

RESOLUTION NO. _____

**GENERAL PLAN AMENDMENT NO. 03-17 AND
SPECIFIC PLAN NO. 02-17**

A RESOLUTION OF THE CITY COUNCIL OF DESERT HOT SPRINGS, CALIFORNIA, 1) CERTIFY THE INITIAL STUDY AND ASSOCIATED MITIGATED NEGATIVE DECLARATION; 2) APPROVING GENERAL PLAN AMENDMENT NO. 03-17; AND 3) SPECIFIC PLAN NO. 02-17, AMENDING THE GENERAL PLAN LAND USE MAP FROM I-L (LIGHT INDUSTRIAL) TO “DESERT HARVEST SPECIFIC PLAN” FOR THE VACANT PARCEL CONSISTING OF 64.9 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF INTERSTATE 10 AND NORTH INDIAN CANYON DRIVE, APPROXIMATELY ONE-HALF MILE EAST OF INDIAN CANYON DRIVE, AND FRONTING THE NORTH SIDE OF 20TH AVENUE (APN: 666-370-019).

WHEREAS, an applicant to Desert Hot Springs, California (“City”), is requesting that the City certify a draft Initial Study and Mitigated Negative Declaration, approve an amendment to the General Plan Land Use Map to re-designate certain properties from I-L (Light Industrial), to “Desert Harvest Specific Plan”, and adopt the Desert Harvest Specific Plan (the “Project”); and

WHEREAS, the City, acting as Lead Agency, has reviewed a draft Initial Study and Mitigated Negative Declaration prepared for the proposed project and determined that, following the implementation of certain mitigated measures, the requested General Plan Amendment and Specific Plan will not have a significant impact on the environment; and

WHEREAS, on October 10, 2017 and following a duly noticed public hearing, the Desert Hot Springs Planning Commission reviewed a staff report, environmental documentation, draft findings and public testimony; and adopted a recommendation to the City Council to approve the Project; and

WHEREAS, said Project was submitted for consideration to the City Council for decision following a duly noticed public hearing on November 7, 2017.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. ADMINISTRATIVE RECORD

The City Council has considered all of the evidence submitted into the administrative record for the recommendations listed in this City Council Resolution, including, but not limited to, the following:

- (a) Desert Hot Springs Municipal Code and Desert Hot Springs General Plan;
- (b) Draft “Desert Harvest Specific Plan”;
- (c) Draft Initial Study and Mitigated Negative Declaration;

- (d) Staff Report;
- (e) Staff presentation at the public hearing conducted at the Planning Commission;
- (f) Testimony and/or comments from interested parties 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 Meeting;
- (g) Verbatim transcripts of the Planning Commission hearings on the Project;
- (g) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearing conducted at the Planning Commission Meeting and the City Council Meeting held on 7 November 2017, supporting and/or opposing the Project.

Section 2. ENVIRONMENTAL

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City Council determines:

Based upon the Initial Study, the Mitigated Negative Declaration, and taking into consideration the Mitigation Monitoring Plan, the comments received thereon, and the record before the City Council, the City Council hereby finds that the proposed Mitigate 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. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development. The City Council, therefore, certifies the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the Project.

Section 3. FINDINGS FOR GENERAL PLAN AMENDMENT

The City Council has considered all of the evidence submitted into the administrative record for the proposed General Plan Amendment and in accordance with Section 17.100.050 of the Desert Hot Springs Municipal Code, bases its approval on the following findings:

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

The proposed Desert Harvest Specific Plan has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies (Specific Plan "Chapter 6 – General Plan Consistency"). The proposed Specific Plan introduces limited retail commercial uses to a site presently designated I-L (Light Industrial) 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. Therefore, there are no internal inconsistencies with the proposed Specific Plan 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 Desert Harvest Specific Plan 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 Specific Plan implements General Plan economic goals through the establishment of policies and regulations supporting a medical marijuana cultivation facility. Therefore, 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 Desert Harvest Specific Plan modifies the underlying I-L (Light Industrial) land use by introducing retail commercial on about 20 percent (13.1 acres) of the 64.9 acre site. The retail component is located near the Interstate 10, similar to nearby retail commercial development. Further, it will be only a fractional reduction of the City's total land designated for light industrial development of approximately 900 acres. Therefore, the Specific Plan 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 Desert Harvest Specific Plan would amend the General Plan Land Use Map for the vacant 64.9 acre site to establish three Planning Areas to support development of a mixed use commercial / industrial complex. The site is generally flat and rectangularly-shaped to allow for development according to the Specific Plan's standards and guidelines. Two public streets fronting the south and east property boundaries of the site provide adequate access, and no physical constraints to the proposed development have been identified. The Specific Plan's amendment to the Land Use Map provides for a mix of uses that are compatible with surrounding industrial and commercial zones. Therefore, the subject parcel is physically suitable for the requested land use designation and anticipated development.

Section 4. FINDINGS FOR ADOPTION OF SPECIFIC PLAN

The City Council has considered all of the evidence submitted into the administrative record for the proposed Desert Harvest Specific Plan and in accordance with Section 17.128.070 of the Desert Hot Springs Municipal Code, bases its approval on the following findings:

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

The proposed Desert Harvest Specific Plan 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 Specific Plan introduces limited retail commercial uses to a site presently designated I-L (Light Industrial) 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. Therefore, there are no inconsistencies between the proposed Specific Plan and the General Plan.

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

The proposed Desert Harvest Specific Plan 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 Specific Plan implements General Plan economic goals through the establishment of policies and regulations supporting a medical marijuana cultivation facility. Therefore, the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

- C. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s);*

The proposed Desert Harvest Specific Plan would amend the General Plan Land Use Map for the vacant 64.9 acre site to establish three Planning Areas to support development of a mixed use commercial / industrial complex. The site is generally flat and rectangularly-shaped to allow for development according to the Specific Plan's standards and guidelines. Two public streets fronting the south and east property boundaries of the site provide adequate access, and no physical constraints to the proposed development have been identified. The Specific Plan's amendment to the Land Use Map provides for a mix of uses that are compatible with surrounding industrial and commercial zones. Therefore, the subject parcel is physically suitable for the requested land use designation and anticipated development.

- D. The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; and*

The proposed Desert Harvest Specific Plan includes development regulations (zoning standards), design guidelines and review procedures to assure that future development of the site is of a desirable character, both functionally and esthetically. These regulations, guidelines and procedures will also assure that the commercial and industrial uses allowed on the site are compatible with surrounding commercial and industrial development.

- E. The proposed plan will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.*

The proposed Desert Harvest Specific Plan will convert a small amount (13.1 acres) of industrially zoned land to commercial use. The mix of commercial and industrial uses on the site, including a medical marijuana cultivation complex, will

create employment and shopping opportunities for the Desert Hot Springs community. Staff believes that the proposed Specific Plan will contribute to a balance of land uses, within which local residents may both work and shop.

Section 5. RESOLUTION

The City Council hereby certifies the Initial Study and negative Declaration and approves the Mitigation Monitoring Program. Further, the City Council amends General Plan Land Use Map to designate the Subject Properties as shown on Exhibit 3-1 of the "Desert Harvest Specific Plan" and adopts the Desert Harvest Specific Plan.

Section 6. CERTIFICATION

The City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which Resolution is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 7th day of November 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney