

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS 1) ADDING CHAPTER 17.190 "DESERT HARVEST SPECIFIC PLAN" TO TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ESTABLISH ZONING STANDARDS FOR THE DESERT HARVEST SPECIFIC PLAN AREA**

**WHEREAS**, the City of Desert Hot Springs ("City") has a responsibility to plan and regulate the use of property within the City; and

**WHEREAS**, the City has received an application to amend the Municipal Code through the adoption of the Desert Harvest Specific Plan SP 02-17 ("Specific Plan") for a vacant 64.9 acre property (APN 666-370-109), as well as supporting applications for General Plan Amendment (GPA 03-17), Zoning Map Amendment (ZMA 02-17), Conditional Use Permit (CUP 28-17), and Tentative Parcel Map (TPM 37332); and

**WHEREAS**, the Desert Hot Springs Municipal Code ("DHSMC") provides for the adoption of Specific Plans and related actions, as follows:

- Chapter 17.88 provides for the adoption of Zoning Ordinance Amendments;
- Chapter 17.100 provides for the adoption of General Plan Amendments;
- Chapter 17.128 provides for the approval of Specific Plans; and

**WHEREAS**, the City Council desires to 1) add Chapter 17.190 "Desert Harvest Specific Plan", provide a comprehensive set of zoning regulations to facilitate the development of the subject site, while at the same time ensuring that such development does not conflict with the General Plan, is not inconsistent with surrounding uses, and is not detrimental to the public health, safety and welfare; and

**WHEREAS**, the City Council finds that the adoption of this ordinance has been adequately evaluated by an Initial Study prepared in accordance with the applicable provisions of the California Environmental Quality Act (CEQA), and that the City Council hereby certifies a Negative Declaration and Mitigation Monitoring Program prepared from the Initial Study; and

**WHEREAS**, the City Council finds this ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City and is for the convenience and general welfare of the City; and

**WHEREAS**, this amendment is compatible with the general objectives of the General Plan and the Desert Harvest Specific Plan, in that the subject uses and standards conform goals, policies and standards of the General Plan and Specific Plan; and

**WHEREAS**, the City's Planning Commission held a public hearing, considered this Ordinance (along with the Project), and made a positive recommendation to the City Council; and

**WHEREAS**, on November 7, 2017, the City Council concluded the public hearings and considered this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS  
DOES ORDAIN AS FOLLOWS:**

**Section 1. RECITALS.**

The Recitals are true and correct and are hereby incorporated by this reference.

**Section 2. EVIDENCE**

That the City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, the following:

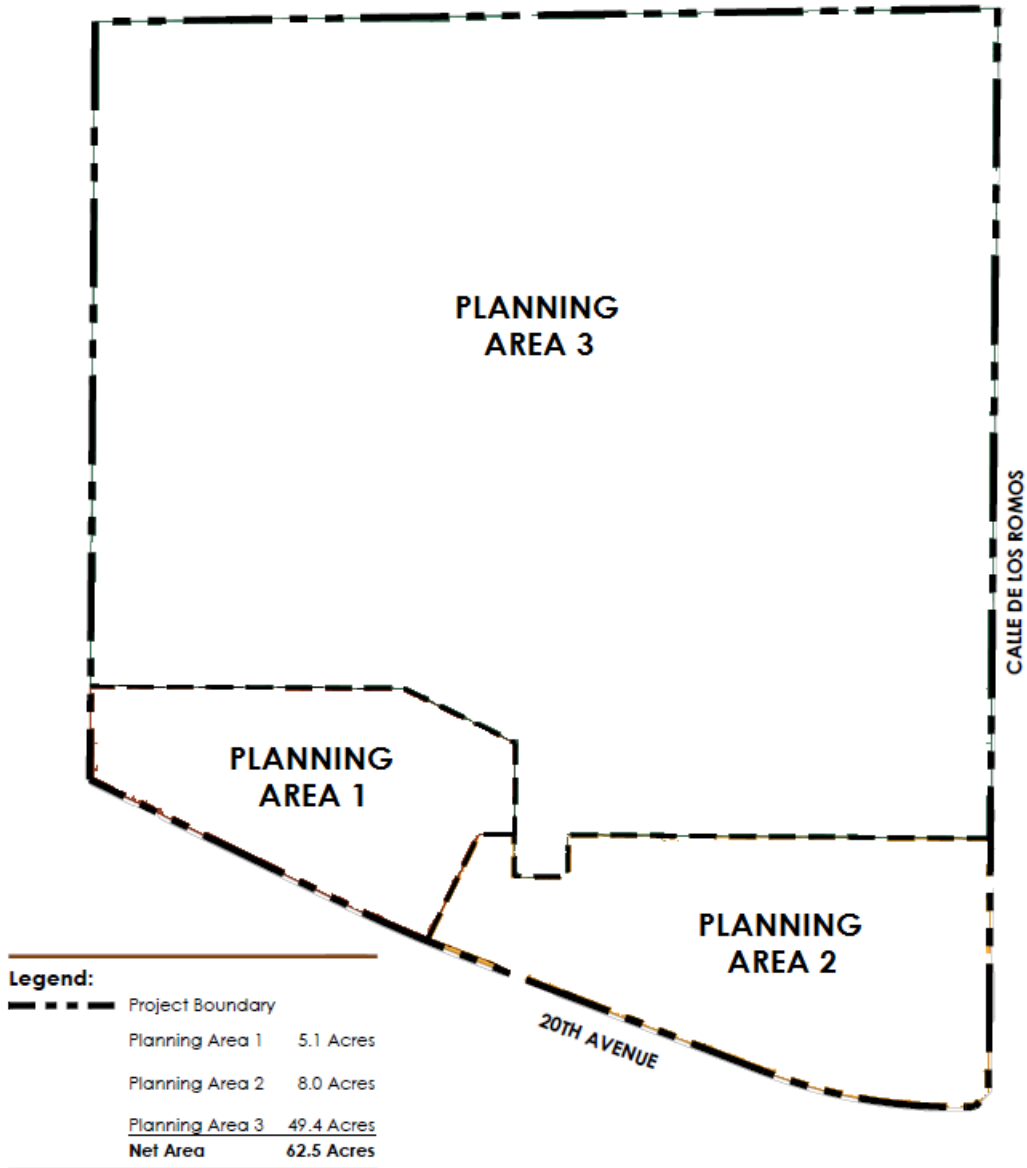
- (a) The City's Municipal Code and its General Plan, including updates;
- (b) The documents that consist of the Project;
- (c) All of the environmental documents;
- (d) The adopted Desert Harvest Specific Plan;
- (e) Testimony and/or comments from all persons including the Applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission;
- (f) Planning Commission's recommendation; and
- (g) Public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this ordinance.

**Section 3. ADDING CHAPTER 17.190 "DESERT HARVEST SPECIFIC PLAN" TO  
TITLE 17 "ZONING"**

Chapter 17.190 "Desert Harvest Specific Plan" is hereby added to Title 17 "Zoning" of the DHSMC as follows:

**17.190.010. – Desert Harvest Specific Plan Map**

**The area of the Desert Harvest Specific Plan is set forth on the following map, including the establishment of Planning Areas PA-1, PA-2 and PA-3.**



**17.190.020 – Planning Area PA-1 Development Standards**

**The following tables for permitted uses and development standards shall govern within Planning Area PA-1; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Code.**

PA-1 Retail Commercial Permitted Uses	
<u>Banks and Financial Services</u>	<u>P</u>
<u>Convenience Stores</u>	<u>P</u>
<u>Cycling/Motorcycle Stores</u>	<u>P</u>
<u>Drive-in and Drive-through Sales</u>	<u>P</u>
<u>Drug Stores</u>	<u>P</u>
<u>Dry Cleaners</u>	<u>P</u>

<u>Entertainment Facilities</u>	<u>P</u>
<u>Food Products</u>	<u>P</u>
<u>Grocery Stores and Markets</u>	<u>P</u>
<u>Health/Fitness Facilities</u>	<u>P</u>
<u>Indoor Recreation Facilities</u>	<u>P</u>
<u>Liquor Stores</u>	<u>P</u>
<u>Marijuana Dispensaries <sup>1</sup></u>	<u>P</u>
<u>Marijuana Businesses <sup>2</sup></u>	<u>P</u>
<u>Medical Services</u>	<u>P</u>
<u>Motor Vehicle Fueling / Service Stations</u>	<u>P</u>
<u>Offices</u>	<u>P</u>
<u>Personal Services</u>	<u>P</u>
<u>Pet Grooming</u>	<u>P</u>
<u>Printing/Publishing</u>	<u>P</u>
<u>Restaurants, with alcoholic beverages</u>	<u>P</u>
<u>Restaurants, Drive In</u>	<u>P</u>
<u>Retail Stores, General Merchandise</u>	<u>P</u>
<u>Shopping Centers</u>	<u>P</u>
<u>Studios</u>	<u>P</u>
<u>Wholesaling</u>	<u>P</u>
<u>Accessory uses (customarily incidental to a permitted use when located on the same site with the main building and use.)</u>	<u>P</u>

<u>PA-1 DEVELOPMENT STANDARDS</u>	
<u>Min. Lot Size</u>	<u>5,000 SF</u>
<u>Min. Front Setback</u>	<u>20'</u>
<u>Min. Side Setback</u>	<u>Zero</u>
<u>Min. Rear Setback</u>	<u>Zero</u>
<u>Min. Distance between Buildings</u>	<u>20' <sup>1</sup></u>
<u>Max. Structure Height</u>	<u>35'</u>
<u>Max. Building Coverage</u>	<u>35%</u>
<u>Off Street Parking <sup>2</sup></u>	<u>-</u>
<u>Marijuana Dispensaries</u>	<u>1 space/250 SF</u>
<u>Restaurant, Sit Down</u>	<u>1 space/75 SF GFA</u>
<u>Restaurant, Drive Thru</u>	<u>1 space/100 SF GFA</u>
<u>Notes:</u>	
<u>1. Unless attached buildings are proposed, where no side yard or building separation would be required</u>	
<u>2. Any use not listed would be in accordance with DHS Municipal Code 17.48.040</u>	

### **17.190.030 – Planning Area PA-2 Development Standards**

**The following tables for permitted uses and development standards shall govern within Planning Area PA-2; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Code.**

PA-2 Permitted Uses	
<u>Commercial Gardening</u>	<u>P</u>
<u>Crop Production</u>	<u>P</u>
<u>Food Products</u>	<u>P</u>
<u>Convenience Stores</u>	<u>P</u>
<u>Drive-in and Drive-through Sales</u>	<u>P</u>
<u>Restaurants, with alcoholic beverages</u>	<u>P</u>
<u>Offices</u>	<u>P</u>
<u>Testing Laboratories</u>	<u>P</u>
<u>Accessory uses (customarily incidental to a permitted use when located on the same site with the main building and use.)</u>	<u>P</u>

PA-2 DEVELOPMENT STANDARDS	
<u>Min. Lot Size</u>	<u>5,000 SF</u>
<u>Min. Public Street (Front / Side) Setback</u>	<u>20'</u>
<u>Min. Side Setback</u>	<u>Zero</u>
<u>Min. Rear Setback</u>	<u>Zero</u>
<u>Min. Distance between Buildings</u>	<u>20' <sup>1</sup></u>
<u>Max. Structure Height</u>	<u>75' (4 stories)</u>
<u>Max. Building Coverage</u>	<u>35%</u>
<u>Off Street Parking <sup>2</sup></u>	<u>-</u>
<u>Marijuana Harvesting / Cultivation</u>	<u>1 space / 2,500 SF <sup>3</sup></u>
<u>Restaurant, Sit Down</u>	<u>1 space / 75 SF GFA</u>
<u>Restaurant, Drive Thru</u>	<u>1 space / 100 SF GFA</u>
<u>Notes:</u> 1. <u>Unless attached buildings are proposed, where no side yard or building separation would be required</u> 2. <u>Any use not listed would be in accordance with DHS Municipal Code 17.48.040</u> 3. <u>Including hallways, mechanical rooms, elevator shafts, stairways, storage areas, restrooms, lockerrooms, packaging rooms, break rooms and similar support areas on floors where cultivation of fresh vegetables is the primary function.</u>	

#### **17.190.040 – Planning Area PA-3 Development Standards**

**The following tables for permitted uses and development standards shall govern within Planning Area PA-3; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Code.**

PA-3 Retail Commercial Permitted Uses	
<u>Commercial Gardening</u>	<u>P</u>
<u>Crop Production</u>	<u>P</u>

<u>Food Products</u>	<u>P</u>
<u>Motor Vehicle Fueling / Service Stations</u>	<u>P</u>
<u>Light Manufacturing Facilities</u>	<u>P</u>
<u>Marijuana Cultivation <sup>1</sup></u>	<u>P</u>
<u>Marijuana Manufacturing / Extraction / Processing <sup>1</sup></u>	<u>P</u>
<u>Marijuana Distribution / Packing / Shipping <sup>1</sup></u>	<u>P</u>
<u>Mixed Use Industrial / Offices</u>	<u>P</u>
<u>Offices</u>	<u>P</u>
<u>Security Services</u>	<u>P</u>
<u>Storage</u>	<u>P</u>
<u>Testing Laboratories</u>	<u>P</u>
<u>Utilities</u>	<u>P</u>
<u>Accessory uses (customarily incidental to a permitted use when located on the same site with the main building and use.)</u>	<u>P</u>
<u>1. Interim facilities are allowed if included as part of an approved Conditional Use Permit or otherwise authorized by City ordinance. Interim facilities are characterized as follows: a) operational for a limited duration only while permanent facilities are being designed and constructed, b) may use non-permanent structures, such as modular buildings, modified storage containers, prefabricated buildings, natural light greenhouses, or similar structures, c) include all security components of a permanent facility but using temporary materials, such as chain link fencing, strip paved access roads, portable sanitary restroom facilities, bottled water or other certified drinking water source, etc., d) isolated from construction activities by fencing or other means, e) removed from property after permanent facilities are completed and operational.</u>	

<u>PA-3 DEVELOPMENT STANDARDS</u>	
<u>Min. Lot Size</u>	<u>20,000 SF</u>
<u>Min. Public Street (Front / Side) Setback</u>	<u>20'</u>
<u>Min. Side Setback</u>	<u>10'</u>
<u>Min. Rear Setback</u>	<u>10'</u>
<u>Min. Distance between Buildings</u>	<u>20' <sup>1</sup></u>
<u>Max. Structure Height</u>	<u>65' (4 stories)</u>
<u>Max. Building Coverage</u>	<u>75%</u>
<u>Off Street Parking <sup>2</sup></u>	<u>-</u>
<u>Office / Administration</u>	<u>1 space / 250 SF</u>
<u>Manufacturing / Processing</u>	<u>1 space / 750 SF</u>
<u>Laboratory</u>	<u>1 space / 750 SF</u>
<u>Marijuana Cultivation</u>	<u>1 space / 2,500 SF</u>
<u>Notes:</u> <u>1. Unless attached buildings are proposed, where no side yard or building separation would be required</u> <u>2. Any use not listed would be in accordance with DHS Municipal Code 17.48.040</u>	

### **17.190.050 – Review and Approval**

- A. All uses within the Desert Harvest Specific Plan Planning Areas shall be subject to review and approval for conformance with this Chapter.**

- B. Uses which are indicated as "P" (Permitted) shall require, for any related construction or development, review and approval by the Planning Commission, in accordance with Section 17.80 (Design Review).**
- C. Uses which are indicated as "C" (Conditionally Permitted) shall require review and approval by the Planning Commission in accordance with Section 17.76 (Conditional Use Permits).**
- D. Required findings for approval of Design Review (Section 17.80.040) or Conditional Use Permit (Section 17.76.050) shall include consideration of the Design Guidelines of the Desert Harvest Specific Plan.**

#### **Section 4. ENVIRONMENTAL FINDINGS**

Based upon the initial study, the negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact, which can be mitigated with the Mitigation Monitoring Plan. The documents and other material which constitute the record on which this decision is based are located in the Department of Planning. The City Council, therefore, certifies the negative declaration prepared for the Project.

#### **Section 5. GENERAL PLAN CONSISTENCY FINDINGS**

The City Council finds this amendment is compatible with the general objectives of the General Plan and any applicable specific plan, in that the subject uses would be conditionally permitted in Commercial General districts, similar to other permitted and conditionally permitted uses, and in that the use will be subject to strict review and conditions.

#### **Section 6. GENERAL FINDINGS**

The City Council finds this ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City.

#### **Section 7. SEVERABILITY**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

#### **Section 8. AMENDING OF BAIL SCHEDULE**

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

#### **Section 9. EXECUTION AND CERTIFICATION**

That the City Clerk is directed to do all things necessary to cause the execution of this ordinance immediately upon its adoption and shall thereafter certify to the passage of this

ordinance and cause the same to be published according to law.

**Section 10. EFFECTIVE DATE**

That this ordinance shall take effect thirty (30) days after its second reading by the City Council.

[END OF PAGE]

DRAFT



The foregoing Ordinance was approved and adopted at a meeting of the City Council held on \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
**Scott Mattas, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Jerryl Soriano, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Jennifer A. Mizrahi,**  
**City Attorney**