



# Staff Report

City Council

Item No. {{section.number}}.A

**Meeting Date:** January 8, 2025

**From:** Andrew Firestine, Community and Economic Development Director

**Title:** General Plan Amendment 23-002, Change of Zone 23-001 and Design Review 23-002 for Development of a 204-unit Apartment Community.

## **RECOMMENDATION:**

That the City Council take the following actions based on the Planning Commission's adoption of Resolution PC 2024-05, recommending approval of the Project:

1. Adopt the mitigated negative declaration and mitigation monitoring and reporting plan prepared for the project based on the findings contained in the staff report; and
2. Adopt a resolution approving General Plan Amendment 23-002 to amend the General Plan land use designation from general commercial to medium high density residential (11-20 dwelling units per acre), based on the findings and conclusions contained in the resolution and staff report; and
3. Adopt an ordinance approving Change of Zone 23-001 amending the Zoning Map to change the zone district from Planned Community Commercial to Multiple-family Residential (R3), based on the findings and conclusions contained in the ordinance and staff report; and
4. Approve Design Review 23-002 to construct a 204-unit apartment project, based on the findings and conclusions contained in the staff report and subject to the attached conditions of approval.

## **FINDINGS:**

**Adopt** the mitigated negative declaration based on the following findings and attached mitigated negative declaration:

1. The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment with the implementation of the mitigation measures; and
2. The mitigated negative declaration reflects the lead agency's independent judgment and analysis; and
3. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of

Regulations (State CEQA Guidelines), the mitigation monitoring and reporting program contained in the draft initial study and mitigated negative declaration, dated October 2024, shall serve as the City's reporting program for monitoring the mitigation measures specified in the mitigated negative declaration.

**Adopt** a resolution approving General Plan Amendment 23-002 to amend the land use map designation from general commercial to medium high density residential (11-20 du/ac) based on the following findings and outlined in the staff report:

1. The General Plan anticipates periodic revision to ensure City ordinances and policies are maintained in conformance with the General Plan; and
2. The proposed General Plan Amendment would provide additional land designated for housing in accordance with Housing Element Policy 1.A that seeks to ensure the City has sufficient residentially designated land and appropriate zoning exists to meet the City's housing needs; and
3. The proposed General Plan Amendment will allow for infill housing development within already urbanized areas of the corporate boundaries of the City consistent with Administration Policy 7 of the General Plan; and
4. The proposed General Plan Amendment is consistent with Policy 3 of the Economic and Fiscal Health Element to encourage higher density infill development which uses existing utilities, infrastructure, and services; and
5. The proposed General Plan Amendment is consistent with Action F-7 of the City's Strategic Plan to support diverse, accessible, and affordable housing; and
6. Adoption of this General Plan Amendment is not in conflict with Section 65358(b) of the California Government Code relating to the number of amendments permitted per year, because this amendment is the second amendment of calendar year 2024.

**Adopt** an ordinance to enact the Change of Zone 23-001 from Planned Community Commercial to Multiple-family Residential (R3), based on the following findings:

1. The proposed change of zone is in conformity with the general plan land use map, as amended, and the lot area development standard for the proposed zone is the same as the lot area designated on the general plan map for the property subject to the proposed General Plan Amendment and zone change; and
2. The subject property is suitable for the uses permitted in terms of access, size and shape of parcel, relationship to similar or related uses, and other considerations deemed relevant by the Commission and Council as the project is consistent with applicable zoning standards; and
3. The proposed change of zone to permit the project is desirable for the development of the community in that it allows diverse housing types and tenure for local residents and workforce, is in harmony with the Housing, Administration, and Land Use Elements or objectives in the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the R3 Zoning District; and

**Approve** Design Review 23-002, based on the following findings:

1. The project is consistent with the proposed Multiple-family Residential (R3) designation which provides for appropriately located areas for multiple-family dwellings at a medium to high range of population density, and to provide space for community facilities needed to complement urban residential areas; and
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2. Architectural considerations including height, bulk, area, color, materials, height, variations, elevations, screening, and other physical features meet the minimum requirements of the Code; and
3. The project's proposed landscaping and site treatment including planting elements and site treatment and open space provisions create an attractive and inviting environment for residents; and
4. Site plan analysis including traffic and pedestrian circulation, safety considerations, parking and provision of services contribute to overall safety for residents, visitors, and the general community; and
5. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of Regulations (State CEQA Guidelines), a mitigated negative declaration has been prepared which considered potential environmental impacts of the project and incorporated measures to mitigate potential significant impacts to levels below significance; and
6. The applicant agrees to comply with all conditions of approval attached to this staff report.

**BACKGROUND:**

The applicant, Stefan Vogel, submitted Design Review 23-002, Change of Zone 23-001, and General Plan Amendment 23-002 applications on October 19, 2023, for the development of a 204-unit residential apartment complex on an approximately 10.48-acre vacant parcel (Assessor Parcel Number 670-110-043) located in the PCC (Planned Community Commercial) Zoning District. The project includes applications for a proposed change of zoning to R3 (Multi-family Residential) along with a General Plan Amendment to change the designation in the Land Use Element and Map from CG (General Commercial) to RMH – Medium High Density Residential (11-20 dwelling units per acre). Consistent with the proposed R3 zone change, the project was reviewed for consistency with the proposed R3 zoning. An initial study/mitigated negative declaration was also prepared for the project.

The Architectural Review Committee (ARC) reviewed and recommended approval of the architectural and landscape elements of the proposal on October 16, 2024. The Planning Commission (PC) reviewed and recommended approval of the project. The PC adopted Resolution PC 2024-05 recommending City Council adopt the mitigated negative declaration, adopt a resolution to approve the General Plan Amendment, adopt an Ordinance to change the zoning, and approve the Design Review. The adopted PC resolution included a scrivener's error in referencing the proposed General Plan Land Use Map as "RH" or "High density residential"; the correct reference should be "RMH" which is "Medium high density residential". This error does not impact the analysis, the findings, or the recommendations. The incorrect references to RH have been changed to RMH accordingly.

The site is located on the east side of Date Palm Drive, immediately south of the Northgate Community Church, and north of the Rosemount Road extension. The site is relatively flat, with neighboring single-family residences zoned R1 to the east. The Rosemount Road planned extension will form the southern boundary. Properties to the south include a mix of existing single-family residences (R1) and the vacant property sited for the proposed Rosemount Storage project. The west side of Date Palm Drive is vacant and zoned PCC (Planned Community Commercial). The property is separated from Northgate Community Church by an existing access drive that traverses the church parking area and ends at 30th Avenue.

The 204-unit residential apartment complex consists of 12 individual buildings that are either 2- or 3-story and contain a mix of 1-, 2-, and 3-bedroom units, all with patios or balconies,

and half of the units with direct-access garages. The fully enclosed site includes 2 access gates, covered parking including 8 EV charging stalls, a central clubhouse/postal center, swimming pool, and kids/community green.

Off-site improvements include the construction of Rosemount Road and associated sidewalk and landscaping. In addition, the access road around the Northgate Church (the Church) property is being developed under a shared access agreement between the project applicant and the Church. The applicant will complete the private drive segment between the existing drive along the southern boundary and the existing drive along the eastern boundary of the Church property. The new access will allow for project residents to access either Date Palm Drive or 30<sup>th</sup> Avenue along the outside perimeter of the Church property (see also Attachment 4. Site – Church map). Additional offsite improvements include the installation of 6 streetlights on Date Palm Drive and Rosemount Road, and street trees along Date Palm Drive. Improvements to the shared access drive will include landscaping, and lighting applying to the full length along the northern boundary with the Church. A pedestrian gate will be added to the perimeter fence near the northwest corner along the shared access to allow residents convenient walking access to Date Palm Drive.

The intersection of Rosemount Road and Date Palm Drive will eventually be signalized. The timing of the installation of the traffic signal will be coordinated with adjacent development projects. Generally, the first development to be constructed will install the signal. The off-site and intersection improvements are detailed in the attached Conditions of Approval.

## **DISCUSSION:**

### General Plan and Zoning Analysis

The General Plan (GP) Land Use Element and the Land Use Map describe and designate the distribution of land uses by type, location, and intensity. Consistent with state law, the General Plan allows amendment of GP elements up to four times in a calendar year. The GP recognizes continuous evaluation of the elements and plans contained within it, and periodic amending may be necessary. The Land Use Element along with other GP Elements support and encourage integrated mixed-use development and where appropriate will facilitate opportunities for higher density development to facilitate the sustainability strategy, stating an intent to promote urban development that is compact with more opportunity for greater residential density integrated with mixed-use and neighborhood-serving commercial services, with an aim at creating new walkable neighborhoods.

The area has developed and continues to develop in a mixed-density pattern with a variety of use types including both residential and commercial (area map attached). Area services include 2 public schools within a 5-minute walk. Amending the GP Land Use Map to RMH supports the existing development patterns in the immediate area.

The General Plan provides for periodic review and amendment ensuring concurrency with changing conditions and that it continues to reflect the goals of the community. The General Plan Housing Element Policy 1.A seeks to *ensure that sufficient residentially designated lands and appropriate zoning exist to meet the City's future housing needs*, further specifying maintaining land use and zoning designations in the General Plan and zoning maps that allow for diversity of housing types and densities (Program 1.A.2). The proposal would provide additional land for housing development at a higher density. The proposal offers a mix of unit sizes.

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Administration Policy 7 of the General Plan states the City *shall encourage infill development within already urbanized areas of the corporate boundaries of the city* and aligns with the City's Strategic Plan Action F-7 *to support diverse, accessible, and affordable housing*. If approved, the proposal will permit multi-family housing development in an area with access to amenities and services including roads, utilities, and transit.

The General Plan Land Use Map currently identifies the project site as CG – General Commercial; the application proposal seeks to amend this category to RMH – Medium High Density Residential (11-20 units per acre).

The proposal meets the criteria for a change of zone. The proposed change is in conformity with the General Plan land use map, if amended. The change of zone from PCC – Planned Community Commercial to R3 – Multiple-family Residential is consistent with the proposed General Plan Amendment. The project property is suitable for the proposed uses in terms of access, size, and relationship to related uses. The proposed change of zone is not likely to be detrimental to the adjacent property or residents.

The R3 zone district allows for multiple family uses of densities of up to 20 units per acre, and also establishes development standards related to R3 development. The project is consistent with the proposed R3 zone as discussed below.

#### Design Review - Residential Units

Multiple-family dwellings are permitted uses in the R3 zone, subject to Design Review. The R3 zone allows density at the medium-high range, of 11-20 dwelling units per acre. The proposed density is 19.5 units per acre. The apartment complex will offer two building types referred to as “The Big House” (2-story) and “The Stack House” (3-story). The site will include six of each of these building types. The 3-story Stack House buildings will occupy the areas adjacent to Date Palm Drive and south of the Church. The 2-story Big House will occupy the area closer to the existing single-family residential. The Big House buildings consist of 10 units ranging from 950 to 1,415 square feet distributed as 2 1- bedroom, 4 2-bedroom, and 4 3-bedroom units; the Stack House buildings consist of 24 units ranging from 750 to 1,114 square feet distributed as 6 1-bedroom and 18 2-bedroom units. All units in the Big House buildings have direct access to a private garage; 7 units in each Stack House building will have direct access to private garages. The units will be market- rate rental apartments.

#### Site Plan Analysis

The proposed project design complies with all the R3 zone development standards including building height, setbacks, open space and landscaping, and parking.

The zoning code requires 15-foot front yard, 5-foot side yard, and 15-foot rear yard setbacks, with no more than 60% lot coverage. There is an existing 6-foot high block wall along the eastern property boundary adjacent to existing single-family residences. The proposed buildings are setback a minimum of 77 ½ feet from the eastern property line at building #4, which is the building closest to the eastern property line. A retention basin is proposed between the eastern property line and the apartment buildings that will serve as a buffer. The zoning code requires open space provided at a minimum of 300 square feet per dwelling unit which may be in the form of private outdoor living areas (balconies, decks) or common recreational areas. Open space requirements are met with a total of 93,180 square feet in the form of pool and common patio areas, open space area between buildings 6 and 12, and

private open spaces including patios and balconies. The proposed open space amounts to 456 square feet per unit, which exceeds the 300 square foot minimum. The property will include a 6-foot high perimeter wall on south, west, and north property lines, abutting the existing wall on the eastern boundary. The perimeter wall will be finished similar to the buildings, capped, and feature various landscape treatments.

During the public comment portion in the Planning Commission hearing, neighbors raised concerns about the proximity and privacy of the proposed apartment buildings. The applicant provided section drawings (Attachment 4.2) showing the distances from the existing wall on the property line. Attachment 4.2 also outlines the allowed building envelope, with building as proposed buildings. Comments also included questions about lighting and pets. The lighting plan complies with fixtures within the maximum allowed heights. The applicant confirmed that no dog park is being proposed for the complex although dogs may be permitted within the complex, and dog waste stations provided. Staff analysis concluded proposed building locations and placement of the retention basin provide adequate buffer from adjacent residences.

### Architecture

The building will have a contemporary architectural style with a desert modern aesthetic that include metal and wood composite accents, a modern color palette, and flat roofs. Color schemes depend on building type. Minor variations are offered between building type wood siding colors and accent panel colors are either a warm desert green (Big House) or a medium blue (Stack House). Metal frames both the individual balconies and awnings, with metal grid panels providing airy privacy to balconies. The color and materials give a neutral modern aesthetic with color accents that highlight the architectural distinctions.

The R3 zone allows building height not to exceed 35 feet. Building heights vary with the Big House roofs varying from 25 to a 28-foot maximum, and the Stack House varying from 25 to 35-foot maximum. The height variations aid in creating a cohesive aesthetic at an appealing scale.

Pedestrian circulation is provided throughout the development with access to adjacent streets by two pedestrian gates, one at the Rosemount entrance, and one at the northwest corner of the development.

### Parking and Circulation

The project complies with the parking requirements of the R3 zone which requires 1.5 spaces per unit; of these at least 1 space per unit shall be covered. Based on the R3 development standards, the project requires a total of 306 parking stalls where at least 204 spaces must be covered. The applicant is providing 192 garage spaces and 100 covered spaces, and 27 uncovered spaces for a total of 319 spaces. Of these, at least 6 spaces are ADA-compliant, meeting the ADA requirement. The project provides 8 EV spaces (1 of which is ADA-compliant) meeting the CALGreen requirement. Parking spaces will be a mix of assigned spaces for residents and un-assigned spaces available to both residents and guests.

The primary entrance for residents and guests will be from Rosemount Road. The intersection of Rosemount Road and Date Palm Drive will be signalized allowing for all vehicle access movements. Pedestrian gates for resident access to Date Palm Drive (NE portion) and to Rosemount Road are proposed.

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### Landscaping

Desert-appropriate landscape will be provided throughout the project site and along the Date Palm Drive and Rosemount Road rights-of-way as well as along the shared access to the north. The Landscape Plan appears to comply with Coachella Valley Water District (CVWD) species list, and the Final Landscape Plan submitted with the building permit application will require CVWD review and approval prior to issuance of building permit. The Landscape Plan includes street trees which comply with the distance and location requirements. Open space standards require a minimum of 300 square feet per dwelling unit which are met by a combination of private outdoor areas, balconies, decks, or common leisure area. The proposal meets these requirements by providing both private and community open space (table attached detailing type of space per unit).

### Amenity facilities

The clubhouse is centrally located adjacent to the pool deck area. The clubhouse design is consistent with the architecture, materials, and finish of the residence buildings. The clubhouse features the postal center and multi-use spaces. The clubhouse opens to the patio to the east, and the pool deck to the north. The pool features several shaded lounges, a kiddy pool and spa. Both the pool and spa include ADA lifts. Extending east off the pool area is an open area surrounded by benches and several shade trees. The applicant indicated intent to add a recreational facility in the turf area (pickleball, basketball, or other) depending on the needs and desires of residents.

### Airport Land Use Compatibility (ALUC) Plan

The project is within the Zone E of the ALUC Plan area. Compatibility review by the Riverside County Airport Land Use Commission is required for applications within the ALUC Plan Area when a legislative change, such as a General Plan Amendment, is proposed. The Riverside County ALUC board met September 12, 2024, and found the applicant's request consistent with the 2005 Palm Springs International ALUC Plan with conditions outlined in the attached letter.

### **ENVIRONMENTAL REVIEW:**

An initial study and mitigated negative declaration (IS/MND) along with special studies were prepared for the project, pursuant to the provisions of the California Environmental Quality Act (CEQA), by the applicant and peer reviewed by Terra Nova Planning and Research, the City's environmental consultant. It was determined that the project will not have a significant impact on the environment with the incorporation of mitigation measures, related to Air Quality, Biological Resources, Cultural Resource, Noise, and Tribal Cultural Resources. A mitigated negative declaration is proposed for adoption, along with a mitigation monitoring and reporting plan. The IS/MND and MMRP, along with the special studies prepared for the project are attached to this report, and the specific mitigation measures are incorporated into the attached conditions of approval.

The IS/MND was subject to a 20-day public review period from October 14, 2024 to November 4, 2024 and the City, as the lead agency, received review agency comments. The City received comments from California Department of Fish and Wildlife, Riverside County Flood Control and Water Conservation District, Caltrans, and Southern California Gas. Response to comments have been attached to this report for all but the Southern California Gas Company letter. Their comments were not related to environmental concerns, rather they related to construction. Therefore, their comments have been incorporated in the conditions of approval.

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In conformance with the provisions of AB 52 and SB 18, requiring consultation with Native American Tribes whenever, respectively, a general plan amendment is considered and an environmental initial study/EIR is prepared, staff mailed requests for consultation letters to Native American Tribes. In response, Claritsa Duarte, Cultural Resources Analyst with the Agua Caliente Band of Cahuilla Indians (ACBCI) Historic Preservation Office, requested to review copies of all applicable cultural resource documentation, and also requested the presence of an approved Agua Caliente cultural resources monitor during any ground-disturbing activities.

With the incorporation of the following mitigation measure, ACBCI consultation was concluded.

CUL-1: An approved Agua Caliente Native American Cultural Resource Monitor(s) shall be on-site during any ground disturbing activities (including grubbing, grading and excavation). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt. The Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material which constitute the record of proceedings upon which this decision is based.

**PUBLIC NOTIFICATION:**

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA for the Planning Commission public hearing and attached to this report.

**FISCAL IMPACT:**

There is no fiscal impact as the project is subject to deposit filing fees to cover staff and consultant expenses.

**FIVE-YEAR STRATEGIC PLAN:**

Goal F - EMBRACING, INCLUSIVE COMMUNITY

Objective: Cathedral City is valued and respected as a community that welcomes and embraces diversity, has an abundance of high quality and affordable housing options and vibrant businesses. Our neighborhoods are attractive, well-maintained, and issues surrounding homelessness have been compassionately addressed with thoughtful, coordinated, and collaborative programs.

Action F-7 Review land use regulations to support diverse, accessible, and affordable housing.

**ATTACHMENTS:**

1. PC Resolution 2024-05

- 1.1 City Council Resolution
- 1.2 City Council Ordinance
2. Conditions of Approval
3. Area map
4. Site/church vicinity map
  - 4.1 Site access – gate
  - 4.2 Section setbacks
5. General Plan and Zoning Maps
6. Site Plan
7. Table of uses
8. Big House - elevations, floor plans
9. Stack House - elevations, floor plans
10. Amenity Buildings - elevations, floor plans
11. Landscape plans
12. Lighting, Grading
13. ALUC Approval
14. Initial Study/MND
  - 14.1 Appendix A - Air Quality Report
  - 14.2 Appendix B – Biological Report
  - 14.3 Appendix C – Cultural Report
  - 14.4 Appendix D-1 – Geological Report.2
  - 14.5 Appendix D-1 Geological Report
  - 14.6 Appendix D-2 – Paleontological Report
  - 14.7 Appendix E-1 – Hydrology Study
  - 14.8 Appendix E-2 – Water Quality Mgmt
  - 14.9 Appendix F – Noise Report
  - 14.10 Appendix G-1 Traffic Impact Analysis
  - 14.11 Appendix G-2 VMT Analysis
  - 14.12 Appendix H – Architectural Plans
  - 14.13 Mitigation Monitoring and Reporting Program
15. Response to Comments
16. Southern California Gas Comments
17. Public Hearing Notice