

REPORT TO THE CITY COUNCIL



DATE: May 26, 2020

TITLE: Environmental Findings, General Plan Amendment GPA-20-1, and Zoning Amendment ZA-20-1

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council
- 3) Open Public Hearing;
- 4) Take public testimony from those favor;
- 5) Take public testimony from those opposed;
- 6) Take public testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) The City Council Approve:

1) A Resolution of the City Council of the City Of Desert Hot Springs, California, 1) Certifying the Environmental Impact Report; 2) Adopting Findings of Fact Pursuant to the California Environmental Quality Act and Adopting a Statement of Overriding Considerations; and 3) Approving General Plan Amendment and Land Use Map No. GPA-20-1, Amending the General Plan and Land Use Map for Several Properties in the City

2) A Resolution of the City Council of the City of Desert Hot Springs, California Repealing The Following Specific Plans, Which in Light of the New General Plan Amendment No. GPA-20-1 and Zoning Amendment No. ZA-20-1, are Outdated: 1) Desert Highlands Specific Plan, 2) Eagle Point Specific Plan, 3) Indian Hills Specific Plan, 4) Mountain View Estates li Specific Plan, 5) Arroyo Vista/Rancho Del Oro Specific Plan, 6) Vortex Specific Plan, 7) Indigo Lake Specific Plan, And 8) Vista Del Monte Specific Plan

Introduce for First Reading and read by title only the attached Ordinance:

3) An Ordinance of the City Council of the City of Desert Hot Springs 1) Amending or Adding the Following Chapters of the Desert Hot Springs Municipal Code: A) 17.04.050 "Definitions"; B) 17.08 "Residential Districts"; 4) 17.12 "Commercial Districts"; D) 17.14 "Mixed Use Districts"; E) 17.16 "Industrial Districts"; F) 17.64 "Administration"; G) 17.74 "Administrative Conditional Use Permits" and 2) Amending The Zoning Map In Accordance With Zoning Amendment No. ZA-20-1.

DISCUSSION

The proposed General Plan Update ("GPU") is a long-range planning program to guide the growth and development of the Desert Hot Springs Planning Area through the year 2040. It is intended to communicate the City's vision of its future and to establish a policy framework to govern decision making concerning the physical development of the community, including assurances that the community at large will be supported by an adequate range of public services and infrastructure systems. This Update includes both amendments to General Plan and Land Use Map. The General Plan Housing Element 4-year update is also included.

The Planning Area consists of the corporate boundaries of the City of Desert Hot Springs and its Sphere of Influence. The City's corporate boundaries total 30.5 square miles and its Sphere of Influence (unincorporated Riverside County) totals 28.8 square miles, for a total Planning Area of 59.3 square miles

The City of Desert Hot Springs is updating its General Plan consistent with State requirements. The existing general plan was adopted in 2000. The updated General Plan serves as a policy guide for determining the appropriate physical development, community services, and character of the entire Planning Area.

The Zoning Update includes both text amendments to the Desert Hot Springs Municipal Code ("DHSMC") and Zoning map updates. The text updates include changes to the allowable use table for Commercial, Industrial, Residential and Mixed-use Zones.

General Plan Update

In 2000, the City of Desert Hot Springs adopted and implemented the current General Plan. The State of California requires General Plans be updated periodically, which is usually between 15-20 years. However, the Housing Element is a required element that must be updated on a specific schedule, usually every 8 years. Some Cities update the document all at once while others update portions over time. This proposed General Plan Update is a complete update to the General Plan, including the Housing Element.

The general plan is more than the legal underpinning for land use decisions; it is a vision about how a community will grow, reflecting community priorities and values while shaping the future. California state law requires each city and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (Gov. Code § 65300). The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private. The California Supreme Court has described general plans as the "charter to which [zoning] ordinance[s] must conform", but the general plan extends far beyond zoning and land use.

In statute, the general plan is presented as a collection of "elements," or topic categories (Gov. Code §65302). The proposed General Plan is broken up into seven elements including:

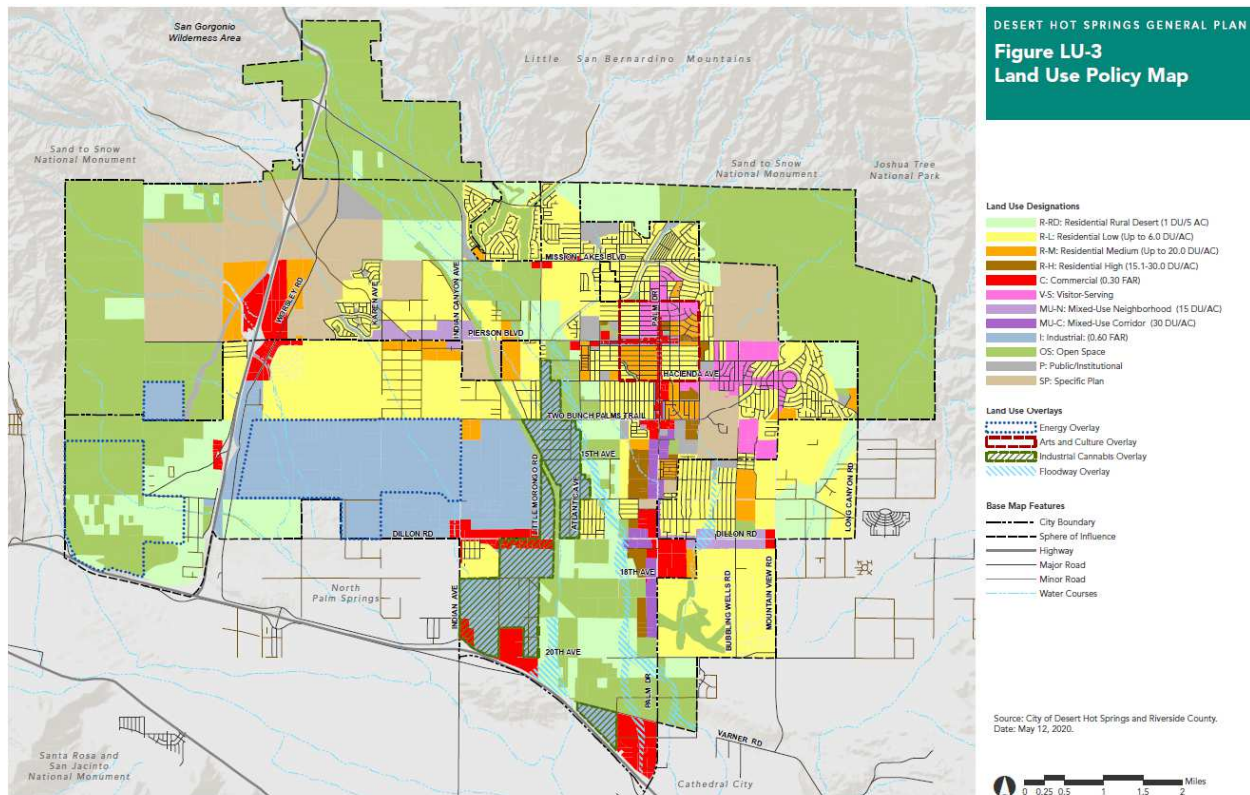
- Land Use and Community Design Element
- Mobility and Infrastructure Element
- Economic Development Element
- Housing Element
- Open Space, Natural, and Cultural Resources Element
- Health and Wellness Element
- Safety and Noise Element

Each topical chapter, or "Element," of the Desert Hot Springs General Plan includes an introduction, foundation section, summary of key opportunities, and objectives looking forward. The Implementation Plan includes implementation actions that consists of specific action items to implement the goals and policies. Goals, policies, and implementation actions are defined as follows:

- Goal: a broad statement of values or aspirations needed to achieve the vision.
- Policy: a more precise statement that guides the actions of City staff, developers and policy makers necessary to achieve the goal.

- **Implementation Measures:** a specific task or action item that the City will undertake to implement the policy and work toward achieving the goals.

State General Plan law requires the Land Use Element to indicate the type, density, and intensity of development on all lands in the City. While terms like “residential,” “commercial,” or “industrial” are generally understood, State law requires a clear and concise description of the land use categories depicted on the Land Use Policy Map (Figure LU-3).



The Land Use categories shown on the map include:

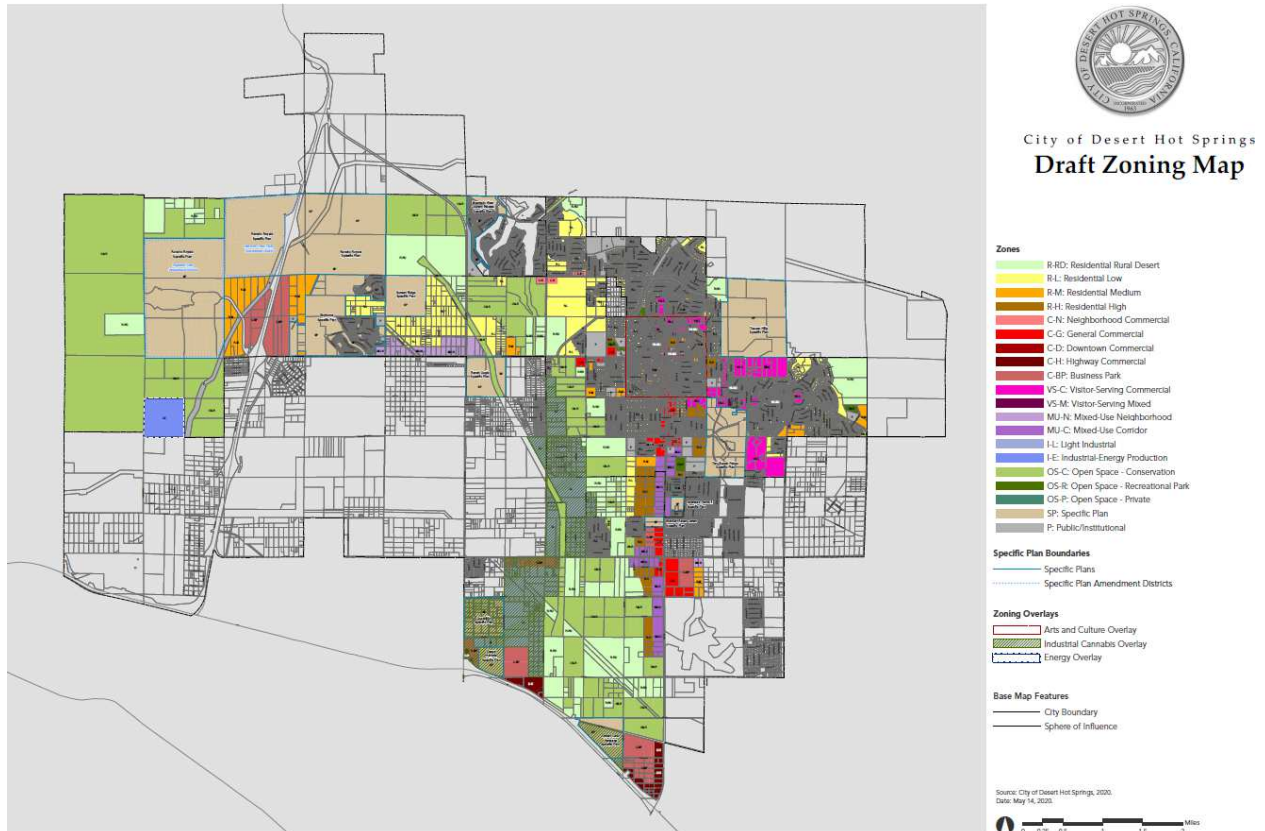
Land Use Designations

- R-RD: Residential Rural Desert (1 DU/5 AC)
- R-L: Residential Low (Up to 6.0 DU/AC)
- R-M: Residential Medium (Up to 20.0 DU/AC)
- R-H: Residential High (15.1-30.0 DU/AC)
- C: Commercial (0.30 FAR)
- V-S: Visitor-Serving
- MU-N: Mixed-Use Neighborhood (15 DU/AC)
- MU-C: Mixed-Use Corridor (30 DU/AC)
- I: Industrial: (0.60 FAR)
- OS: Open Space
- P: Public/Institutional
- SP: Specific Plan

Zoning Update

As part of the General Plan Update, the City is also proposing updated the Desert Hot Springs Municipal Code, including a proposed Zoning Map that is in conformance with the General Plan Land Use Map. The updates are specific to Chapter 17 of the Municipal Code, also called the

Zoning Ordinance. Many of the changes to the Zoning Ordinance are specific to bringing it into conformance with the General Plan, Zoning Map and current State law. However, some sections are being updated just because they were older and needed to be updated or refreshed with current planning practices.



The Zoning categories shown on the map include:

Zones

	R-RD: Residential Rural Desert
	R-L: Residential Low
	R-M: Residential Medium
	R-H: Residential High
	C-N: Neighborhood Commercial
	C-G: General Commercial
	C-D: Downtown Commercial
	C-H: Highway Commercial
	C-BP: Business Park
	VS-R: Visitor-Serving Residential
	VS-C: Visitor-Serving Commercial
	VS-M: Visitor-Serving Mixed
	MU-N: Mixed-Use Neighborhood
	MU-C: Mixed-Use Corridor
	I-L: Light Industrial
	I-E: Industrial-Energy Production
	OS-C: Open Space - Conservation
	OS-R: Open Space - Recreational Park
	OS-P: Open Space - Private
	SP: Specific Plan
	P: Public/Institutional

The major changes include:

- Update to the allowable use tables
- Adding Mixed-Use Standards
- Adding a process for Administrative Conditional Use Permits
- Changing the Zoning Designations for different categories or added new categories
- Creating a stand-alone Zoning Map for properties within the City
- Removing outdated Specific Plans
- Cultivation Overlay
- Density Changes in Residential Zones
- Minimum Unit Sizes
- Multifamily in Visitor Serving
- Multifamily Design Standards

Update to the allowable use tables

The allowable use tables for The Residential, Commercial and Industrial zones are attached in Exhibit 6, 7, and 9. This is a complete update to the use types and what uses are allowed for each zone. The biggest change is the removal of Development Permits from the table. Permitted uses will require a Development Permit or Zoning Verification based on the situation and authority table in the exhibit. For example, all new commercial and industrial construction would require a Development Permit approval by the Planning Commission and new uses going into an existing building would require an Administrative Development Permit approval by the Community Development Director.

Adding Mixed-Use Standards

The General Plan and Zoning Ordinance implements new mixed use zones. These zones have both allowable use tables and guidelines in Exhibit 8. The new Mixed Use Corridor and Mixed Use Neighborhood both allow for either standalone commercial development, standalone residential development, or both uses on the same property.

Adding a process for Administrative Conditional Use Permits

The allowable use table has a new category, Administrative Conditional Use Permit (AUP). This new category is also further explained in Exhibit 8. The intent of this section is to allow certain uses to be approved through a discretionary permit at the staff level. The most notable of the changes is cannabis uses in the industrial zones. This will allow a lower cost permit and allow for each tenant to have their own Conditional Use Permit, instead of being property wide. This allows for more customization of uses and floor plans for each suite.

Changing the Zoning Designations for different categories or added new categories

Although we simplified the General plan Land Use Map by having only one category of Commercial and Industrial designations, these are more detailed in the Zoning Map. The Commercial designations include: Commercial General, Commercial Neighborhood, Commercial Business Park, Commercial Highway, Downtown Commercial and Visitor Serving Commercial. These details allow the City to allow different types of Commercial uses to specific areas in the City.

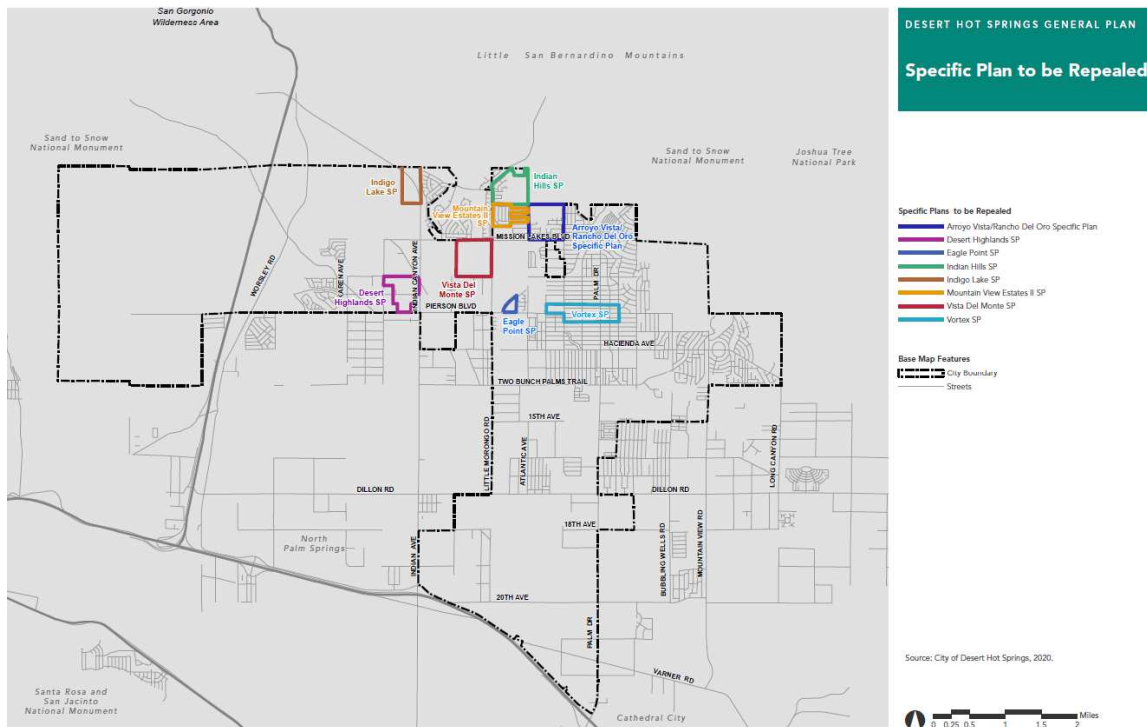
Creating a stand-alone Zoning Map for properties within the City

The current Land Use Map combines the General Plan and Zoning Map which has caused some confusion in the past when a property updates its Zoning but not its General Plan Designation. This has happened most often when related to Specific Plans. The proposed Zoning Map is separate from the General Plan Land Use Map. A big difference in the Maps is that the General Plan Land Use Map includes General Plan designations for areas outside the City but within the City's Sphere of Influence, where the Zoning Map only pertains to properties within the City boundaries.

Removing outdated Specific Plans

The current proposal includes removal of outdated and unnecessary Specific Plans. These Specific Plans are shown on Exhibit 3 and include:

- Desert Highlands Specific Plan
- Eagle Point Specific Plan
- Indian Hills Specific Plan
- Mountain View Estates II Specific Plan
- Arroyo Vista/Rancho Del Oro Specific Plan
- Vortex Specific Plan
- Indigo Lake Specific Plan
- Vista Del Monte Specific Plan



Cultivation Overlay

The General Plan Land Use Map and Zoning Map include a Cultivation Overlay. The Cultivation Overlay on the Zoning Map encompasses all the Light Industrial Zone and some Commercial properties. Areas in the Sphere of Influence that are designated as Industrial, when annexed, the City could choose to expand the Cultivation Overlay or leave it to encourage other industrial uses that are not cannabis, specifically cultivation. The Commercial properties in the Cultivation Overlay would be allowed to have cannabis uses in combination with other Commercial non-cannabis uses.

Density Changes in Residential Zones

Residential Zone	Current Density	Proposed Density
Residential Estates/Residential Rural	1 unit/5 acres	1 unit/5 acres
Residential Low	5 units/acre	6 units/acre
Residential Medium	8 units/acre	20 units/acre
Residential High	14 units/acre	15.1-30 units/acre

Minimum Unit Sizes

Min. Unit Size (in square feet)	Current	Proposed
Studio	600	550
One Bedroom	800	700
Two Bedrooms	1000	900
Three or More Bedrooms	1,200	1,000
Single Family Detached	1,200	1,000

Multifamily in Visitor Serving

The proposed Zoning Map and code has two Visitor Serving designations: Visitor Serving Mixed Use and Visitor Serving Commercial. The Visitor Serving Mixed Use allows for Single Family Residential, Multifamily (up to 20 units per acre), and Hotel and/or Spas. The Visitor Serving Commercial allows for Hotels, Spas, and other commercial uses. Additionally, the Visitor Serving Commercial allows Multifamily with a Conditional Use Permit.

Multifamily Design Standards

In accordance with State laws the Multifamily Design Standards are proposed to be updated to have standards that are not subjective. This requirement changes terminology from “should” to “shall.” However, allowances can be approved by Planning Commission approval.

Environmental Determination

The Environmental Impact Report (“EIR”) prepared for the proposed General Plan and Zoning Amendments is a “Program EIR” pursuant to Article 11 Section 15168 of the California Environmental Quality Act (CEQA) Handbook. The EIR analyzes the potential environmental impacts associated with the adoption and long-term implementation of the GPU. Program-level analysis was conducted for the GPU as a whole to account for the broad, cumulative impacts that may occur due to the anticipated, collective development of the Planning Area. The programmatic analysis focused on the long-term changes that the GPU implies and how those changes can be accommodated to minimize the impacts of land use decisions on the physical environment. At the meeting, the Planning Commission, in its recommendation to the City Council, will consider a Statement of Overriding Considerations to consider the benefits of the project in relation to its significant, unavoidable environmental impacts on Air Quality, Greenhouse Gas Emissions, Noise, and Transportation and Traffic.

At the Planning Commission meeting May 12, 2020, the Planning Commission held a Public Hearing and recommended.

FISCAL IMPACT

Staff believes that the General Plan and Zoning Changes includes a balance of Land Uses for a positive fiscal outlook.

EXHIBIT(S)

- 1) Proposed General Plan
- 2) Resolution for EIR and General Plan Update
- 3) Resolution Repealing Specific Plans
- 4) Ordinance for Zoning Updates
- 5) Ordinance Exhibit A.1 Definitions
- 6) Ordinance Exhibit A.2 Residential Districts
- 7) Ordinance Exhibit A.3 Commercial Districts
- 8) Ordinance Exhibit A.4 Mixed Use Districts
- 9) Ordinance Exhibit A.5 Industrial Districts
- 10) Ordinance Exhibit A.6 Administration
- 11) Ordinance Exhibit A.7 Administrative Conditional Use Permits
- 12) Ordinance Exhibit B Zoning Map
- 13) Draft Environmental Impact Report
- 14) Final EIR & Response to Comments
- 15) EIR Mitigation Monitoring Program