

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS
AMENDING SECTION 17.040.050 “DEFINITIONS” OF THE DESERT HOT SPRINGS
MUNICIPAL CODE RELATED TO CERTAIN HOUSING DEFINITIONS, AND
AMENDING TABLE 17.08.01 TO AMEND CERTAIN HOUSING ARRANGEMENT
USES.**

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, this proposed Ordinance will amend certain definitions having to deal with certain classes of persons with state law; and

WHEREAS, this proposed Ordinance expands the definitions of “Residential Care Facilities”, “Supportive Housing”, and “Senior Congregate Care”; and

WHEREAS, the proposed Ordinance recognizes the difference between permitted uses depending on if the use is residential (supportive housing) or commercial (residential care facilities); and

WHEREAS, a duly public hearing was held on July 28, 2020, before the Planning Commission, at which the it received public testimony, reviewed and considered all testimony and materials made available to it regarding this proposed Ordinance; and

WHEREAS, after the public hearing, the Planning Commission recommended that the City Council adopt this Ordinance; and

WHEREAS, a duly public hearing was held on _____, before the City Council, at which the it received public testimony, reviewed and considered all testimony and materials made available to it regarding this proposed Ordinance; 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, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

**Section 2. AMENDING SECTION 17.040.050 “DEFINITIONS” OF THE
DESERT HOT SPRINGS MUNICIPAL CODE RELATED TO
CERTAIN HOUSING DEFINITIONS.**

Section 17.040.050 (“Definitions”) of Title 17 (“Zoning”) is hereby amended only as to the following definitions:

Density. The ratio and intensity for land use over a given area of land, which is defined by ratios such as the number of units per given area of land (ie- units per acre). Except as otherwise provided by this Code, Federal or State law, when calculating the maximum permitted density, if the density ratio calculated is a fraction, density shall be rounded down to the whole number.

Elderly and Long-Term Care Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes, nursing homes, and convalescent hospitals, but not Residential Care Facilities, Hospitals, or Clinics.

Group Home – See “Supportive Housing” A facility which provides 24-hour care and supervision to children, provides services to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

Residential Care Facilities. Facilities that are licensed by the State to provide permanent living accommodations and 24-hour care and supervision for seven or more persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living, including medical care. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including residential care facilities for the elderly, hospices, nursing homes, convalescent facilities, and facilities for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes “Supportive and/or Transitional Housing.” **This use classification does not include Residential Care Facilities in a residential home. For Residential Care Facilities inside a residential home see “Supportive and/or Transitional Housing”** This classification excludes “Elderly and Long Term Care.”

Senior Citizen Congregate Care Housing Facilities. –See “Senior Housing” **Multi-family residential projects reserved for senior citizens, where each dwelling unit has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation. If a Senior Citizen Care Housing Facility is in a residential home, it classified as “Supportive Housing” for purposes of permitted uses under Title 17 of the Municipal Code. If the Senior Citizen Care Housing Facility is not in a residential home, it is classified as “Residential Care Facilities” for purposes of permitted uses under Title 17 of the Municipal Code.**

Senior Housing. A housing development incorporating independent dwelling units that are designed for, and limited to, the occupancy by persons who are at least 62 years of age, or who are at least 55 years of age and meet the qualifications found in Section 51.3 of the California Civil Code. This definition includes senior apartments, retirement communities, retirement homes and homes for the aged. It does not include extended care facilities such as convalescent homes or skilled nursing facilities (“Medical services—Extended care”), assisted living facilities, or senior **citizen congregate** care

housing facilities. **If the Senior Housing is a single-family dwelling, it is classified as a “Dwelling, Single Family” for purposes of permitted uses under Title 17 of the Municipal Code. If the Senior Housing is a multi-family dwelling it is classified as a “Dwelling, Multi-Family” for purposes of permitted uses under Title 17 of the Municipal Code**

Social Service Facilities. Residential or a Nonresidential facilities providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, physical disabilities or to those persons in need of food and/or shelter. May include feeding centers, as well as substance abuse recovery and treatment facilities.

Supportive and/or Transitional Housing. The term Supportive Housing (per Government Code Section 65582[f], as may be amended) shall mean a dwelling unit occupied by a target population, with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing resident(s) in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

The term Transitional Housing (per Government Code Section 65582[j] and 50801[i], as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Supportive and/or transitional housing may be designed as a residential group living facility or as a regular residential use, provided the facility appears as and meets the design standards for residential structures in the zone in which it is located. Supportive and/or transitional housing may include facilities that provide both on-site and off-site services, and such use may or may not be licensed by the State. **This classification includes Group Homes (small and large).**

Section 3.

AMENDING TABLE 17.08.01 TO AMEND CERTAIN HOUSING ARRANGEMENT USES.

Table 17.08.01 shall be amended to read as follows:

TABLE 17.08.01 PERMITTED USES – RESIDENTIAL DISTRICTS

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
AGRICULTURAL AND RELATED USES					
Agriculture/Horticulture	AUP	CUP	CUP	--	
Equestrian Stables, Private	P	CUP ¹		--	1.) Minimum 1 acre
Equestrian Stables, Commercial	CUP	--	--	--	
Kennel	CUP	--	--	--	
Garden, Private	A	A	A	A	
Nurseries and Garden Centers	CUP	--	--	--	
PUBLIC AND ASSEMBLY USES					
Public Assembly Facilities	CUP	CUP	CUP	CUP	
Religious Assembly Facilities	CUP	CUP	CUP	CUP	
Schools, Private	CUP	CUP	CUP	CUP	
RESIDENTIAL USES					
Accessory Dwelling Unit	P	P	P	P	17.08.170
Junior Accessory Dwelling Unit	P	P	P	P	
Accessory Structures and Uses	A	A	A	A	
Boarding House	--	--	--	CUP	
Dwelling, Multifamily	--	--	P	P	17.08.140
Dwelling, Single-Family	P	P	P	P	
<u>Elderly and Long-Term Care</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>AUP</u>	<u>17.08.180</u>
Home Occupations	P	P	P	P	17.108
Manufactured Homes	P	P	P	P	17.08.120
Mobile Home Parks	--	--	CUP	CUP	17.08.130
Parolee/Probationer Homes	CUP	CUP	CUP	CUP	17.08.310
Planned Residential Development	--	CUP	CUP	CUP	17.08.150
Single Room Occupancy (SRO)	--	--	--	P	17.08.200
Supportive Housing	P	P	P	P	Government Code Section 50675.14 and 65651. Supportive Housing are subject to the requirements of Table 17.08.02.
Transitional Housing	P	P	P	P	Government Code Section 50801(i). Transitional Housing are subject to the requirements of Table 17.08.02.
RECREATION AND ENTERTAINMENT					

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
Clubhouses	AUP	AUP	AUP	AUP	
Golf Course and Related Facilities	CUP	CUP	CUP	CUP	17.08.090
Public Park	P	P	P	P	
Recreational Use, Commercial	--	--	--	CUP	
Recreational, Private	A	A	A	A	
Swimming Pool/Spa, Private	A	A	A	A	
Tennis Court, Private	A	A	A	A	17.08.300
Trails	P	P	P	P	
Trailhead	CUP	CUP	CUP	CUP	
RETAIL AND COMMERCIAL USES					
Bed and Breakfast Inn	CUP	CUP	CUP	--	
Condominium Hotel, Converted	--	--	CUP	CUP	
Hotel or Motel (without spa)	--	--	--	--	
Spa Resort	--	--	--	--	
Property Management	--	--	A	A	
SERVICE USES					
Day Care Center	--	--	AUP	AUP	17.08.060
Day Care Homes, Small/Large	P	P	P	P	17.08.070
Emergency Shelter	--	--	CUP	P	
OTHER USES					
Antenna, Vertical/Satellite Dish	A	A	A	A	17.40.060
Parking Lot, Commercial	--	CUP	CUP	CUP	
Parking Lot, Office	--	CUP	CUP	CUP	
Recreational Vehicle Storage	A	A	A	A	17.08.160
Temporary Structures or Uses	TUP	TUP	TUP	TUP	17.136
Utility Facilities	P	P	P	P	
Vehicle Charging Stations	A	A	A	A	

Section 4. SEVERABILITY

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 5. GENERAL PLAN CONSISTENCY FINDINGS

The City Council finds this amendment is consistent and compatible with the General Plan.

Section 6. GENERAL FINDINGS

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

Section 7. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 8. AMENDING OF BAIL SCHEDULE

That 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 9. EFFECTIVE DATE

That this ordinance shall be effective thirty days after the second reading of the ordinance.

Section 10. CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

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PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ___ day of _____, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Scott Matas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney