

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS ADDING CHAPTER 17.XXX "DESERT LAND VENTURES SPECIFIC PLAN" TO TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ESTABLISH ZONING STANDARDS FOR THE DESERT LAND VENTURES 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's jurisdictional boundaries; and

WHEREAS, the City has received an application to amend the Municipal Code through the adoption of the Desert Land Ventures Specific Plan SP 01-16 ("Specific Plan") for 123.4 acres of vacant property (APN 669-150-001 and -002), as well as supporting applications for General Plan Amendment (GPA 01-16), Zoning Map / Text Amendment (ZTA 01-16), and Vesting Tentative Tract Map (VTTM 37185) (collectively, "Project"); 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 add Chapter 17.XXX "Desert Land Ventures Specific Plan," to 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 proposed Ordinance has been adequately evaluated by an Environmental Impact Report prepared in accordance with the applicable provisions of the California Environmental Quality Act (CEQA), and that the City Council hereby certifies an Environmental Impact Report and Mitigation Monitoring Program prepared from the Initial Study; and

WHEREAS, the City Council finds this Ordinance is for the convenience and general welfare of the City; and

WHEREAS, the propose adoption of this Ordinance is compatible with the general objectives of the General Plan and the Desert Land Ventures 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 on February 13, 2018, considered this Ordinance (along with the Project), and made a positive recommendation to the City Council; and

WHEREAS, on April 17, 2018, 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 Land Ventures 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.XXX "DESERT LAND VENTURES SPECIFIC PLAN" TO TITLE 17 "ZONING"

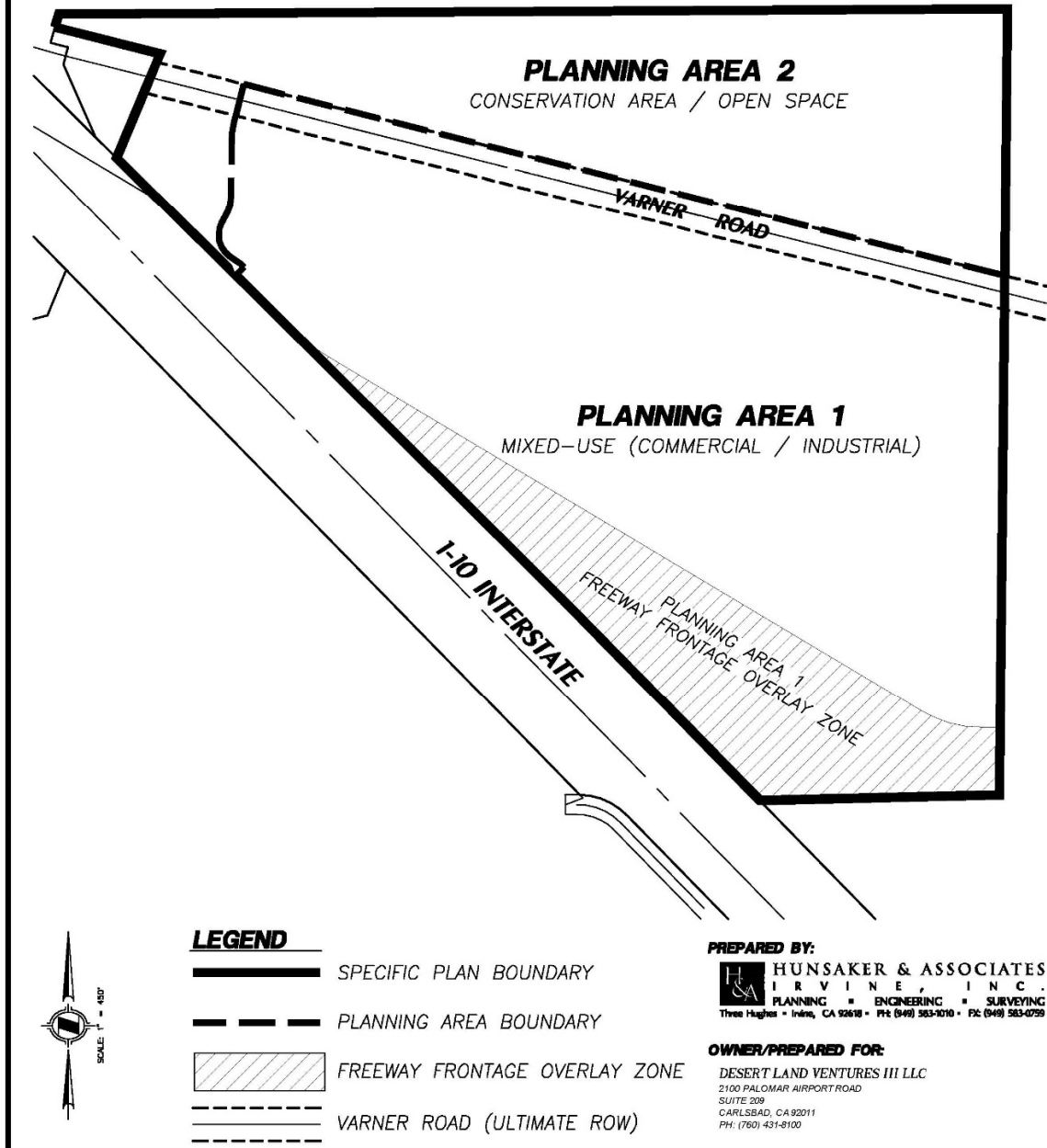
Chapter 17.XXX "Desert Land Ventures Specific Plan" is hereby added to Title 17 "Zoning" of the DHSMC as follows:

17.XXX.010. – Desert Land Ventures Specific Plan Map

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

ZONING MAP

DESERT LAND VENTURES SPECIFIC PLAN



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17.XXX.020 – Planning Areas PA-1 and PA-2 Permitted Uses

The following tables for permitted uses and development standards shall govern within Planning Area PA-1 and PA-2; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Code.

Table 5-1 Permitted Land Uses

Land Use	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/Conservation
INDUSTRIAL			
Agricultural and Resource			
Commercial gardening (indoor/enclosed only)	DR	NP	NP
Crop production (indoor/enclosed only)	DR	NP	NP
Plant nursery, with onsite sales (indoor/enclosed only)	DR	DR	NP
Plant nursery, without onsite sales	DR	DR	NP
Manufacturing and Processing			
Food products	DR	DR	NP
Laundry and dry-cleaning plant	DR	NP	NP
Light manufacturing facility	DR	NP	NP
Medium manufacturing facility	DR	NP	NP
Marijuana facility, including greenhouses ¹	CUP & RP	NP	NP
Mixed use office/industrial	DR	DR	NP
Printing/publishing	DR	NP	NP
Recycling—Reverse Vending Machine	DR	DR	NP
Warehouse and distribution	DR	NP	NP
Wholesale	DR	DR	NP
COMMERCIAL			
Recreation, Education, and Public Assembly			
Adult day care facility	CUP	NP	NP
Art gallery and museum	DR	DR	NP
Commercial recreation and entertainment facility: including health/sports club, or interior uses such as martial arts, personal training, bowling, arcade, skating rink, bounce house, billiards, and other similar uses	DR	DR	NP
Convention center and facility	DR	DR	NP
Library	CUP	CUP	NP
Organization office or facility	DR	DR	NP
Outdoor commercial recreation	CUP	DR	NP
Recreational vehicle storage	CUP	NP	NP
Sports facility and outdoor public assembly	CUP	CUP	NP
Studio for dance, art, music, photography, etc.	DR	DR	NP
Theatre and meeting hall	CUP	CUP	NP
Retail			

Table 5-1 Permitted Land Uses

Land Use	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/ Conservati on
Accessory retail use	DR	DR	NP
Auto, mobile home, motor vehicle sales, used or new	CUP	CUP	NP
Automobile parts and supply stores	DR	DR	NP
Bars and drinking establishments	CUP	CUP	NP
Bakery, coffee, ice cream, and other similar uses, with or without drive-thru	DR	DR	NP
Book stores	DR	DR	NP
Building material/home improvement stores	DR	DR	NP
Certified farmers' market	CUP	CUP	NP
Commercial retail uses such as clothing, food, gifts, services, and other similar uses	DR	DR	NP
Convenience stores	DR	DR	NP
Drive-in and drive-through sales	DR	DR	NP
Drug stores	DR	DR	NP
Factory outlet centers	DR	DR	NP
Farm and ranch supply stores	DR	DR	NP
Furniture, furnishings, home equipment stores	DR	DR	NP
Fuel and ice dealers	DR	DR	NP
Hardware/lumber and building material stores (indoor/enclosed only)	DR	DR	NP
Liquor stores (offsite consumption)	CUP	CUP	NP
Marijuana dispensary facility ²	CUP & RP	CUP & RP	NP
Outdoor retail merchandise display and activities	CUP	CUP	NP
Outdoor retail sales, temporary	CUP	CUP	NP
Restaurant, without alcoholic beverage service	DR	DR	NP
Restaurant, with alcoholic beverage service	CUP	CUP	NP
Restaurant, drive-in, takeout, fast food	CUP	CUP	NP
Retail store, general merchandise	DR	DR	NP
Second/hand thrift stores	CUP	CUP	NP
Shopping centers, 12,000 square feet or more	DR	DR	NP
Video rental stores	CUP	CUP	NP
Warehouse or club stores (big-box stores)	DR	DR	NP

Table 5-1 Permitted Land Uses

Land Use	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/ Conservati on
Financial, Professional, or Personal Services			
Automatic teller machine (ATM), stand-alone (only when proposed inside of a building/business)	DR	DR	NP
Banks and financial institutions, with or without drive-through	DR	DR	NP
Basic personal and professional service, non-medical: including barber/beauty shop, catering (without trucks), pet grooming (without boarding), dry cleaner, locksmith, mail box rental, nail/manicure shop, repair shop for small appliances or electronics, bicycle sales/repair/rental, tailor, shoe repair, tanning salon, travel agent, accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, check cashing and loans, computer programming, consulting, contracting, engineering, insurance, law, marketing, photography, real estate, or tax preparation.	DR	DR	NP
Basic professional services, medical: including chiropractors, dentistry, diet/nutrition center, medicine, medical laboratory, professional care providers, psychiatry, psychology	DR	DR	NP
Bed and breakfast	CUP	CUP	NP
Body piercing and tattoo establishments	CUP	CUP	NP
Business-supportive services: including copy, fax, mail box rental, supplies; business equipment rental, sales, and repairs	DR	DR	NP
Car wash	CUP	NP	NP
Commercial parking and motor vehicle storage	CUP	NP	NP
Drive-in and drive-through services	CUP	CUP	NP
Hotel and motel, with or without spa	DR	DR	NP
Medical labs and research facilities	DR	DR	NP
Office, general, administrative, professional, or medical	DR	DR	NP
Office, temporary	CUP	CUP	NP
Repair and maintenance of consumer products	DR	DR	NP
Repair and maintenance of motor vehicles (indoor/enclosed only)	CUP	NP	NP
Research and development facilities	DR	DR	NP
Self-storage, mini-warehouse, etc.	DR	NP	NP
Veterinary clinics and animal hospitals (no boarding)	CUP	CUP	NP
Vocation and business trade schools	DR	DR	NP

Table 5-1 Permitted Land Uses

Land Use	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/Conservation
UTILITIES, ENERGY FACILITIES, AND SERVICE SYSTEMS			
Electrical substation ³	NP	NP	CUP & JPR
Pipelines and utility lines, underground	DR	DR	JPR
Public utility and safety facilities	DR	DR	CUP & JPR
Sustainable energy facilities, large scale (e.g., wind energy conversion systems, solar farms/fields) ³	CUP ⁴	NP	CUP & JPR
Sustainable energy facilities, small scale (e.g., solar panels on building/carport roofs, building- or ground-mounted windmills or wind turbines)	DR	DR	NP
Telecommunications facilities, major (cell towers, etc.)	CUP	CUP	CUP & JPR
Telecommunications facilities, minor (antennae for building rooftops, or small intra-project communication uses)	DR	DR	NP
Transit stations and terminals	CUP	CUP	NP
Transit stop shelters	CUP	CUP	NP
Water/wastewater facilities and infrastructure (e.g., pipelines, pressure-reducing station, reservoir, lift station, storage tank, water well, booster pump station and treatment building) ³	DR	DR	DR & JPR

Source: Section 17.12.020 (Development Permitted and Conditionally Permitted Uses) of the City's Zoning Ordinance.

Notes: DR = Design Review; CUP = Conditional Use Permit; JPR = Joint Project Review (review undertaken by and between City of Desert Hot Springs and Coachella Valley Conservation Commission); RP = Regulatory Permit. Uses designated as DR are permitted uses and require zoning and specific plan consistency review, as well as Design Review; uses designated as CUP are uses that require approval of a Conditional Use Permit; and uses designated as RP require the approval of a Regulatory Permit. All land uses within Planning Area 1 shall be subject to the provisions of Chapter 17.80 (Design Review) of the City's Zoning Ordinance—land uses subject to the approval of a Conditional Use Permit shall be pursuant to the provisions of Chapter 17.76 (Conditional Use Permits) of the City's Zoning Ordinance.

¹ Marijuana facility collectively means any marijuana cultivation, distribution, testing or manufacturing facility, as those terms are defined in Chapter 17.180 (Marijuana Facilities Operation and Location) of the City's Zoning Ordinance and California Proposition 64 (2016 Marijuana Legalization Initiative). Marijuana facilities, including any proposed greenhouse, shall be developed and operated in accordance with the provisions of Sections 5.4.2, *Marijuana Facilities Standards and Regulations*, and Section 6.11, *Marijuana-Related Greenhouse Design*, of this Specific Plan.

² Marijuana dispensary facility means any such facility that is licensed as a dispensary pursuant

Table 5-1 Permitted Land Uses

Land Use	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/Conservation

to the California Business and Professions Code, as this term is defined in Chapter 17.180 (Marijuana Facilities Operation and Location) of the City's Zoning Ordinance and California Proposition 64 (2016 Marijuana Legalization Initiative). Marijuana dispensary facilities shall be developed and operated in accordance with the provisions of Section 5.4.2, *Marijuana Facilities Standards and Regulations*, of this Specific Plan.

³ The provisions outlined under Section 5.4.3, *Large-Scale Energy and Water/Wastewater Facilities and Infrastructure*, of this Specific Plan are applicable to large-scale sustainable energy facilities, electrical substations, and water/wastewater facilities and infrastructure that are proposed in Planning Area's 1 and 2.

⁴ Large-scale sustainable energy facilities in Planning Area 1 shall only be permitted through approval of a CUP and when proposed in conjunction with (and in support of) the submittal of a formal development application for a primary land use, such as a warehouse or distribution facility. Large-scale sustainable energy facilities shall not be permitted in Planning Area 1 as stand-alone development features or improvements. Large-scale sustainable energy facilities shall also not be permitted in Freeway Frontage Overlay Zone.

17.XXX.030 – Planning Areas PA-1 and PA-2 Development Standards

The following tables for permitted uses and development standards shall govern within Planning Areas PA-1 and PA-2; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Code.

Table 5-2 Development Standards and Regulations

Standard/Regulation	Planning Area (PA) and Land Use District		
	PA 1 Mixed Use	PA 1 Freeway Frontage Overlay Zone	PA 2 Open Space/Conservation
Gross lot area (minimum)	20,000 square feet	20,000 square feet	—
Lot coverage (maximum)	75%	75%	—
Distance between buildings (minimum)	20 feet	20 feet	—
Street setback (minimum)	10 feet	10 feet	10 feet ¹
Interior property line setback (minimum)	0 feet	0 feet	—
Building height (maximum) ^{2, 3}			
Commercial/Industrial	50 feet/2 stories	50 feet/2 stories	—
Hotel	75 feet/7 stories	75 feet/7 stories	—
Parking spaces required (minimum)			

Table 5-2 Development Standards and Regulations

Commercial/Industrial	See footnote ⁴	See footnote ⁴	—
Marijuana cultivation facility	1 per 2,500 square feet for cultivation space 1 per 250 square feet for administrative/office space	1 per 2,500 square feet for cultivation space 1 per 250 square feet for administrative/office space	—
Floor area ratio (maximum) ⁵	1.5	1.5	—

Source: Chapter 17.48 (Off-Street Parking Standards), Section 17.12.030 (Land Use District Development Standards) of Chapter 17.12 (Commercial Districts), and Section 17.16.030 (Land Use District Development Standards) of Chapter 17.16 (Industrial Districts) of the City's Zoning Ordinance.

¹ For planning purposes, the minimum street setback noted here is 10 feet; however, the final street setback will be determined during the Joint Project Review undertaken by and between City of Desert Hot Springs and Coachella Valley Conservation Commission.

² Building height determinations shall be in accordance with the provisions of Section 17.40.160 (Height Determination) of the City's Zoning Ordinance.

³ The maximum building heights are as shown in this table; however, architectural features/elements (e.g., tower, arch, relief) may exceed the allowed building height by a maximum of 15 feet, subject to review and approval by the Director of Community Development or his/her designee.

⁴ Unless otherwise specified in this table, parking requirements for commercial and industrial uses shall be per those outlined in Chapter 17.48 (Off-Street Parking Standards) of the City's Zoning Ordinance. Parking areas shall be designed in accordance with the standards outlined in Section 17.48.060 (Design Standards) of the City's Zoning Ordinance.

⁵ Maximum floor area ratio noted here is per that outlined in Table 3-1, *Land Use Development Summary*, of this Specific Plan.

17.XXX.040 – Review and Approval

- A. All uses within the Desert Land Ventures Specific Plan Planning Areas shall be subject to review and approval for conformance with this Chapter.**
- B. Uses which are indicated as “DR” (Design Review) 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 “CUP” (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 Land Ventures Specific Plan.**
- E. Uses which are indicated as “RP” (Regulatory Permit) shall require the approval of a Regulatory Permit by the City Manager in accordance with Chapter 5.50 (Marijuana Facilities Regulatory Permit).**
- F. Uses which are indicated as “JPR” (Joint Project Review) shall require a review undertaken by and between City of Desert Hot Springs and Coachella Valley**
- G. Uses which are indicated as “NP” (Not Permitted) shall be prohibited.**

Conservation Commission.

Section 4. ENVIRONMENTAL FINDINGS

Based upon the Environmental Impact Report (EIR), the comments received thereon, and the record before the City Council, the City Council hereby finds that the EIR prepared for the Project represents the independent judgment of the City. In accordance with the provisions of the California Environmental Quality Act ("CEQA"), a Final Environmental Impact Report (EIR) has been prepared, circulated and made available to the public. Comments on the Draft EIR were reviewed and incorporated into the Final EIR and a posting of the Final EIR and notification was advertised in two publications of general circulation (The Desert Sun & Desert Star Weekly) and was sent out to property owners within 300 feet, consulting tribes, and others who have expressed interest in the project, 10 days prior to the City Council hearing. The Final EIR and supporting documents have determined that development under the proposed Specific Plan, associated General Plan and Zoning Ordinance amendments, Vesting Tentative Tract Map and Development Agreement will have three significant impacts on the environment, that cannot be mitigated to a level of "less than significant". Those are greenhouse gas emissions, air quality and cultural resources. The proposed mitigation measures and explanations are contained within the EIR's findings. Staff has evaluated the projects impacts in regard to greenhouse gases & air quality and cultural resources and determined that the mitigation measures are appropriate and no other reasonable measures can be taken to mitigate the impacts further. Therefore, a Statement of Overriding Consideration has been prepared and will be presented to the City Council on April 17, 2018.

The City Council, at that public hearing or during deliberations, may approve, deny, or propose changes to the project or to the environmental determination. The Final EIR is provided to the City Council under separate copy (Exhibit 14, <http://www.cityofdhs.org/DLV>); the City Council must adopt and certify the EIR prior to final action on the project.

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 Environmental Impact Report 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 Desert Land Ventures Specific Plan, in that the subject uses would be conditionally permitted in Commercial General or Light Industrial districts, similar to other permitted and conditionally permitted uses, and in that the use will be subject to strict review and conditions. Further, the proposed Desert Land Ventures Specific Plan, including its proposed zoning map and text amendments, has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential inconsistencies (Specific Plan "Appendix A – General Plan Consistency Table"). The proposed Specific Plan introduces commercial and industrial uses to a site presently designated R-D (Rural Desert) and L-I (Light Industrial) and provides 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.

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. The proposed Desert Land Ventures Specific Plan, including its proposed zoning map and text amendments, 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. This Ordinance supports the Specific Plan and implements General Plan economic goals through the establishment of policies and regulations supporting commercial \ industrial development including marijuana cultivation, processing and distribution facilities.

Section 7. SEVERABILITY

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

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

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

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

[END OF PAGE]

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2018, 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