

## REPORT TO THE PLANNING COMMISSION

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**DATE:** October 23, 2017

**TITLE:** Zoning Map Amendment (ZMA) 01-17, and General Plan Amendment (GPA) 01-17. An application to change the Zoning & General Plan Land Use Designation from R-D (Rural Desert) to I-L (Light Industrial) for two parcels located on the south side of Dillon Road between Little Morongo Road and Bearce Road. APN's 666-280-014 & 666-290-010

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**Reviewed by:** Daniel Porras P.E. Community Development Director

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### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Staff Recommendation, that the Planning Commission makes a favorable recommendation to the City Council for ZMA 01-17 and GPA 01-17 to change the General Plan & Zoning Land Use District designations from R-D (Rural Desert) to I-L (Light industrial) for the two vacant properties located on APN's 666-280-014 & 666-290-010.

### EXECUTIVE SUMMARY

Consideration of Zoning Map Amendment (ZMA) 01-17, and General Plan Amendment (GPA) 01-17. The Applicant MSA Consulting, on behalf of Duke Chang, has filed a request for a Zoning Map Amendment to re-designate two vacant, adjacent parcels totaling approximately 9.7 acres from R-D (Rural Desert) to I-L (Light Industrial). The subject properties are located on the south side of Dillon Road east of Bearce Road, and west of Little Morongo Road, more specifically between the Angel View distribution center and a building contractor's office/warehouse/storage yard. A corresponding General Plan Amendment has also been requested which, if approved, would make the requested Zoning Map Amendment consistent with the General Plan.

### SITE INFORMATION

<i>Existing Zoning/General Plan Land Use:</i>	R-D (Rural Desert)
<i>Existing Use:</i>	Vacant Land
<i>Total Project Area:</i>	9.7 gross acres
<i>Assessor's Parcel Number:</i>	APN: 666-280-014 & APN: 666-290-010

The subject properties are roughly of equal size and are located on 9.7 acres of undisturbed desert on the south side of Dillon Road, east of Bearce Road and west of Little Morongo Road, more specifically between the Angle View Distribution Center and a Commercial/Industrial Building (building contractor's office/warehouse/yard). The

project site contains slight to moderate amounts of typical desert vegetation (scrub brush and low-lying plants). Topographically, the site is relatively flat and drains to the south/southeast. The site has no street improvements and has street access via Dillon Road, a two-lane paved road.

### **Surrounding Land Uses and Zoning**

	<u><b>Jurisdiction</b></u>	<u><b>Zoning &amp; General Plan Designations</b></u>	<u><b>Current Land Use</b></u>
<b>North</b>	City	County (Low Density Residential)	Vacant
<b>West</b>	County	Rural Desert (R-D)	Commercial / Angel View Distribution Center
<b>South</b>	City	Light Industrial (L-I)	Vacant / SCE Transmission Lines
<b>East</b>	City	Rural Desert (R-D)	Industrial/Commercial Bldg.

### **ANALYSIS**

The proposed ZMA and GPA seek to extend the I-L (light industrial) zoning district to the north. Staff believes that this is a reasonable request due to the location along Dillon Road (which is a Major Arterial) and the existing and surrounding land uses that are present. That being said, after a site visit there are existing residences to the southwest across the street from the southern lot that could be impacted if the ensuing development did not have thoughtful mitigation measures, such as restricting height within 150 feet of existing residences, placement of landscape and parking area buffers in-between the proposed structures and the residences across the street, as well as other mitigation measures that may be necessary once the development plans are revealed to city staff.

Staff would like to note that during the last general plan update (that was never completed) the city had looked at these parcels as potentially being re-designated to C-G (Commercial General) in one of the three options, but the update was never completed and the map never adopted by council, hence the old county designation of R-D (Rural Desert), left over from the I-10 annexation.

Staff would also like to note that the city would benefit from the taxes a future cultivation warehouse would generate.

From a site planning perspective, the parcels are physically suitable to the proposed industrial use as existing sewer, water, and electric infrastructure is located at or near

the subject properties. The site is also relatively flat, which would be conducive for conventional development types and techniques.

## **GENERAL PLAN AMENDMENT FINDINGS**

Under Section 17.100.050 of the Desert Hot Springs Municipal Code, an amendment to the General Plan may be adopted only if all of the following findings are made:

*A. That the proposed amendment is internally consistent with the General Plan;*

The proposed amendment has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the proposed of future marijuana cultivation facilities introduces uses which would be compatible with some of the existing land uses. Any future development projects will also be discretionary and allows for the City to mitigate any negative impacts on the surrounding properties and the area in general. Staff has identified no internal inconsistencies with the proposed amendment and the General Plan.

*B. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the proposed of future marijuana cultivation facilities introduces uses which would be compatible with some of the existing land uses. Any future development projects will also be discretionary and allows for the City to mitigate any negative impacts on the surrounding properties and the area in general. Any future development project would include provisions for public and private improvements to address vehicular circulation, including emergency services, as well as drainage, air quality and other environmental factors. Staff has concluded that the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

*C. That the proposed amendment would maintain the appropriate balance of land uses within the City; and*

The proposed amendment has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the potential future marijuana cultivation facilities introduces uses which would be compatible with some of the existing land uses. The location, along the south side of Dillon Road, is an appropriate location for this type of development. Further, any future project would be a discretionary action by the City and would allow for mitigation measures to be implemented to reduce any

negative impacts on the surrounding area/properties. Staff believes that the amendment will maintain the appropriate balance of land uses within the City.

- D. That in the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).*

The proposed amendment / change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the potential future marijuana cultivation facilities would amend the General Plan Land Use Map for the vacant 9.7 acre. The site is generally flat and rectangularly-shaped to allow for development according to the City's standards and guidelines. Two public streets fronting the north and west (unimproved) sides of the property boundaries will be conditioned to provide adequate access, and no physical constraints to the proposed development have been identified. The general Plan Amendment provides for medical marijuana cultivation uses that would be compatible with surrounding industrial and commercial zones. Staff believes the subject parcel is physically suitable for the requested land use designation and anticipated development.

## **ZONING ORDINANCE AMENDMENT FINDINGS**

Zoning Code Amendments – changes either to the map or the text - are regulated under Section 17.88 of the Desert Hot Springs Municipal Code. According to Section 17.88.050, an amendment to the Zoning Ordinance may be adopted only if the following findings are made:

- A. The proposed amendment is consistent with the General Plan;*

The proposed amendment / change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the development of future marijuana cultivation facilities has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential inconsistencies (Specific Plan "Chapter 6 – General Plan Consistency"). The proposed Zone Map Amendment introduces limited retail industrial/commercial uses to a site presently designated R-D (Rural Desert) but provides for adequate public and private improvements to avoid conflicts with the General Plan Land Use, Circulation, Housing and other Elements of the Community Development Chapter; as well as with Environmental Resources, Environmental Hazards, and Public Facilities and Facilities Chapters. Staff has identified no inconsistencies between the proposed Zone Map Amendment and the General Plan.

- B. The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*

The proposed amendment / change in land use designations from R-D (Rural Desert) to I-L (Light Industrial) for the development of future marijuana cultivation facilities, provides for development of a mixed-use commercial / industrial development, including provisions for public and private improvements to address vehicular circulation, including emergency services, as well as drainage,

air quality and other environmental factors. The proposed Zone Map Amendment implements General Plan economic goals through the establishment of policies and regulations supporting a medical marijuana cultivation facility. Any future development of the site would have to comply with the City's zoning regulations and ordinances for parties involved in marijuana cultivation, as well as the ancillary business operations. The City will require that all parties obtain all necessary local and state licenses and permits.

Staff has concluded that the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

## **AGENCY & PUBLIC REVIEW**

### **Public Agency Review**

The ZMA/GPA request was routed to all relevant public agencies and departments for review. There are no review comments at this time.

### **Senate Bill 18 Review**

The General Plan Amendment is subject to review by local Native American Tribal organizations, under Senate Bill 18 (SB 18) requirements. Per SB 18 requirements, the Community Development Department sent notice to the potentially affected Native American Tribes, identified by the Native American Heritage Commission, requesting their response within 90-days for formal consultation. The request for consultation period began on May 17, 2017. Only the San Manuel Band of Mission Indians have responded, and their request was for consultation with the city on all projects, not this specific project. The local tribes typically request consultation to review our standard conditions of approval to make sure there are mitigation measures and conditions that will protect cultural and historic resources, and notify them in the event that something is found during ground disturbance activities.

### **Public Hearing Notice**

A public hearing notice was advertised in the Desert Star Weekly and was mailed to all property owners within a 300-foot radius of the subject property. As of this writing, staff has not received any comments.

## **ENVIRONMENTAL ASSESSMENT**

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Notice of Intent to adopt a Negative Declaration was sent to applicable agencies and published on February 4<sup>th</sup>, 2017. The Initial Study and Negative Declaration are attached to this report as Exhibit No. 4.

## **RECOMMENDATION**

Staff recommends that the Planning Commission makes a favorable recommendation to the City Council for approval of Zone Map Amendment 01-17 and General Plan Amendment 01-17, subject to the attached conditions of approval and the findings contained herein.

### **EXHIBITS:**

- 1) Draft Conditions of Approval
- 2) City Current Zoning/General Plan Map

- 3) Site Photographs
- 4) Outreach Letter
- 5) Aerial / Existing Land Uses
- 6) Draft Mitigated Negative Declaration