

DESERT LAND VENTURES PROJECT

Specific Plan No. 01-16

General Plan Amendment No. 01-16

Zoning Ordinance Amendment No. 01-16

Vesting Tentative Tract Map No. 37185

Development Agreement No. 01-18

Exhibit 1

RECOMMENDED FINDINGS OF FACT

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 Desert Land Ventures Specific Plan has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies (Specific Plan "Appendix A – General Plan Consistency Table"). The proposed Specific Plan introduces limited retail commercial uses to a site presently designated R-D (Rural Desert) and 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 Land Ventures Specific Plan provides for development of a mixed use commercial / industrial development and open space, 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 commercial and industrial development, including marijuana cultivation, processing and distribution facilities. 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 Land Ventures Specific Plan modifies the underlying R-D (Rural Desert) and L-I (Light Industrial) land use by introducing commercial and industrial development on about 40 percent (48.7 acres) of the 123.4 acre site (excluding lands for streets). The commercial / industrial area is located near the Interstate 10, similar to commercial development in the vicinity. Further, about 32 acres of the commercial / industrial development will be situated on lands currently designated Rural Desert, which presently allows large-lot residential, energy and government uses. This will be only a

fractional increase of the approximately 900 acres of the City's total land designated for light industrial development. 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 Land Ventures Specific Plan would amend the General Plan Land Use Map for the vacant 123.4-acre site to establish two Planning Areas to support development of a mixed use commercial / industrial complex and dedicated open space. The site is generally flat and shaped to allow for development according to the Specific Plan's standards and guidelines. One public street to the property from the east will 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 other industrial and commercial zones in the city. Therefore, the subject parcel is physically suitable for the requested land use designation and anticipated development.

SPECIFIC PLAN APPROVAL FINDINGS

Under Section 17.128.070 of the Desert Hot Springs Municipal Code, a Specific Plan may only be adopted only if all of the following findings are made:

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

The proposed Desert Land Ventures Specific Plan 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 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 Land Ventures Specific Plan provides for development of commercial and 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 commercial / industrial development, including marijuana cultivation, processing and distribution facilities. Staff has concluded that 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 Land Ventures Specific Plan would amend the General Plan Land Use Map for the vacant 123.4-acre site to establish two Planning Areas to support development of commercial / industrial uses and open space. The site is generally flat and shaped to allow for development according to the Specific Plan's standards and guidelines. One public street to the property from the east will 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 other industrial and commercial zones in the city. 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 Land Ventures 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 similar commercial and industrial development in the city. Therefore, the proposed plan ensures development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

- 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 Land Ventures Specific Plan will convert a small amount (30 acres) of Rural Desert-zoned land to commercial / industrial use. The mix of commercial and industrial uses on the site, including medical marijuana cultivation, processing and distribution facilities, will create employment and shopping opportunities for the Desert Hot Springs community. Therefore, the proposed Specific Plan will contribute to a balance of land uses, within which local residents may both work and shop.

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 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. Staff has identified no inconsistencies between the proposed Specific Plan, including its land use standards and regulations, 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 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. The proposed Specific Plan implements General Plan economic goals through the establishment of policies and regulations supporting commercial \ industrial development including marijuana cultivation, processing and distribution facilities. Staff has concluded that the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

VESTING TENTATIVE TRACT MAP FINDINGS:

According to Municipal Code Section 16.24.150 (Commission determination) a vesting tentative tract map may be denied by the Commission on any of the grounds contained in the Map Act, General Plan or the municipal code. The Commission shall deny the tentative map if it makes any of the following mandatory findings contained in Map Act Section 66474. Staff has developed a response to each finding, as follows:

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The proposed Vesting Tentative Tract Map subdivides two existing lots into thirteen lots, plus streets, to allow for commercial / industrial development, including marijuana cultivation, processing and distribution facilities. The proposed map is designed to implement the Desert Land Ventures Specific Plan, which includes a General Plan Amendment, Zoning Ordinance Amendment, and Development Agreement to incorporate the Specific Plan's goals, policies, standards, regulations and guidelines into the General Plan and Zoning Ordinance. Consequently, the vesting tentative map is consistent with the General Plan and applicable Desert Land Ventures Specific Plan.

- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*

The proposed Vesting Tentative Tract Map subdivides two existing lots into thirteen lots, plus streets. The lots proposed by the tentative map will all comply with the minimum lot area standards for Desert Land Ventures Specific Plan. In addition, the map proposes a street and infrastructure plan that matches the Desert Land Ventures Specific Plan. Consequently, the proposed Vesting Tentative Map will fulfill the goals and policies of the General Plan and Desert Land Ventures Specific Plan.

- 3. That the site is not physically suitable for the type of development.*

The lots proposed by the Vesting Tentative Tract Map will each be of a size (lot area), width, depth and surface (generally flat) to allow development, including accessory activities and features, such as vehicular access, drainage and flood control, and water and wastewater facilities. As proposed, the site appears physically suitable for the type of development

- 4. That the site is not physically suitable for the proposed density of development.*

The proposed Vesting Tentative Tract Map will create eight lots for development, each having sufficient area and shape to allow for the combined development of a commercial / industrial facility of approximately 1.9 million square feet, while also conforming to applicable development standards such as setbacks, height and parking. As proposed, the site appears physically suitable for the proposed density of development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed Vesting Tentative Tract Map and associated Desert Land Ventures Specific Plan have been evaluated for potential impacts to the environment. Three (3) significant impacts to the environment have been identified in the projects Environmental Impact Report, that cannot be mitigated to a level of "less than significant". Those are Air Quality, Greenhouse Gas Emissions, and Cultural Resources. Staff has evaluated the projects significant impacts and determined that the mitigation measures proposed 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.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed Vesting Tentative Tract Map and associated Desert Land Ventures Specific Plan have been evaluated for potential impacts to public health, including geologic hazards, hazardous materials and emergency services. Three (3) significant impacts to the environment have been identified in the project's Environmental Impact Report, that cannot be mitigated to a level of "less than significant". Those are Air Quality, Greenhouse Gas Emissions, and Cultural Resources. Staff has evaluated the projects significant impacts and determined that the mitigation measures proposed 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.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The proposed Vesting Tentative Tract Map will include a dedication of rights-of-way for public streets to provide vehicular access to the site and development. Easements for natural gas and electrical power lines are also accommodated by the map. No other access easements have been identified as necessary for the site or surrounding area that would pass through or make use of the subject property.

Staff has concluded that the proposed map meets the tests of the above mandatory findings and may be approved.

DEVELOPMENT AGREEMENT FINDINGS

1. *That the development agreement is consistent with the General Plan and any applicable specific plans.*

The draft development agreement for the Desert Land Ventures Specific Plan and related applications, will support commercial and industrial uses on a site presently designated R-D (Rural Desert) and L-I (Light Industrial) and provide 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 development agreement and the General Plan or the Desert Land Ventures Specific Plan.

2. *That the development agreement is consistent with the Zoning Ordinance.*

The draft development agreement has been reviewed against the zoning ordinance of the City of Desert Hot Springs, particularly Chapter 17.84 (Development Agreements) and found to be consistent with all elements of the zoning ordinance, including the use of the Desert Land Ventures Specific Plan and its standards and guidelines as sufficient satisfaction of 17.84.040 (Content of development agreement).

3. *That the development agreement will promote the welfare and public interest of the City.*

The draft development agreement provides for development of commercial and 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 development agreement, with the associated Desert Land Ventures Specific Plan and related applications, implements General Plan economic goals through the establishment of policies and regulations supporting commercial / industrial development, including marijuana cultivation, processing and distribution facilities. Staff has concluded that the proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.