

## REPORT TO THE PLANNING COMMISSION

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**DATE:** August 11, 2020

**TITLE:** 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

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### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the Planning Commission
- 3) Open Public Hearing;
- 4) Take Public Testimony;
- 5) Close the Public Hearing;
- 6) Planning Commission discussion and questions to Staff; and
- 7) Planning Commission recommends to City Council approve "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."

### DISCUSSION

This item was continued from the July 28 Planning Commission Meeting. The proposed Ordinance is updated after additional discussion with the City attorney's office.

The City of Desert Hot Springs Municipal Code ("DHSMC") regulates definitions in Section 17.040.050. Additionally, Table 17.08.01 regulates allowable uses. The proposed ordinance clarifies, amend, and updates types of Housing arrangements.

The proposed changes to the 17.040.050 amends 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.

**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.** **Commercial** 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.”

**Senior Citizen Congregate Care Housing Facilities.** —See “Senior Housing” **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. This definition excludes “Residential Care Facilities.” For purposes of permitted uses under Title 17 of the Municipal Code, Senior Citizen Congregate Care Housing Facilities are classified as “Supportive Housing.”**

**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).**

The proposed changes to the 17.08.01 adds the following use to the Permitted Use Table:

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
<b>SERVICE USES</b>					
Elderly and Long Term Care	—	—	—	AUP	17.08.180

**FISCAL IMPACT**

None.

**EXHIBIT(S)**

1. Proposed Ordinance