

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS CORRECTING CERTAIN TYPOGRAPHIC ERRORS TO REFLECT THE PROPER DENSITY BY AMENDING: 1) LAND USE TABLE 17.08.02 “DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS”; AND 2) LAND USE TABLE 17.14.02 “DEVELOPMENT STANDARDS-MIXED USE DISTRICTS”

WHEREAS, the City is a charter City; and

WHEREAS, after a duly noticed public hearing, on May 26, 2020, the City Council adopted and approved a General Plan Update and an amendment to the General Plan Land Use Map to update the General Plan and re-designate several properties in the City, GPA 20-1 (the “General Plan Amendment”); and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000, *et seq.*, and its implementing regulations, California Code of Regulations Section 15000, *et seq.*, (“CEQA Guidelines”), the City, acting as Lead Agency, reviewed and certified a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed General Plan Amendment and determined that, following the implementation of certain mitigated measures; and

WHEREAS, the City adopted and approved, pursuant to the CEQA Guidelines Section 15093, the Statement of Overriding Considerations; and

WHEREAS, therefore, CEQA analysis has already been performed for this Ordinance; and

WHEREAS, pursuant to Section 15162(a) of the CEQA Guidelines, once an EIR has been certified, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review; and

WHEREAS, for this Ordinance, there are no substantial changes in the environmental impacts; and

WHEREAS, the General Plan Amendment was and is a comprehensive planning document which took years to prepare; and

WHEREAS, after the duly noticed Public hearing at the Planning Commission on May 12, 2020, the Planning Commission understood the complexity and enormity of the General Plan Amendment and adopted Staff’s recommendation which was:

“Recommendation to include revisions to the General Plan Update, Zoning Code, and EIR as recommended by City staff and identified during the staff presentation.

Recommendation that staff review the wind energy policies and requirements within the Riverside County General Plan and County Zoning Ordinance and where warranted, include in the future update to the Desert Hot Springs Zoning Code.

Recommendation that staff has the ability to make minor revisions to the General Plan and/or Zoning Code to address any typographical errors and/or technical corrections prior to the City Council meeting. These changes will be presented to the City Council for approval in the form of an errata.”; and

WHEREAS, although the City Council has already adopted the General Plan Amendment, the Planning Commission’s intent was to allow City Council to address typographical errors and/or technical corrections; and

WHEREAS, the City’s General Plan Amendment consultant, MIG, stated in its attached letter that there were typographical errors with respect these land use tables (see Exhibit “A” attached hereto an incorporated by this reference); and

WHEREAS, this proposed Ordinance will correct the typographical errors contemplated herein to the Desert Hot Springs Municipal Code; and

WHEREAS, the City Council finds that this proposed Ordinance is merely to correct typographical errors; and

WHEREAS, the City Council finds that pursuant to Government Code Section 65356, this proposed Ordinance correcting typographical errors need not be reconsidered by the Planning Commission because it is not a substantive modification to the General Plan Amendment, and it instead corrects typographical errors; and

WHEREAS, a duly public hearing was held on June 16, 2020, before the City Council, at which the City Council received public testimony, reviewed and considered all testimony and materials made available to the City Council regarding this proposed Ordinance correcting typographical errors; and

WHEREAS, having reviewed and considered all testimony and materials made available to the City, including but not limited all environmental documents and reports, the staff reports, and all the testimony and evidence in the record of the proceedings with respect to the proposed Ordinance, the City adopted this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS.

The Recitals are true and correct and are hereby incorporated by this reference.

Section 2. EVIDENCE

The City Council has considered all of the evidence submitted into the administrative record for the recommendations listed in this City Council Ordinance, including, but not limited to, the following:

- (a) Desert Hot Springs Municipal Code and Desert Hot Springs General Plan;
- (b) All environmental documents;
- (c) Staff Report;
- (d) Testimony and/or comments from interested parties submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the City Council meeting;
- (f) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the City Council meeting held on June 16, 2020, supporting and/or opposing this proposed Ordinance.

Section 3. ENVIRONMENTAL FINDINGS.

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City Council determines:

Pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq.*, and its implementing regulations, California Code of Regulations Section 15000, *et seq.*, ("CEQA Guidelines"), the City, acting as Lead Agency, reviewed and certified a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed General Plan Amendment and determined that, following the implementation of certain mitigated measures. The City adopted and approved, pursuant to the CEQA Guidelines Section 15093, the Statement of Overriding Considerations. Therefore, CEQA analysis has already been performed for this Ordinance. Pursuant to Section 15162(a) of the CEQA Guidelines, once an EIR has been certified, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review. For this Ordinance, there are no substantial changes in the environmental impacts.

SECTION 4. AMENDING TABLE 17.08.02 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

That Table 17.08.02 (“Development Standards – Residential Districts”) of the Desert Hot Springs Municipal Code shall be amended only in part as follows:

Table 17.08.02 DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS

DEVELOPMENT STANDARD	RESIDENTIAL DISTRICTS				ADDITIONAL REQUIREMENTS
	R-RD	R-L	R-M	R-H	
DENSITY/FAR					
Minimum Density - Residential	-	-	-	15 20.0 du/ac	

SECTION 5. AMENDING TABLE 17.14.020 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

That Table 17.14.02 (“Development Standards – Mixed Use Districts”) of the Desert Hot Springs Municipal Code shall be amended only in part as follows

TABLE 17.14.02 DEVELOPMENT STANDARDS – MIXED-USE DISTRICTS

DEVELOPMENT STANDARD	MIXED-USE DISTRICTS			ADDITIONAL REQUIREMENTS
	MU-N	MU-C	VS-M	
GENERAL PLAN DENSITY/FAR				
Minimum Density – Residential	-	15 20.0 du/ac	-	

Section 6. GENERAL PLAN CONSISTENCY FINDINGS

The City Council finds this amendment is compatible with the general objectives of the General Plan, as amended, in that the subject uses would be conditionally permitted or permitted in the zones.

Section 7. GENERAL FINDINGS

The City Council finds this Ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 8. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 9. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this Ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 10. EXECUTION AND CERTIFICATION

The City Clerk is directed to do all things necessary to cause the execution of this Ordinance immediately upon its adoption and shall thereafter certify to the passage of this Ordinance and cause the same to be published according to law.

Section 11. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Mattas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

**Jennifer A. Mizrahi,
City Attorney**

EXHIBIT A



June 4, 2020

Rebecca Deming
Community Development Director
City of Desert Hot Springs
65950 Pierson Boulevard
Desert Hot Springs, CA 92240

Subject: General Plan Update and Zoning Code Amendment Typographical Error

Dear Ms. Deming:

Following City Council adoption of the comprehensive General Plan Update and targeted Zoning Code on May 26, 2020, MIG noted a typographical error in the Land Use Element related to the minimum residential density for the Residential High (R-H) and Mixed-Use Corridor (MU-C). As identified in Program 1 (Adequate Sites) in the adopted Housing Element and to ensure internal General Plan consistency, the minimum residential densities for both R-H and MU-C designations should be stated as 20.0 dwelling units per acre instead of 15.0 dwelling units per acres and no minimum density, respectively.

This correction also requires a parallel change in the targeted Zoning Code Amendment to address the error, in Table 17.08.02 (Development Standards – Residential Districts) and Table 17.14.02 (Development Standards-Mixed-Use Districts). The minimum residential densities in the development standards tables for Residential High and Mixed-Use Corridor districts should be changed to 20 dwelling units per acre.

We recommend taking these edits back to the City Council to correct the typographic errors. Recall that as a part of the approval action, the Council authorized correction of typographic errors.

Should you have any questions, please contact me at (818) 388-4286 (cell phone) or lstetson@migcom.com.

Sincerely,

A handwritten signature in blue ink that reads "Laura R. Stetson".

Laura R. Stetson, AICP
Principal