

RESOLUTION NO. _____

**GENERAL PLAN AMENDMENT NO. 01-16, GENERAL PLAN LAND USE MAP
AMENDMENT NO. 01-16 AND ADOPTION OF
SPECIFIC PLAN NO. 01-16**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, 1) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT; 2) APPROVING GENERAL PLAN AMENDMENT NO. 01-16; AND 3) APPROVING GENERAL PLAN LAND USE AMENDMENT NO. 01-16 AND ADOPTION OF SPECIFIC PLAN NO. 01-16, AMENDING THE GENERAL PLAN LAND USE MAP FROM R-D (RURAL DESERT) AND I-L (LIGHT INDUSTRIAL) TO “DESERT LAND VENTURES SPECIFIC PLAN” FOR 123.4 ACRE VACANT PROPERTY LOCATED ALONG THE NORTH SIDE OF INTERSTATE 10, ALONG BOTH SIDES OF VARNER ROAD, AND APPROXIMATELY ONE-HALF MILE WEST OF PALM DRIVE (APNS: 669-150-001 AND -002)

WHEREAS, an applicant (“Applicant”) to the City of Desert Hot Springs, California (“City”), is requesting that the City approve a General Plan Amendment and an amendment to the General Plan Land Use Map to re-designate certain properties from R-D (Rural Desert) and I-L (Light Industrial), to “Desert Land Ventures Specific Plan,” and adopt the Desert Land Ventures Specific Plan (the “Project”); and

WHEREAS, on February 13, 2018, and following a duly noticed public hearing, the City’s Planning Commission reviewed a staff report, environmental documentation, draft findings and public testimony, and based thereon, adopted a recommendation to the City Council to approve the Project; and

WHEREAS: a proposed project that results in significant impacts on the environment, and it is infeasible to reduce impacts to less than significant through project alternatives or mitigation measures, CEQA allows a public agency to approve the project only if the benefits of the project outweigh the unavoidable adverse environmental effects; and

WHEREAS, on April 12, 2018, a Statement of Overriding Considerations was prepared for City Council consideration; and

WHEREAS, the City Council has contemplated the economic, social, and technological, benefits of the proposed project against its unavoidable environmental risks in determining 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 April 17, 2018.

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 Land Ventures Specific Plan”;
- (c) Draft and Final Environmental Impact Report;
- (d) Staff Report;
- (e) Staff presentation at the public hearing conducted at the Planning Commission meeting;
- (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 transcript of the Planning Commission hearing 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 March 13, 2018, supporting and/or opposing the Project.

Section 2. ENVIRONMENTAL

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 several 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 may be approved, denied, or changes may be made by 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.

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 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.

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 Land Ventures 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 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.

Section 5. APPROVAL OF GENERAL PLAN AMENDMENTS AND ADOPTION OF SPECIFIC PLAN

The City Council hereby approves General Plan Amendment No. 01-16, and approves amendment of General Plan Land Use Map to designate the subject properties as shown on Figure 2-2 of the Desert Land Ventures Specific Plan as "Desert Land Ventures Specific Plan," and adopts the Desert Land Ventures 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.

Section 7. SEVERABILITY

That if any provision, section, paragraph, sentence or word of this Resolution 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 Resolution as hereby adopted shall remain in full force and effect.

Section 8. REPEAL OF CONFLICTING PROVISIONS

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 8. EFFECTIVE DATE

That this Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 13th of March, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

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