through 65352.5 are inapplicable.
6. Pursuant to the California Environmental Quality Act, California Public

Resources Code Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 et seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Negative Declaration as the proposed project cannot, or will not, have a significant effect on the environment. In accordance to the provisions of Section 15070 of the CEQA Guidelines, the City prepared and filed a Notice of Availability and Intent to Adopt Negative Declaration for the project on March 28, 2013, with the Los Angeles County Clerk. Pursuant to CEQA Section 15105, the public review period for the Negative Declaration began April 3, 2013, and ended April 22, 2013.

7. On April 23, 2013, the Planning Commission held a duly noticed public hearing with regard to the General Plan Amendment, Land Use Element, Objective 1.1, Strategy 1.1.4. After due consideration of public testimony, staff analysis and the Commission's deliberations, the Planning Commission determined that the General Plan amendment attached hereto as Exhibit "A" and incorporated by reference into this Resolution implements the policies and programs contained in the City's certified 2008-2014 Housing Element, and adopted Resolution No. 2013-08, recommending City Council adoption of a Negative Declaration and approval of the proposed General Plan Amendment.
8. On June 4, 2013, the City Council conducted a duly noticed Public Hearing regarding the General Plan amendment proposed pursuant to Planning Case No. PL2012-513, and all interested parties were given opportunity to be heard.
9. During its meeting of June 4, 2013, the City Council adopted Resolution No. 2013-15, adopting a Negative Declaration for the General Plan Amendment proposed pursuant to Planning Case No. PL2012-513. The approved General Plan amendment amended Objective 1.1, Strategy 1.1.4 of the Land Use Element relating to the Light Industrial land use category to specifically accommodate the need for emergency shelters and single-room occupancy housing as identified in the Housing Element.
10. The 1995 General Plan remains properly integrated and internally consistent as required by California Government Code Section 65300.5.
11. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

1. This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. The City Council has independently considered the Initial Study and Negative Declaration that was made available for public review, and all other oral and written public comments received prior to or at the public hearing prior to adopting this Resolution. The City Council finds that the Negative Declaration reflects the City's independent judgment and analysis. The City Council hereby determines on the basis of the whole record before it, including the Initial Study and comments received, that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment, and on that basis, hereby adopt the Negative Declaration. The record of proceedings on which the City Council's decision is based is located at the City of Diamond Bar, 21810 Copley Drive, Diamond Bar, California, Community Development Department/ Planning Division. The custodian of record of proceedings is the Director of Community Development.
3. The City Council hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, there is no evidence before this City Council that the General Plan Amendment proposed herein will have the potential of an adverse effect on wildlife resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5(d) of Title 14 of the California Code of Regulations.
4. The City Council hereby finds and determines that the General Plan Amendment is consistent and compatible with and implements the goals, objectives and strategies of the City of Diamond Bar General Plan. Accordingly, the City Council hereby approves the General Plan Amendment attached hereto as Exhibit "A".

The City Clerk shall:

- (a) Certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 4th OF JUNE, 2013 BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

A handwritten signature in black ink, appearing to read 'Jack Tanaka', is written over a horizontal line.

Jack Tanaka, Mayor

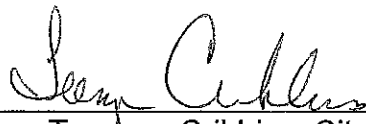
I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted by the City Council of the City of Diamond Bar, at a regular meeting of the City Council held on the 4th day of June, 2013, by the following vote:

AYES: Council Member: Chang, Herrera, Tye, M/Tanaka

NOES: Council Member: None

ABSENT: Council Member: MPT/Everett

ABSTAIN: Council Member: None

A handwritten signature in cursive script, appearing to read "Tommye Cribbins", is written over a horizontal line.

Tommye Cribbins, City Clerk
City of Diamond Bar

**CITY OF DIAMOND BAR
GENERAL PLAN AMENDMENT (PLANNING CASE NO. PL2012-513)**

EXHIBIT "A"

The Diamond Bar General Plan, Land Use Element, Objective 1.1, Strategy 1.1.4 is amended to read as follows (deletions shown in ~~strikeout~~ text; additions shown in **bold/underline** text):

1.1.4 Areas designated **Light Industrial (I)** on the General Plan Land Use Map are to provide for light industrial, research and development, and office-based industrial firms seeking a pleasant and attractive working environment, as well as for business support services, and commercial uses requiring more land area than is available in General Commercial or Commercial Office areas. **This designation also is intended to accommodate the need for emergency shelters and single-room occupancy housing as identified in the City's Housing Element.** These areas will maintain a maximum floor area ratio of 0.25 to 1.00.

