



**STAFF REPORT**  
for consideration by the  
**CATHEDRAL CITY PLANNING COMMISSION**

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**CASE NO:** Change of Zone (CZ) No. 16-001      **MEETING DATE:** March 16, 2016

**APPLICANT:** City of Cathedral City      **STAFF PLANNER:** Robert Rodriguez,  
Development Services Manager

**REQUEST:** That the Planning Commission adopt a resolution recommending that the City Council adopt an ordinance approving the Change of Zone from OS-R20-H (Open Space Residential with 20 acres minimum net lot size, with a Hillside Overlay) to OS (Open Space) for 14 properties of approximately 116 acres generally located on the south side of East Palm Canyon Drive between the western City boundary and Bankside Drive.

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**RECOMMENDED MOTION:**

1. Approval of a Category Exemption to the California Environmental Quality Act (CEQA) pursuant to section 15601 (b) (3) of the CEQA Guidelines, and
2. Adopt a Resolution recommending that the City Council approve a Change of Zone from OS-R20-H (Open Space Residential with 20 acres minimum net lot size, with a Hillside Overlay) to OS (Open Space) for 14 properties of approximately 116 acres generally located on the south side of East Palm Canyon Drive between the western City boundary and Bankside Drive.

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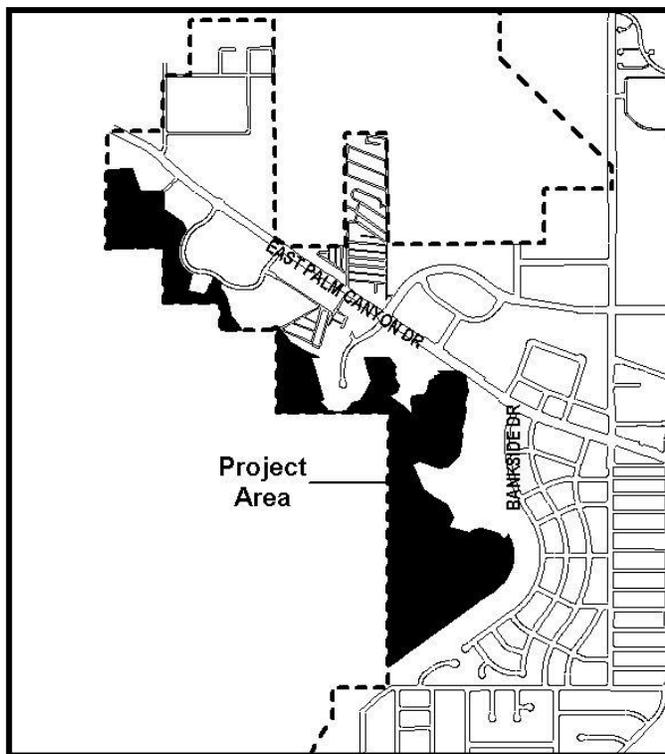
**FINDINGS**

- **APPROVAL OF AN EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** based on the finding that the project is exempt pursuant to section 15061(b)(3) of the CEQA Guidelines, the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.
- **APPROVAL OF CHANGE OF ZONE NO. 16-001**, subject to the following findings:

1. The proposed Change of Zone from OS-R20-H (Open Space Residential with 20 acres minimum net lot size, with a Hillside Overlay) to OS (Open Space) is consistent with the current HR (Hillside Reserve) General Plan land use designation;
2. The proposed Change of Zone is in the best interests of the public health, safety, necessity, convenience, and general welfare, and is in accordance with good zoning practice; and
3. The purpose of the proposal is to clean up inconsistencies between the current zoning, which allows low-density residential development, and existing environmental conditions that are not conducive to urban development particularly development of housing.

## BACKGROUND AND ANALYSIS

The City of Cathedral City proposes a Change of Zone to amend the zoning map from OS-R20-H to the OS Zoning District for all of the properties zoned OS-R20-H generally located on the south side of East Palm Canyon Drive between the City boundary on the west and Bankside Drive on the east. A total of 14 contiguous properties (APNs: 681-300-010, -011, -012, 681-320-026, 687-460-011, -015, 687-040-058, -060, 687-510-002, -024, -029, -030, -049 and -053) of approximately 116 acres will be included in the proposed Change of Zone. The purpose of the Change of Zone is to clean up inconsistencies between the current zoning and existing conditions of the subject properties.



### Environmental Conditions:

The entire area included under the change of zone is made up of environmentally sensitive lands as a result of terrain conditions, flooding potential, wildland fire hazard risk, and location within habitat for protected species. The environmental conditions that exist on the area are not conducive to urban development or construction of

habitable structures.

The project area is also recognized habitat for the federally endangered Peninsula Bighorn Sheep (PBS) and threatened desert tortoise, among other biological resources. With the exception of tribally owned lands, the area is located with the PBS Habitat Recovery Area designated by the federal Fish and Wildlife Service (FWS). The Agua Caliente Habitat Conservation Plan mirrors the FWS PBS habitat and includes similar protections.

Cathedral City is located entirely within the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) area. Development is restricted in conservation areas by the MSHCP, and subject to additional review, limits on the amount, and location of development. The project area is located within the Santa Rosa and San Jacinto Mountains Conservation Area of the MSHCP. A portion of the project area is located within Agua Caliente reservation lands not subject to the MSHCP. However, the Agua Caliente reservation lands are subject to the Agua Caliente Tribal Habitat Conservation Plan (HCP) where development is similarly restricted.

The westerly portion of the project area is located within a flood hazard area. The area is designated AO on FEMA maps, an area where flooding can occur in the form of sheet flows, due to the steep slopes, with high velocities. For these areas, flood hazard insurance and flood plain management are required by FEMA when development is proposed.

Certain areas of the change of zone also have a high potential for wildland fires. Several of the properties within the western portion of the project area are located within CalFire's (California Department of Forestry and Fire Protection) recommended Very High Fire Hazard Severity Zone.

#### General Plan Consistency:

The project area is designated as HR (Hillside Reserve) on the General Plan land use map. The purpose of the HR land use designation is to provide for development densities of one dwelling unit per 20 acres, except where topographical, hydrological, aesthetic, or other constraints preclude development. Most of the property included in the project area is environmentally sensitive due to steeply sloped hillside and the presence of sensitive biological habitat. As such, the General Plan HR land use designation would be consistent with the proposed OS zoning.

The General Plan Biological Resources Element policy 1 states that, "The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species." The proposed zone change is consistent with this policy since it will limit the types of uses that can be developed to public recreational, public utility structures, parks, and private recreational uses that have limited environmental impacts,

and entirely prohibit residential uses.

### Zoning:

The project area is located within the OS-R20-H zoning district. The OS-R20 district permits single-family homes at the ratio of one unit per 20 acres. The intent of the OS-R20 zone is to preserve environmentally sensitive areas while allowing for residential development. Since the project area has many environmental conditions that would preclude new residential development, and the fact that new residential development could negatively impact sensitive biological resources, the current zoning is not consistent with existing conditions within the Change of Zone area.

The intent of the proposed OS zone is to place land under this zoning when there are natural limitations such as potential for flooding or faulting that make it inappropriate for habitation or intensive development, and when property is under public control and intended for public uses and associated buildings. As discussed above, there are environmental limitations on the project area that include steep rocky slopes, flood areas, and presence of environmentally sensitive habitat.

The H Overlay, which also permits some residential development, is also proposed to be removed. The intent of the H Overlay zone is to allow some residential development except when residential development is not entirely consistent with the environmental conditions. The proposed OS zone, as well as designation as a conservation area under the MSHCP, would preserve open space, and provide a high level of protection from inappropriate development.

### Split Zoning

Two of the subject properties are split between the OS-R20-H and the PCC (Planned Community Commercial) districts. Both properties have existing development located within the OS-R20-H zoned portions of the property. This is likely the result of a mapping error on the City's Zoning Map. City staff will correct the error in a later action to clean up other inconsistencies throughout the City on the City's Zoning Map.

### Potential Nonconforming Uses:

The western-most property (APN 681-300-011) included in the zone change is occupied by one single-family residence. Since the OS zone does not permit residential use, the residence will become nonconforming with approval of the change of zone.

## **ENVIRONMENTAL REVIEW**

The project is exempt from the provisions of CEQA pursuant to Section 15061(b)(3).

## **PUBLIC NOTIFICATION**

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA.

## **ATTACHMENT**

1. Resolution
2. Public Hearing Notice

### **Prepared by:**

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Robert Rodriguez  
Development Service Manager