

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS ADDING CHAPTER 17.220 "TUSCAN HILLS SPECIFIC PLAN" TO TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ESTABLISH ZONING STANDARDS FOR THE TUSCAN HILLS SPECIFIC PLAN AREA

WHEREAS, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution, and 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 Desert Hot Springs Municipal Code ("DHSMC") through the adoption of the Tuscan Hills Specific Plan SP 03-16 ("Specific Plan") for a vacant 545 acre property (APNs 638-340-003, 005, 006, 007 & 638-330-001, 002, 003, & 632-270-006), as well as supporting applications for General Plan Amendment (GPA 03-16), Zoning Map Amendment (ZMA 03-16), and Tentative Parcel Map (TTM 36774) (collectively, the "Project"); and

WHEREAS, the 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 17.220 "Tuscan Hills Specific Plan," provide a comprehensive set of zoning regulations to facilitate the development of the Project 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 an Addendum to the certified Final Environmental Impact Report (hereafter referred to as the "FEIR"); 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, the City Council finds this Ordinance is compatible with the general objectives of the General Plan and the Tuscan Hills Specific Plan, in that the subject uses and standards conform goals, policies and standards of the General Plan and Specific Plan; and

WHEREAS, on June 11, 2019, the City's Planning Commission held a public hearing, considered this Ordinance, along with the Project, and made a (positive or negative) recommendation to the City Council; and

WHEREAS, on July 3, 2019, the City Council conducted a public hearing and considered this Ordinance.

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

Section 1. RECITALS

That 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:

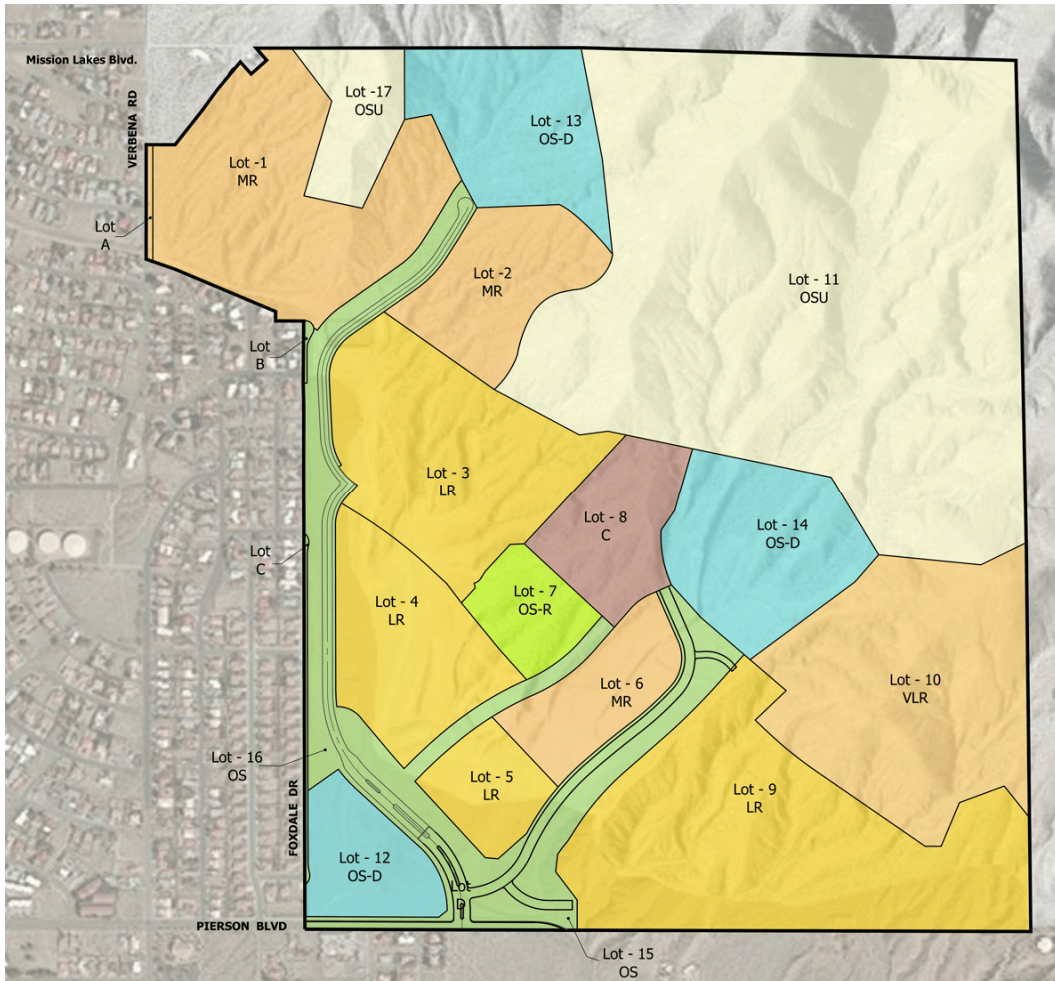
- (a) The City's Municipal Code and its General Plan, including updates;
- (b) The documents that consist of the Project;
- (c) All of the environmental documents;
- (d) The adopted Tuscan Hills Specific Plan;
- (e) Testimony and/or comments from all persons including the Project applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearing conducted by 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 17.220 "TUSCAN HILLS SPECIFIC PLAN" TO TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

That Chapter 17.220 "Tuscan Hills Specific Plan" is hereby added to Title 17 "Zoning" of the DHSMC as follows:

17.220.010 – Tuscan Hills Specific Plan Map

The area of the Tuscan Hills Specific Plan is set forth on the following map, including the establishment of Planning Areas VLR, LR, MR, C, OS-PR, OS-F, OS , & OSU.



PLANNING AREA LAND USE			ACREAGE	ROOMS ALLOWED	TARGET DENSITY
<u>VLR</u>	<u>Very Low Residential</u>		<u>47.95</u>		<u>10</u>
<u>LR</u>	<u>Low Residential</u>		<u>130.73</u>		<u>784</u>
<u>MR</u>	<u>Medium Residential</u>		<u>72.25</u>		<u>1084</u>
<u>C</u>	<u>Commercial</u>		<u>14.77</u>	<u>334</u>	
<u>OS-PR</u>	<u>Open Space Private Recreation</u>		<u>8.72</u>		
<u>OS-F</u>	<u>Open Space Floodway</u>		<u>58.85</u>		
<u>OS</u>	<u>Open Space</u>		<u>28.66</u>		
<u>OSU</u>	<u>Open Space Undeveloped</u>		<u>174.51</u>		
	<u>TOTAL</u>		<u>554.86</u>	<u>334</u>	<u>1878</u>

17.220.020 – Residential (Planning Areas VLR, LR, MR) - Development Standards

The following tables for permitted uses and development standards shall govern within the Residential Planning Areas; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Ordinance. In the event of conflicts between the Tuscan Hills Specific Plan and the Zoning Ordinance, the Specific Plan shall apply.

Table 17.220.021

<u>Land Use</u>	<u>Very Low Residential</u>	<u>Low Residential</u>	<u>Medium Residential</u>	
<u>Single-family detached homes with normal accessory structures, of a permanent character and in a permanent location.</u>	<u>D</u>	<u>D</u>	<u>D</u>	
<u>Attached single-family dwellings, including townhomes, stacked flats, motor courts, garden courts, walk-ups, and apartments.</u>	<u>X</u>	<u>X</u>	<u>D</u>	
<u>Accessory Dwelling Unit (ADU).</u>	<u>P</u>	<u>P</u>	<u>P*</u>	
<u>Seasonal Villas</u>	<u>X</u>	<u>X</u>	<u>D</u>	
<u>Home occupations as specified in the City of Desert Hot Springs Municipal Code 17.108.030 Operating standards.</u>	<u>H</u>	<u>H</u>	<u>H</u>	
<u>Day care facilities within the residence of the licensee not exceeding six children in addition to children residing at the residence. (Small family).</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Residential care facilities for the elderly within the single-family residence of the licensee serving six (6) or fewer persons.</u>	<u>D</u>	<u>D</u>	<u>X</u>	
<u>Senior Citizen Congregate Care Housing.</u>	<u>X</u>	<u>D</u>	<u>D</u>	
<u>Accessory buildings and structures related to use. Swimming pool, spa, sport court, patios, patio covers, garden structures, storage sheds, greenhouse, walls.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Temporary real estate office for lot sales. Temporary office must be located on the same tract lot sales occur. A use permit for maximum of 2 years with two 2-year extensions with approval of the planning director.</u>	<u>I</u>	<u>I</u>	<u>I</u>	

<u>Construction trailer during active construction only.</u>	I	I	I	
<u>Model complex.</u>	I	I	I	
<u>Detention basins, flood control facilities.</u>	D	D	D	

Key: Table 5.C

P = Permitted Use. Subject to Admin Planning Application if Required.

C = Approval of a Conditional Use Permit required in compliance with the Desert Hots Springs Municipal Code.

X = Prohibited Use.

D = Subject to a Development Permit

H= Home Occupancy Permit

T =Temporary Use Permit

*= As part of a Single Family Residence

Table 17.220.022 - Development Standards for Very Low Residential

Very Low Residential Up to 1.0 du/5 ac

This category provides for the development of the Estate Residential land use. The purpose of the residential standards is to establish the minimum criteria for the development of single-family dwellings within the Tuscan Hills Specific Plan.

<u>Minimum Lot Dimension</u>	
<u>Lot Width</u>	<u>70' ^{*3}</u>
<u>Lot Width Corner</u>	<u>75' ^{*3}</u>
<u>Lot Width at Cul-De-Sac</u>	<u>55' ^{*2}</u>
<u>Lot Depth</u>	<u>120' ^{*3}</u>
<u>Building (Structure) Setback (Min.) (All setback measured from property line unless noted.)</u>	
<u>Front</u>	<u>20' ^{*1}</u>
<u>Garage Door</u>	<u>25' ^{*1}</u>
<u>Side Interior</u>	<u>10'</u>
<u>Side Street</u>	<u>15' ^{*4}</u>
<u>Rear</u>	<u>20' ^{*4}</u>
<u>Pool equipment rear and side yard</u>	<u>5'</u>
<u>Minimum Lots Size</u>	<u>21,000</u>
<u>Building Height</u>	<u>35'</u>
<u>Residential Building Coverage Under Roof</u>	<u>35%</u>
<u>Parking Required</u>	<u>Number of Spaces</u>
<u>Enclosed Garage (Traditional Two Car Garage)</u>	<u>2</u>
<u>Roof mounted equipment is not allowed. Exception; Solar voltaic and water heating.</u>	
<u>Screen Walls or Fence</u>	

• <u>Wall or fence types are shown on figure 10-16 page 10-28. See Section 10.10 for additional requirements.</u>
• <u>Screen walls are required on all side and rear yards. Side and rear screen walls shall be 6' high maximum.</u>
• <u>Screen walls located within the Building Front Yard Setback shall not exceed 3' in height.</u>
• <u>Screen walls located on side street yard shall be located 5 feet minimum from the property line. All screen walls located within the side street yard shall be constructed with masonry block. Exception: Walls located on the side or at the rear of view lots can be wrought iron or a combination of masonry and wrought iron.</u>
• <u>A screen wall combined with retaining wall shall not exceed 8' in height measured from the lowest finish grade. Stepped walls are encouraged.</u>

Notes for Table 5.G

- *1. Setbacks should be varied a minimum of 3' as noted in Chapter 6.3.
- *2. Minimum lot width at Cul-De-Sac is measured along the radial at the front set back.
- *3. Minimum lot width and depth will be measured at the midpoint of the lot.

Table – 17.220.022 - Development Standards for Low Density Residential

- *4. Setback shall conform to Figure 5.4.

Low-Density Development, Up to 6.0 du/ac

This category provides for the development of the Low-Density Residential land use. The purpose of the residential standards is to establish the minimum criteria for the development of detached single-family dwellings within the Tuscan Hills Specific Plan.

<u>Minimum Lot Dimension</u>	
<u>Lot Width</u>	<u>50' ^{*6}</u>
<u>Lot Width Corner</u>	<u>55' ^{*6, *8}</u>
<u>Lot Width at Cul-De-Sac</u>	<u>50' ^{*5}</u>
<u>Lot Depth</u>	<u>90' ^{*6}</u>
<u>Building Setback (Min.) (All setback measured from property line unless noted.)</u>	
• <u>Front</u>	<u>15' ^{*1, *2}</u>
• <u>Garage Door</u>	<u>20' ^{*1}</u>
• <u>Covered Patio (front and rear)</u>	<u>10' ^{*1}</u>
• <u>Side Interior</u>	<u>5' ^{*3}</u>
• <u>Side Street</u>	<u>10' ^{*1, *3, *4, *7}</u>
• <u>Rear</u>	<u>15' ^{*1, *4, *7}</u>
• <u>Pool equipment rear yard (no side yard)</u>	<u>5'</u>
<u>Building Height</u>	<u>35'</u>
<u>Minimum Lot Size</u>	<u>4500 S.F.</u>
<u>Residential Building Coverage Under Roof</u>	<u>65%</u>

<u>Parking Required</u>	<u>Number of Spaces</u>
• <u>Enclosed Garage (Traditional Two Car Garage)</u>	<u>2 *²</u>

<u>Wall or Fence (Screen Walls)</u>
<ul style="list-style-type: none"> • <u>Wall or fence types are shown on figure 10-16 page 10-28. See Section 10.10 for additional requirements.</u> • <u>A 6' high minimum wall or fence shall be provided along the rear and side property line.</u> • <u>Screen walls located within the Building Front Yard Setback shall not exceed 3' in height.</u> • <u>Screen walls located on side street yard shall be located 5 feet minimum from the property line. All screen walls located within the side yard shall be constructed with masonry block. Exception: Walls located on the side or at the rear of view lots can be wrought iron or a combination of masonry and wrought iron.</u> • <u>Side and rear screen walls shall be 6' high maximum. A screen wall combined with retaining wall shall not exceed 8' in height measured from the lowest finish grade. Stepped walls are encouraged.</u>

<u>Roof mounted equipment is not allowed. Exception; Solar voltaic and water heating.</u>

Notes for Table 5.H:

- *1. Architectural enhancements and projections are allowed to encroach a minimum of 1 foot into the setback.
- *2. Front setbacks should vary as noted in Chapter 6.3.
- *3. Ground Mounted air conditioners, pool equipment, swamp coolers are prohibited from side/side yards.
- *4. When siding on a street with a 5-foot min. paseo or open space, set back can be min. of 5' from property line.
- *5. Minimum lot width at Cul-De-Sac is measured along the radial at the front set back.
- *6. Minimum lot width and depth will be measured at the midpoint of the lot.
- *7. Setback shall conform to Figure 5.4.
- *8. A corner lot width can be 50' when adjacent to a paseo that is 10' wide or grater.

Development Standards for Low Density Residential

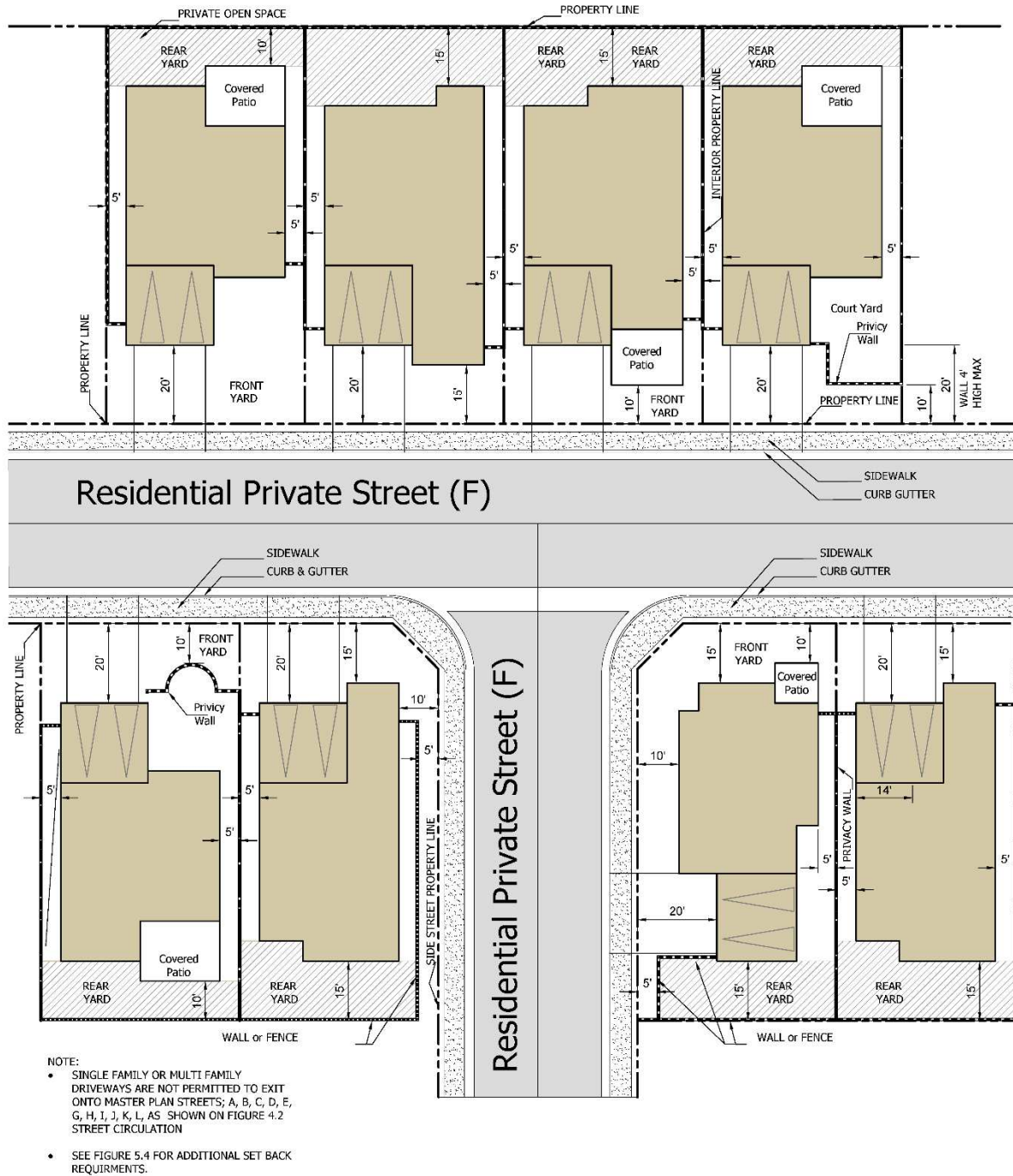


Figure 5.2 (THSP) - Typical Building Set Back - Low Density Detached Residential

Table 17.220.023 - Development Standards for Medium Density Detached Residential**Medium Density Detached Residential Up to 15.0 du/ac**

This category provides for the development of the medium density residential land use. The purpose of the residential standards for medium density are to establish the minimum criteria for the development of single family detached condominium style enclaves up to 15.0 du/ac. Units within these planning areas cannot have a single-family residential driveway connecting to streets outside of the lot boundaries. The connection of neighborhood streets must meet the fire department requirements.

Areas designated Medium Density can be sub divided into smaller lots with detached single-family dwelling units.

Minimum Lot Dimension	
<u>Lot Width</u>	<u>40'</u> ^{*5}
<u>Lot Width Corner</u>	<u>45'</u> ^{*5 *11}
<u>Lot Width at Cul-De-Sac</u>	<u>35'</u> ^{*4}
<u>Lot Depth</u>	<u>80'</u> ^{*5}
Building Setback (Minimum) (All setback measured from property line unless noted.)	
• <u>Front Neighborhood Street</u>	<u>10'</u> ^{*1, *2}
• <u>Front Court Street</u>	<u>10'</u> ^{*1, *2}
• <u>Side Interior</u>	<u>5'</u> ^{*1, *7}
• <u>Side Street</u>	<u>10'</u> ^{*1, *3, *5, *8}
• <u>Rear Property Line</u>	<u>10'</u> ^{*1, *8}
• <u>Garage Door on Neighborhood Street</u>	<u>20'</u> ^{*1}
• <u>Garage Door on Court Street</u>	<u>20'</u> ^{*1}
• <u>Covered Patio Front</u>	<u>10'</u>
• <u>Covered Patio Side and Rear</u>	<u>5'</u>
Building Height	
	<u>35'</u>
Minimum Lot Size	
	<u>3500 S.F.</u>
Lot Coverage	
• <u>Residential Building Coverage (under roof)</u>	<u>65%</u>
Parking	
• <u>Enclosed Garage (Traditional Two Car Garage)</u>	<u>2</u> ^{*2}
• <u>Guest Parking</u>	<u>.25 Spaces per Unit</u>

<u>Minimum Private Open Space.</u>	
• <u>Private Open Space</u>	<u>250 S.F. *6</u>
• <u>Common usable active open space/unit.</u>	<u>50 SF *9, *10</u>

<u>Wall or Fence (Screen Wall)</u>	
• <u>Wall or fence types are shown on figure 10-16 page 10-28. See Section 10.10 for additional requirements.</u>	
• <u>Screen wall shall be provided for all privacy spaces.</u>	
• <u>Screen walls within the front yard setback shall not exceed 4' in height. Screen walls located within the front yard setback shall be located 10 feet minimum from the property line.</u>	
• <u>A 6' high minimum wall or fence shall be provided along the rear and side property line.</u>	
• <u>Screen walls located on side street yard shall be located 5 feet minimum from the property line. All screen walls located within the side street yard shall be constructed with masonry block. Exception: Walls located on the side or at the rear of view lots can be wrought iron or a combination of masonry and wrought iron.</u>	
• <u>Screen walls are required on all side and rear yards. Side and rear screen walls shall be 6' high maximum. A screen wall combined with retaining wall shall not exceed 8' in height measured from the lowest finish grade. Stepped walls are encouraged.</u>	

Roof mounted equipment is not allowed. Exception; Solar voltaic and water heating.

Notes for Table 5.1:

*1. Architectural enhancements and projections are allowed to encroach a minimum of 1 foot into the setback.

*2. Front elevations exterior wall shall be varied as noted in Chapter 7.

*3. When siding on a street with a Paseo or open space set back may be 5' from property line.

*4. Minimum lot width at Cul-De-Sac is measured along the radial at the front set back.

*5. Minimum lot width and depth will be measured at the midpoint of the lot.

*6. Private open space shall have a 6' screen wall/fence when located on side and rear yards.

*7. Ground Mounted air conditioners, pool equipment, swamp coolers are prohibited from side/side yards.

*8. Setback shall conform to Figure 5.4.

*9. Amenities:

Provide a minimum of 2 onsite amenities for the first 100 -300 units.

Provide a minimum of 1 onsite additional amenity for 301 -400 units.

Provide a minimum of 1 onsite additional amenity for 401 -600 units.

a. Amenities may include:

i. Tot lot.

ii. Tennis Courts.

iii. Volley Ball Courts.

iv. Basket Ball Courts.

v. Swimming Pools.

vi. Jacuzzi.

vii. Exercise Room.

viii. Exercise trail with a minimum of 4 outdoor exercise station.

ix. Game Room

*10. Common Open Space shall be continuous;

b. Minimum dimension of continuous usable open space shall be 75'.

c. Tennis Courts, Volley Ball Courts, Basket Ball Courts, Swimming Pools, Jacuzzi, Exercise Room, Game Room, can be included in the common open space requirement. Theses amenities may be included in the minimum dimension.

d. Slopes exceeding 5% cannot be included in the common open space.

e. Parking area and Drive isles cannot be included in the common open space

*11. A corner lot width can be 40' when adjacent to a paseo that is 10' wide or grater.

Development Standards for Medium Density Detached Residential

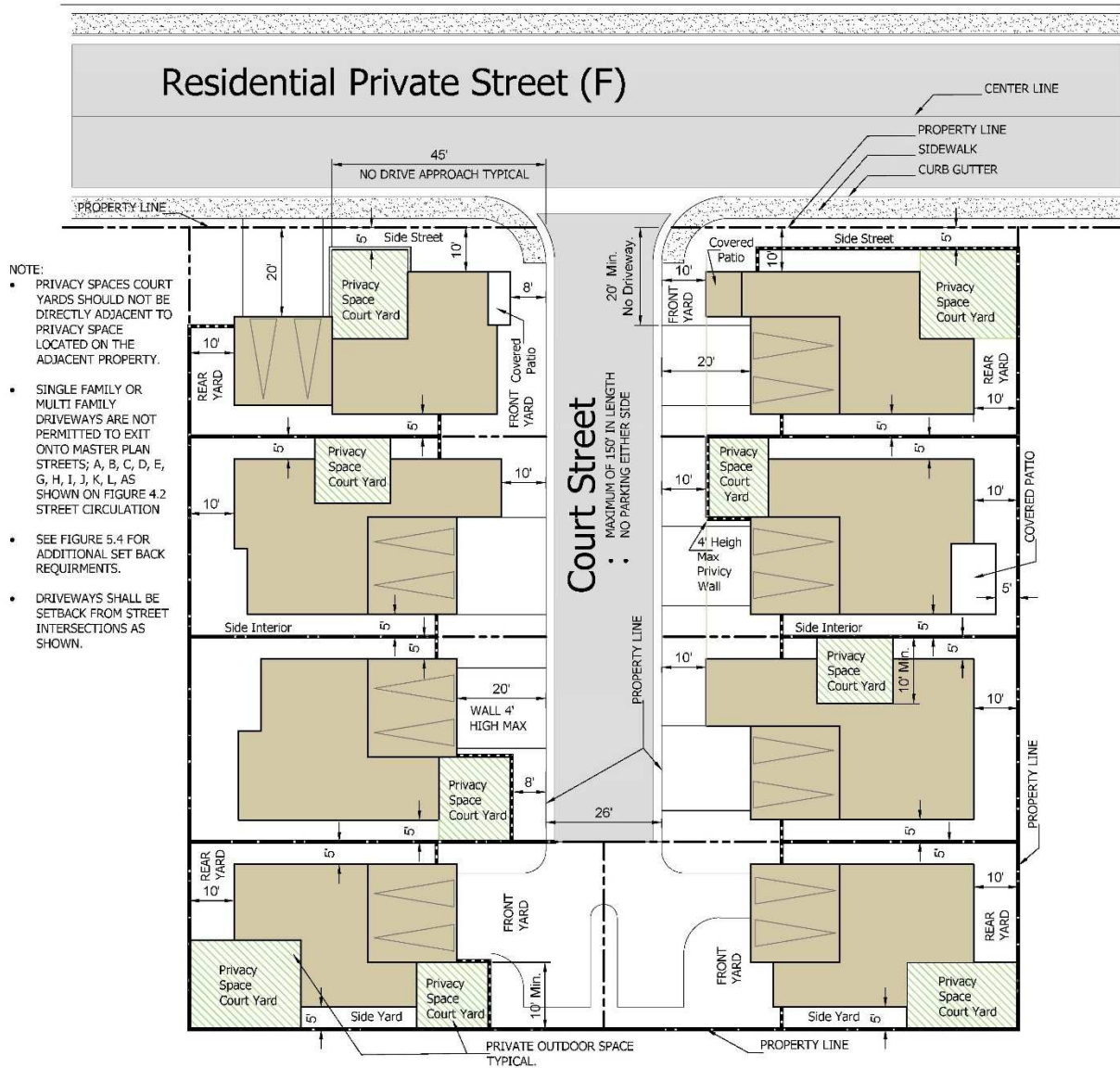


Figure 5.3 (THSP) – Typical Building Set Back - Medium Density Detached Residential

Table 17.220.024 Development Standards for Medium Density Attached Residential

Medium Density Attached Residential Up to 15.0 du/ac

This category provides for the development of the medium density residential land use. The purpose of the residential standards for attached medium density are to establish the minimum criteria for the development of single family attached products, including conventional homes, duplexes, condominiums, townhomes, stacked flats, motor courts, garden courts, villas, and walk-up style developments up to 15.0 du/ac within the planning areas specified in the Tuscan Hills Specific Plan.

Areas designated as Medium Density cannot be sub divided into smaller lots with attached single-family dwelling units.

<u>Building Setback from Property Line (Minimum)</u>	
• <u>One Story Building</u>	<u>10'</u> ^{*1,*2,*9}
• <u>Two Story Building</u>	<u>20'</u> ^{*1,*2,*9}
• <u>Three Story Building</u>	<u>25'</u> ^{*1,*2,*9}
<u>Separation Distance Between Building Structures (Minimum)</u>	
• <u>One Story Building</u>	<u>20'</u> ^{*1,*2}
• <u>Two Story Building</u>	<u>25'</u> ^{*1,*2}
• <u>Three Story Building</u>	<u>30'</u> ^{*1,*2}
<u>Separation Distance Between Building and Accessory Structures (Minimum)</u>	
• <u>One Story Building</u>	<u>10'</u> ^{*1,*2}
• <u>Two Story Building</u>	<u>15'</u> ^{*1,*2}
• <u>Three Story Building</u>	<u>20'</u> ^{*1,*2}
<u>Building Height</u>	
	<u>45'</u>
<u>Minimum Lot Size</u>	
	<u>435,600 S.F.</u>
<u>Lot Coverage</u>	
• <u>Residential building lot coverage (maximum)</u>	<u>65%</u>
<u>Minimum open space located on the same site as the development.</u>	
• <u>Private outdoor open space/unit (minimum) (balcony or patio)</u>	<u>250 SF</u> ^{*6}
• <u>Common usable active open space/unit.</u>	<u>50 SF</u> ^{*4,*8}

<u>Parking</u>	<u>Number of Spaces</u>
• <u>1 bedroom or Studio</u>	<u>1 Space per Unit</u> ^{*3,*7}
• <u>2 bedrooms</u>	<u>2 Spaces per Unit</u> ^{*3,*7}
• <u>3+ bedroom</u>	<u>2.5 Spaces per Unit</u> ^{*3,*7}
• <u>Guest Parking</u>	<u>.25 Spaces per Unit</u>
• <u>Handicapped Parking</u>	<u>*5</u>
<u>Drive Aisle Width (Maximum)</u>	<u>25'</u>

<u>Minimum items included with each unit</u>	
• <u>Storage</u>	<u>150 SF</u>
• <u>Washer and Dryer Hook Ups</u>	<u>Each Unit</u>

<u>Wall or Fence (Screen Wall)</u>	
• <u>Wall or fence types are shown on figure 10-16 page 10-28. See Section 10.10 for additional requirements.</u>	
• <u>A 6' high minimum wall or fence shall be provided along the property line.</u>	
• <u>A screen wall combined with retaining wall shall not exceed 8' in height measured from the lowest finish grade. Stepped walls are encouraged.</u>	

Notes for Table 5.J:

1. Patio or Decks are allowed to encroach a minimum of 1 foot into the minimum set back.
2. Architectural enhancements and projections are allowed to encroach a minimum of 1 foot into the minimum setback.
3. At least one of the required spaces shall be covered parking.
4. Common Open Space shall be continuous.
 - a. Minimum dimension of continuous usable open space shall be 75'.
 - b. Tennis Courts, Volley Ball Courts, Basket Ball Courts, Swimming Pools, Jacuzzi, Exercise Room, Game Room, can be included in the common open space requirement. These amenities may be included in the minimum dimension.
 - c. Slopes exceeding 5% cannot be included in the common open space.
 - d. Parking and Drive isles cannot be included in the common open space.
5. Handicapped parking shall be provided per California Building Code requirements.
6. 20% of the livable unit size or a minimum of 250 square feet.
7. Off street parking shall be a minimum of 150' with assigned parking space.
8. Provide a minimum of 2 onsite amenities for 0 - 300 units.
Provide a minimum of 1 additional amenity for 301 -400 units.
Provide a minimum of 1 additional amenity for 401 -600 units.
 - a. Amenities may include:
 - i. Tot lot.
 - ii. Tennis Courts.
 - iii. Volley Ball Courts.
 - iv. Basket Ball Courts.
 - v. Swimming Pools.
 - vi. Jacuzzi.
 - vii. Exercise Room.
 - viii. Exercise trail with a minimum of 4 outdoor exercise station.
 - ix. Game/Meeting Room
9. Setback shall conform to Figure 5.4.

17.220.030 - Open Space Development Standards

The following tables for permitted uses and development standards shall govern within the respective Planning Areas (OS, OS-PR, OS-F, OS-U); any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Ordinance. In the event of conflicts between the Tuscan Hills Specific Plan and the Zoning Ordinance, the Specific Plan shall apply.

Table 17.220.031 - Description of Allowable Land Uses by Planning Area

<u>Land Use Designation</u>	<u>Description of Land Use</u>	<u>Planning Area</u>	<u>Planning Area Size</u>	<u>Maximum Dwelling Units</u>
<u>Open Space Private (OS-PR)</u>	<u>This designation is assigned to recreational buildings, pools, tennis courts, spas, tennis courts, active and passive parks and other recreational facilities.</u>	<u>OS-PR</u>	<u>8.72 ac</u>	<u>N/A</u>
<u>Open Space (OS)</u>	<u>The OS areas are located along the primary road corridors of the project. This designation is intended to indicate where pedestrian, bicycle trails and open monument structures and space are located.</u>	<u>Lots 15, 16, a,b,c</u>	<u>47.06</u>	<u>N/A</u>
<u>Open Space Floodway (OS-F)</u>	<u>This designation is assigned to natural or manmade floodways/drainage channels.</u>	<u>Lots 12,13,14</u>	<u>58.85</u>	<u>N/A</u>
<u>Undeveloped Open Space (OS-U)</u>	<u>The area shown as OS-U will be preserved for passive recreational uses such as hiking trails and picnic areas; it is intended that the OS-U designation be preserved in its natural state as much as feasible.</u>	<u>11,17</u>	<u>174.51</u>	<u>N/A</u>

17.220.040 - Private Community Recreation & Open Space Development Standards

The following tables for permitted uses and development standards shall govern within the Open Space Recreation Planning Area; any definition, procedure or other

standard not contained within these tables shall be subject to the provisions of the Zoning Ordinance. In the event of conflicts between the Tuscan Hills Specific Plan and the Zoning Ordinance, the Specific Plan shall apply.

Table 17.220.041 – Permitted & Conditionally Permitted Uses - Open Space Private Recreation

<u>Land Use</u>	<u>Open Space Recreation</u>
<u>Health and fitness club, meeting halls, conference facilities.</u>	<u>D</u>
<u>Parks, play grounds, and outdoor recreation facilities.</u>	<u>P</u>
<u>Meeting area, banquet area, lounge, that directly support the primary use.</u>	<u>D</u>
<u>Racquetball courts, tennis courts, exercise and weight training, basketball, and pro-shop.</u>	<u>D</u>
<u>Swimming Pools, Thermal Water Pools and Whirlpool.</u>	<u>D</u>
<u>Structures and accessories such as gazebos, restrooms, maintenance buildings, and uses that directly support the primary use.</u>	<u>D</u>
<u>Construction trailer during active construction only.</u>	<u>I</u>
<u>Detention basins, flood control facilities.</u>	<u>D</u>

Key: P = Permitted Use

C = Approval of a Conditional Use Permit required in compliance with the Desert Hots Springs Municipal Code

X= Prohibited Use

D= Development Permit

T=Temporary Use Permit

Table 17.220.042 – Property Development Standards - Open Space Private Recreation

<u>Building Setback (Minimum)</u>	
• <u>Adjacent to Residential Uses</u>	<u>30'</u> ^{*3}
• <u>Adjacent to on site Open Spaces</u>	<u>20'</u> ^{*3}
• <u>Commercial Uses</u>	<u>15'</u> ^{*3}
<u>Separation Distance Between Buildings/Accessory Structures (Minimum)</u>	
• <u>Building at First Floor</u>	<u>15'</u>
• <u>Building at Second Floor</u>	<u>20'</u>
<u>Building Height</u>	

<u>Recreation Structure</u>	<u>35' *³</u>
<u>Parking Structure</u>	<u>35' *³</u>
<u>Lot Size</u>	
• <u>Building Lot Coverage (Maximum)</u>	<u>30%</u>
<u>Parking</u>	<u>Number of Spaces</u>
• <u>1 space for each 200 S.F of building or a minimum number of 30 parking spaces</u>	<u>200 SF (GUF) *¹,*²</u>

Notes for Table 5.K:

1. Handicapped parking shall be provided per California Building Code requirements.
2. See City of Desert Hot Springs Parking Standards
3. Setback shall conform to Figure 5.4.

The Planning Director shall have the authority to vary from the standards in this table for uses which represent special circumstances or for legal nonconforming uses.

17.220.050 – Commercial Development Standards

The following tables for permitted uses and development standards shall govern within the Commercial Planning Area; any definition, procedure or other standard not contained within these tables shall be subject to the provisions of the Zoning Ordinance. In the event of conflicts between the Tuscan Hills Specific Plan and the Zoning Ordinance, the Specific Plan shall apply.

Table 17.220.051 - Permitted and Conditionally Permitted Uses - Commercial

<u>Land Use</u>	<u>Resort Hotel</u>
<u>Hotel</u>	<u>D</u>
<u>Condominium Hotel rooms or Timeshare Hotel, Seasonal Villas.</u>	<u>D</u>
<u>Spas and swimming pools.</u>	<u>D</u>
<u>Restaurants, bars, lounges, eating and drinking establishments.</u>	<u>D</u>
<u>Gym, Athletic facilities, health spa, massage therapy, mineral pools, and related use.</u>	<u>D</u>
<u>Retail Shops, Art galleries, Drug store, Convenience store, Gift shop, Theaters that directly support the primary use of a hotel or spa.</u>	<u>P</u>
<u>Meeting Halls or Conference Facilities and Banquet areas that directly support the primary use of a hotel or spa.</u>	<u>P</u>
<u>Child day care facilities.</u>	<u>P</u>
<u>Outdoor recreation facilities that directly support the primary use.</u>	<u>P</u>

<u>Parking structure and utility buildings that directly support the primary use.</u>	<u>D</u>
<u>Temporary real estate office for sales that directly support the primary use. Temporary office must be located on the same site sales occur. A use permit for maximum of 2 years with two 2-year extensions with approval of the planning director.</u>	<u>I</u>
<u>Construction trailer during active construction only.</u>	<u>I</u>
<u>Model complex.</u>	<u>I</u>
<u>Detention basins, flood control facilities.</u>	<u>D</u>

Key: P = Permitted Use

C = Approval of a Conditional Use Permit required in compliance with the Desert Hots Springs Municipal Code

X= Prohibited Use

D= Development Plan Permit

T =Temporary Use Permit

Table 17.220.052 - Development Standards for Commercial

This chapter sets forth the regulations for development of the Commercial area within the Tuscan Hills Specific Plan. These standards also apply to the planning areas designated as Resort Hotel, Resort Spas and ancillary structures.

<u>Building Setback from Property Line (Minimum)</u>	
<u>Adjacent to Residential Uses</u>	<u>30' *⁵</u>
<u>Adjacent to Open Spaces</u>	<u>20' *⁵</u>

<u>Building Separation</u>	
<u>One Story Building</u>	<u>15'</u>
<u>Two Story Building</u>	<u>20'</u>
<u>Three Story Building and Greater</u>	<u>30'</u>

<u>Building Height</u>	
<u>Hotel</u>	<u>80' *²,</u>
<u>Condominium Hotel, Timeshare; if separate from main hotel structure</u>	<u>35' *²</u>
<u>Parking Structure</u>	<u>40' *²</u>

<u>Lot Size</u>	
<u>Building Lot Coverage (Maximum)</u>	<u>50%</u>

<u>Parking</u>	<u>Number of Spaces</u>
<u>Hotel</u>	<u>1.1 Space per bedroom</u>
<u>Restaurant/Lounge</u>	<u>1 per 100 SF (GUF)</u>
<u>Meeting area/Banquet room</u>	<u>1 per 50 SF (GUF)</u>
<u>Spa</u>	<u>1 per each 200 SF (GUF)</u>

<u>Condominium hotel rooms or Timeshare hotel uses or Seasonal villas.</u>	<u>1 Space per bedroom</u>
<u>Commercial</u>	<u>*3</u>
<u>Handicapped</u>	<u>*4</u>

<u>Wall or Fence (Screen Wall)</u>	
<u>Wall or fence types are shown on figure 10-16 page 10-28. See Section 10.10 for additional requirements.</u>	
<u>A 6' high minimum wall or fence shall be provided along the property line.</u>	
<u>Screen walls shall be 6' high maximum. Screen walls combined with retaining wall shall not exceed 8' in height. Stepped walls are encouraged.</u>	

Notes for Table 17.220.052:

1. Gross Usable Floor Area (GUF)
2. The maximum building height is determined by measuring from the highest elevation point of the finish grade with in five feet of the structure's exterior walls to the highest rideline of the structure. This excludes architectural projections and similar features.
3. See City of Desert Hot Springs Parking Standards
4. Handicapped parking shall be provided per California Building Code requirements.
5. Setback shall conform to Figure 5.4.

Gross Usable Floor Area

Definition: The sum of all areas on all floors of a building either assigned to, or available for assignment to, a usable space that can be occupied, or necessary for the general operation of a specific use.

The Planning Director shall have the authority to vary from the standards in this table for uses which represent special circumstances or for legal nonconforming uses.

17.220.060 – Hillside Development Standards

Areas where slopes exceed 25% in their natural state and are within 100 feet of any area disturbed by grading in the development and/or improvements of the Tuscan Hills Project will be subject to the following:

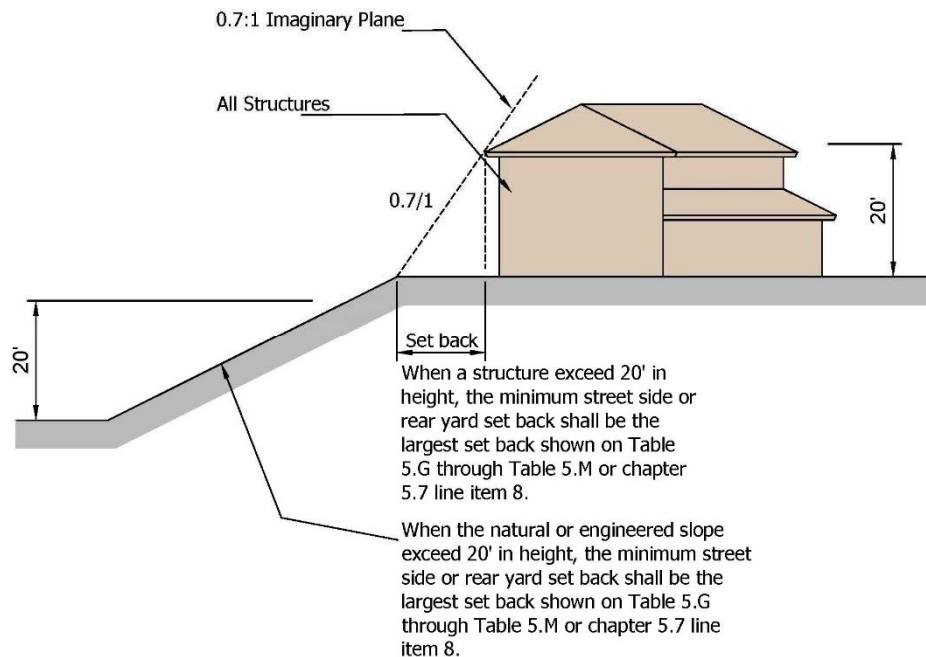
1. **A soils investigation conducted by a licensed soils engineer who has determined the subject slope area to be stable and grading and development impacts mitigatable for at least 75 years, or life of structures, and/or cut and fill slopes.**
2. **No development shall be permitted except pursuant to submittal of a runoff control plan prepared by a licensed engineer qualified in hydrology and hydraulics; such approved plans shall assure that there would be no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of storm event criteria specified by the City Engineer. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps, and energy dissipaters, and shall not be concentrated in one area.**
3. **Required Drainage or Erosion Control Facility Maintenance Arrangements: Development approvals shall include detailed maintenance arrangements for providing the on-going repair and maintenance for all approved drainage or erosion-control facilities.**

4. Installation and timing of permanent or temporary runoff and Erosion Control Devices: All run-off control and erosion-control devices shall be developed and installed prior to or concurrent with any onsite grading activities.
5. Requirement Open Space on Undeveloped Slopes: All undevelopable slopes shall be placed in open space easements via, as examples, HOA with deed restrictions, or granting to an appropriate entity as a condition of development approval.
6. Grading Contour grading creates manufactured slopes in a rounded, undulating pattern that blend into and mimic the surrounding natural hillside. The emphasis of the contour grading standard is to create contour graded slopes in areas where they would be visible (i.e., along Circulation Element roadways, collector streets and useable open space areas).
7. The screening of manufactured slopes is of considerable importance. Landscape figures on 10-26 illustrate the use of a variety of landscape materials to soften the appearance of the manufactured slope. Another way to accomplish this includes using a building as a way to provide the required screening.
8. Buildings which are proposed for development on hilltops and on pads that are created on hillsides should be sufficiently set back from the downhill slope to mitigate the visual impact of vertical building forms on hillside landforms. Measurements which will be incorporated into project design to achieve this objective include the use of adequate slope edge building setbacks and multi-level roof planes which parallel the downhill slope. All buildings that are developed on hilltops or upon pads created on downhill perimeter slopes (slopes greater than 20 feet in height) shall be set back so that the building does not intrude into a .7 foot horizontal to 1-foot vertical imaginary diagonal plane that is measured from the edge of slope to the building. All buildings over 20' in height shall be set back so that the building does not intrude into a .7 foot horizontal to 1-foot vertical imaginary diagonal plane that is measured from the edge of slope to the building as shown in Figure 5.4.
9. Roadway design can have a pronounced impact on hillsides. Hillside sensitive roadways do not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide, straight alignments. Instead, hillside sensitive roadways follow natural hillside landforms. This approach is both cost effective and aesthetically pleasing by eliminating the need for extensive grading. The Hillside Development Regulations recognize that Circulation Element Roadways have specific design standards that when in conflict supersede the Hillside Development Standards. Circulation Element Roadway Design Standards ensure public safety on these higher volume and speed roadways. Collector streets are similarly exempted from Hillside Development Standards in that their design is frequently determined by the alignment and grade of the intersecting Circulation Element Road. However, low

volume internal roadways can readily comply with the Hillside Development Standards without impacting public safety. In some instances, the City's Public Works design standards allow appropriate design flexibility to addresses a hillside condition.

10. Hillside development should to the extent possible utilize and enhance natural hillside drainage networks. Drainage benches on slopes must vary in width to allow augmented landscaping to provide additional screening. Contour grading, hillside drainage and landscaping can many times be combined to "recreate" a heavy landscaped hillside ravine.
11. All grading plans will be approved by the City Engineer.

Figure 5.4 (THSP) - Building Setback Adjacent to Slope



17.220.070 – Review and Approval

- A. All uses within the Tuscan Hills Specific Plan Planning Areas shall be subject to Planning Department 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 Director, in accordance with Section 17.80 (Design Review).

- C. Uses which are indicated as "D" (Development Plan Permit) shall require, for any related construction or development, review and approval by the Planning Director, in accordance with Section 17.92 (Development Permits).**
- D. Uses which are indicated as "T" (Temporary Use Permits) shall require, for any related construction or development, review and approval by the Planning Director, in accordance with Section 17.136 (Temporary Use Permit).**
- E. 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).**
- F. Required findings for approval of Design Review (Section 17.80.040), Development Permits (Section 17.92.060), Conditional Use Permits (Section 17.76.050) and Temporary Use Permits (Section 17.136.040) shall include consideration of the Design Guidelines of the Tuscan Hills Specific Plan.**

Section 4. ENVIRONMENTAL FINDINGS

That based upon the Addendum to the FEIR, the comments received thereon, and the record before the City Council, the City Council hereby finds that the Addendum to the Certified FEIR 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 additional or new significant environmental impacts, which cannot be mitigated with the FEIR's 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 Addendum to the FEIR prepared for the Project.

Section 5. GENERAL PLAN CONSISTENCY FINDINGS

That the City Council finds this Ordinance 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 residential and commercial districts, similar to other permitted and conditionally permitted uses in the vicinity, and in that the use will be subject to strict review and conditions.

Section 6. GENERAL FINDINGS

That 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]

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2019, 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**