

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY MAKING CEQA CONSISTENCY/EXEMPTION FINDINGS, ADOPTING AN AMENDMENT TO THE RIO VISTA VILLAGE SPECIFIC PLAN (SPECIFIC PLAN AMENDMENT 97-55D), AND APPROVING A DENSITY TRANSFER BETWEEN PLANNING AREAS**

**WHEREAS**, January 14, 1998, the City Council of the City of Cathedral City adopted Ordinance No. 471 establishing the Rio Vista Village Specific Plan ("Specific Plan") located within the City of Cathedral City; and

**WHEREAS**, prior to adopting the Specific Plan, the City Council adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act ("CEQA") finding that potential impacts related to the implementation of the Specific Plan could be mitigated to less than significant levels (the "Adopted MND"); and

**WHEREAS**, on July 28, 2021 the City Council certified an Environmental Impact Report for the Cathedral City General Plan Update (SCH No. 201808101), including establishing development densities for the Specific Plan site; and

**WHEREAS**, on May 23, 2023, NCP Verona, LLC ("Applicant") submitted an application to amend the Specific Plan, approve a Density Transfer comprising the transfer of 11 units residential within Planning Areas 5.1, 5.3, 5.4, 6.1, 6.2 and 6.3, and approve Tentative Tract Map Nos. 38709, 38710, 38711, 38712, 38713 and 38902. Specific Plan Amendment 955D, (the "SPA") is attached hereto and incorporated by this reference as Exhibit "A", and affects the Specific Plan site as depicted within Exhibit "A" attached hereto and incorporated by this reference; and

**WHEREAS**, the SPA:

- Establishes development standards for single and multiple family development, contained in Section 5.9 of the SPA'
- Updates the Landscape Master Plan (Section 4.7) to allow climate appropriate trees in addition to mesquite trees for better longevity and appearance since mesquite trees have not weathered well the impacts of strong winds;
- Modifies the circulation plan of the Specific Plan to provide additional egress to Verona Road, aligned with Ventura Drive to the south;
- Modifies the size of neighborhood parks within the Specific Plan area and a number of smaller open spaces from the originally approved Exhibits 4-H, 4-I, 4-I.5;
- Omits the requirement for alley loaded units along Rio Vista Drive;

- Modifies the design and programming of the recreation center by eliminating the “Beach Club and Water Park” and adding sports courts and gathering spaces;
- Provides updated technical studies to assess future development within the Specific Plan. Where appropriate, mitigation measures developed under the Specific Plan will be updated accordingly based on the updated technical studies and implemented for proposed future development under the SPA.
- Updates the Specific Plan accessory dwelling unit provisions to be consistent with current State law governing accessory dwelling units (Government Code section 66340 *et seq.* or as subsequently amended).

Modifies the Specific Plan circulation plan to be consistent with Tentative Maps 38709, 38710, 38711, 38712, 38713, and 38902, including the elimination of a traffic signal at the intersection of Landau Blvd. and Rio Vista Drive; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) a CEQA Finding of Consistency was prepared, which determined that no further environmental review is required pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and that the Project is exempt from CEQA pursuant to Section 15183 (Projects Consistent With A Community Plan, General Plan Or Zoning);

**WHEREAS**, on May 1, 2024 the City of Cathedral City Planning Commission considered the proposed SPA, density transfer, Tentative Tract Maps and CEQA findings during a duly noticed, regularly scheduled public hearing, and, after considering all evidence, including public testimony, both written and oral, voted to recommend that the City Council approve the SPA, Density Transfer, Tentative Tract Map Nos. 38709, 38710, 38711, 38712, and 38713 and adopt the CEQA findings. The Planning Commission also voted to continue the hearing for Tentative Tract Map No. 38902 to the May 15, 2024 public hearing; and

**WHEREAS**, on May 8, 2024 the City Council held a duly noticed public hearing to consider the Planning Commission's recommendation on the SPA, Density Transfer, Tentative Tract Map Nos. 38709, 38710, 38711, 38712, and 38713 and the CEQA findings (the “Project”).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. CITY COUNCIL RECORD.** The City Council has considered all of the evidence, including written and oral communications submitted into the administrative record for the provisions listed in this Ordinance No. \_\_\_\_\_, including, but not limited to, the following:

1. Cathedral City Municipal Code and Cathedral City General Plan, including the adopted Rio Vista Village Specific Plan;
2. The Staff Report prepared by Sandra Molina dated May 8, 2024, including all Exhibits attached thereto;

3. Staff's presentation at the public hearing conducted at the City Council meeting held on May 8, 2024;

4. Planning Commission Resolution No. \_\_\_\_\_, A Resolution of the Planning Commission of the City of Cathedral City, California Recommending City Council Action on the Rio Vista Village/Verano Specific Plan Amendment 97-55D, Tentative Tract Map Nos. 38709, 38710, 38711, 38712, and 38713

4. Testimony and/or comments on the Project from interested parties including the Applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the City Council meeting held on May 8, 2024; and

5. Public comments on the Project, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the City Council meeting held on May 8, 2024.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The City Council hereby finds that no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to state CEQA Guidelines section 15162 (Subsequent EIRs And Negative Declarations); and that the project is exempt from CEQA pursuant to section 15183 (Projects Consistent With A Community Plan, General Plan Or Zoning) based on the following findings and the attached CEQA Consistency Analysis:

1. The previously adopted Mitigated Negative Declaration (the "Adopted MND") prepared for the Rio Vista Village Specific Plan (the "Specific Plan") approved on January 14, 1998, has adequately identified the impacts associated with the Project and no further review is required pursuant to Section 15162 of the California Environmental Quality Act ("CEQA") and based on the following findings:

a. No substantial changes are proposed to the previously-approved project which will require major revisions of the Adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The project analyzed in the Adopted MND (the "Approved Project") allows for development of 1,362 residential units within the entire 303-acre Specific Plan area. The currently proposed Project would result in an amendment to the Specific Plan and six associated Tentative Tract Maps for the development of the remaining 834 units (of the original 1,362 units of which 470 have been previously constructed), consisting of 459 single-family residences and 375 multi-family residential condominium units, along with parking, landscape, and park areas. The currently proposed Project is consistent with, or results in lesser impacts than the impacts identified in the Adopted MND. The currently proposed Project will occur within the Specific Plan area and will not exceed the number of previously approved build-out units. As identified in the CEQA Consistency Analysis (Attachment 14), there are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects resulting from the modifications to the Approved Project. Therefore, the proposed Project would not require any revisions to the Adopted MND; and

b. No substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions to the Adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Specific Plan has been partially constructed, and no change in land area or build out unit count is proposed. The General Plan continues to maintain the same land use designations for the Project area, The currently proposed Project's impacts can be mitigated through the imposition of measures identified in Attachment 12, which are consistent with the mitigation measures applied to the adopted Specific Plan. Therefore, the circumstances under which the Project is undertaken have not changed substantially, and no revisions to the Approved Mitigated Negative Declaration are required; and

c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Adopted MND was approved, has been identified. The Specific Plan area is partially developed, and vacant areas are significantly disturbed. The currently proposed Project continues with the orderly development of the Specific Plan area in a manner consistent with the Specific Plan and will implement similar mitigation measures which are consistent with those imposed on the adopted Specific Plan. Conditions in and around the Specific Plan boundaries have not changed, nor have surrounding projects caused an increase in impacts in the general area since the Adopted MND was completed. The existing mitigation measures were found to be effective and feasible at the time of adoption of the Adopted MND, and there have been no substantial changes to the Project or the Project's circumstances that would result in substantial changes to the Adopted MND mitigation measures, as evidenced in Attachment 12. Therefore, no new information that contradicts the analysis in the Adopted MND has become available since the Adopted MND was approved by the City Council in 1998.

2. The Project is consistent with the development density established by the previously adopted General Plan Environmental Impact Report (State Clearinghouse No. 201808101) certified by the City Council on July 28, 2021, for the Cathedral City General Plan Update (the "CCGP EIR"). The CCGP EIR has adequately identified the impacts associated with the Project; the Project is Statutorily Exempt under State CEQA Guidelines Section No. 15183 (Projects consistent with a Community Plan, General Plan or Zoning), based on the following findings:

a. The Project is consistent with the development density established for the Project site by the CCGP EIR. The Project site has a General Plan designation of Low Density Residential (RL) on the westerly parcels (APNs 677-050-027, -031 through -034) and Medium High Density Residential (RMH) and High Density Residential (RH) on the easterly parcels (APNs 677-050-017 and -018). The westerly parcels (APNs 677-050-027, -031 through -034) are zoned Single Family Residential (R1) while the easterly parcels (APNs 677-050-017 and -018) are zoned Multiple Family Residential (R3). The Project would construct 459 single-family dwellings on the RL designated and R1 zoned westerly parcels and 375 multi-family dwellings on the RMH and RH designated and R3

zoned easterly parcels. The Project would result in a net density of 4.0 du/ac for the RL designated area, including constructed units, approved units and the project's proposed 459 single-family dwelling units. Additionally, the Project would result in a net density of 20.1 du/ac for the RMH area, 18.7 du/ac for the RH area and 19.3 du/ac for the combined RMH and RH areas, which is consistent with the allowed density for those designations; and

b. There are no Project specific effects which are peculiar to the Project or its site, and which the CCGP EIR failed to analyze as significant effects, including effects associated with air quality emissions, biological resources, cultural resources and traffic which the project will mitigate through mitigation measures applied to the Specific Plan. The subject property is vacant desert land adjacent to the balance of the Specific Plan area which has been constructed, is generally flat with sparse native and non-native vegetation, similar to other properties in the area. Its land use designation and zoning is consistent with surrounding properties, and the Project will result in a residential neighborhood similar to surrounding neighborhoods in terms of character and development types. The Project site does not support any peculiar environmental features, and the Project would not result in any peculiar effects; and

c. There are no Project specific impacts which the CCGP EIR failed to analyze as significant effects. As demonstrated in the CEQA Consistency Analysis prepared for the Project, implementation of the proposed Project would not result in any significant and unavoidable impacts. All Project-specific impacts have been mitigated to less than significant levels and are consistent with the impacts identified in the CCGP EIR; and

d. There are no potentially significant offsite and/or cumulative impacts which the CCGP EIR failed to evaluate. The Project is consistent with the density and land use characteristics of the development considered by the CCGP EIR and would represent a small part of the growth that was forecasted for build-out of the General Plan; and

e. There is no substantial new information which results in more severe impacts than anticipated by the CCGP EIR. The Project is consistent with the density and land use designations of the development considered by the CCGP EIR. All potential impacts were evaluated within the CCGP EIR.

**SECTION 3. ADOPTION OF SPA 947-55D.** The City Council hereby adopts SPA 94755D based on the following findings, and subject to the condition contained in subparagraph 4:

1. The proposed SPA is consistent with the established goals, policies, and objectives of the Specific Plan. The SPA will establish development regulations, standards, and guidelines consistent with the intent and development of the Specific Plan, which allows up to a maximum of 1,362 dwelling units. Further, the SPA continues the purpose of the Specific Plan in providing flexibility and establishing a unique and suitable set of development policies, regulations and guidelines based on the Ahwahnee Principles (sustainable urban planning practices); and

2. The proposed SPA is consistent with the General Plan. The Project site has a General Plan designation of Low Density Residential (RL) on the westerly parcels (APNs 677-050-027, -031 through -034) and Medium High Density Residential (RMH) and High Density Residential (RH) on the easterly parcels (APNs 677-050-017 and -018). The westerly parcels (APNs 677-050-027, -031 through -034) are zoned Single Family Residential (R1) while the easterly parcels (APNs 677-050-017 and -018) are zoned Multiple Family Residential (R3). The RL designation allows for a maximum of 4.5 dwelling units per acre (du/ac), the RMH designation allows for a maximum density of 20 du/ac and the RH designation allows for a maximum density of 24 du/ac. TTMs 38710, 38711, 38712, 38713 would result in a density of 4.0 du/ac for the RL designated area, including constructed units, approved units and the project's proposed 459 single-family dwelling units. Additionally, TTM 38902 would result in 20.1 du/ac for the RMH area, 18.7 du/ac for the RH area and 19.3 du/ac for the combined RMH and RH areas, which is consistent with the allowed density for those designations. The SPA is also consistent with General Plan Land Use Element goals and policies, including but not limited to Goal 1, Goal 2 and Policies 1, 2, 3 and 9, by providing residential developments with safe, wholesome and enhancing environments for living, enjoyment, growth and development of all residents, by providing residential developments of distinctive character with a full range of housing types and products, by managing existing residential neighborhoods and vacant residential lands to enhance the character of each and assure compatibility of each, encouraging in-fill development on partially built-out subdivided lands and encouraging the use of specific plans to master plan mixes of uses with open space areas; and

3. The proposed SPA is consistent with the General Plan Housing Element. A portion of the Specific Plan is identified in the city's land inventory for moderate and above moderate units. As stated in the Housing Element, moderate and above moderate units are considered "market rate units" in the City, and the development of the units proposed in the Specific Plan area, combined with other units proposed and approved in the City, will provide the City with sufficient moderate and above moderate-income units to meet its Regional Housing Needs allocation. The Project is also consistent with General Plan Housing Element goals and policies, including but not limited to Goal 1 and Policies 1.A and 1.A.2, by providing a broad range of housing types which meet the needs of existing and future households, ensuring that sufficient residentially designated lands and appropriate zoning exist to meet the City's future housing needs and maintaining land use and zoning designations that allow for diversity of housing types and densities.

4. Within thirty (30) days of adoption of this ordinance, the applicant shall provide a final copy of SPA 97-55D and the community character guidelines that include changes made by the City Council and shall include the CEQA Consistency Analysis and Appendices as Appendix C. The final SPA shall also correct the wall and fencing requirements contained in Tables 5.1 and 5.2 of the SPA.

**SECTION 4. FINDINGS APPROVING DENSITY TRANSFER.** The City Council

hereby approves Density Transfers within Planning Areas 5.1, 5.3, 5.4, 6.1, 6.2 and 6.3 of the Rio Vista Village/Verano Specific Plan based on the following findings:

1. The Specific Plan permits flexibility in adjusting the number of residential units allocated to any Planning Area in response to market demand and subdivision design considerations and allows units/density to be transferred to other residential Planning Areas--provided any increase or decrease in the number of units allocated to a Planning Area does not result in an overall dwelling unit count that exceeds 1,362 units, pursuant to the Specific Plan. The transfer and receiving Planning Areas are properly designated residential Planning Areas within Rio Vista Village Specific Plan, as evidenced on Exhibit 4-C Land Use Plan and Exhibit 4-D Planning Areas of the Specific Plan, as amended by the SPA; and
2. The transfer and receiving Planning Areas comply with all development standards and requirements of the Specific Plan and other applicable regulations, as amended by the SPA; and
3. The transfer and receiving Planning Areas can accommodate such density adjustments in terms of the serving infrastructure and no adverse environmental impacts will result from such transfer. The Density Transfer transfers 11 units within sub-areas 5.1, 5.3 and 5.4 of Planning Area 5 and 12 units within sub-areas 6.1, 6.2, and 6.3 of Planning Area 6 and occurs within areas covered by Tentative Tract Map Nos. 38711, 38712 and 38713. The Tentative Tract Maps include information on proposed infrastructure improvements, the underlying density is maintained within the Planning Areas, and the Density Transfer does not exceed the allowable maximum dwelling unit count of 1,362 dwelling units at build out of the Specific Plan. As demonstrated in the CEQA Consistency Analysis (Attachment 12), implementation of the proposed Density Transfer would not result in any new or increased significant impacts. All Project-specific impacts are less significant than or consistent with the impacts identified in the Adopted MND and CCGP EIR; and
4. The accompanying documentation, including the SPA and tentative tract maps, is sufficient to show the Density Transfer is consistent with the applicable zoning of R-1 Single Family Residential, consistent with the Specific Plan (as amended by the SPA), which allows for density transfers within the Specific Plan area, and consistent with the General Plan, as stated above; and
5. Subdivision maps and revised specific plan maps and land use tables have been provided to account for the Density Transfer, as provided within the Specific Plan.

**SECTION 5. SEVERABILITY** If any chapter, sections, subsections, subdivisions, sentences, clauses, phrases, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each chapter, sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions,

sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days after its second reading by the City Council.

**SECTION 7. POSTING.** The City Clerk shall, within fifteen (15) days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

**SECTION 5. CERTIFICATION**

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 22<sup>nd</sup> day of May 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Mark Carnevale, Mayor

ATTEST:

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Tracey R. Hermosillo, City Clerk

APPROVED AS TO FORM:

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Eric S. Vail, City Attorney