

RESOLUTION NO. 2018-_____

**GENERAL PLAN AMENDMENT NO. 02-18 AND
ZONING MAP AMENDMENT NO. 01-18**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 02-18 AND ZONING MAP AMENDMENT NO. 01-18 AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM R-R (RURAL RESIDENTIAL) TO C-N (COMMERCIAL NEIGHBORHOOD) AND AMENDING THE ZONING MAP ON A 9.1 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF PALM DRIVE AND CLAIRE AVENUE (APN: 657-050-003)

WHEREAS, Chester Allen (“Developer”) has requested a change of the land use designation for 9.1 acres of land located at the southwest corner of Palm Drive and Claire Avenue and having Assessor’s Parcel Number 657-050-003 (“Project Site”), from R-R (Rural Residential) to C-N (Commercial Neighborhood), through General Plan Amendment No. 02-18 (“GPA”), and change of zoning map for the Project Site through Zoning Map Amendment No. 01-18 (“ZMA”), as shown on Exhibit “A,” attached hereto and incorporated herein by this reference (together, the GPA and ZMA shall be referred to as the “Project”); and

WHEREAS, Developer intends to eventually develop the Project Site with a gas station, two drive-through restaurants, commercial/retail strip center, and a mixed-use office/warehouse facility; and

WHEREAS, the City Council has determined that the Project, which only changes the land use designation and map and does not propose any construction or require any improvements, is exempt from the California Environmental Quality Act (“CEQA”) Guidelines pursuant to Section 15061(b)(3), which provides for the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and does not apply where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

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

WHEREAS, on December 12, 2018, subsequent to receipt of the written recommendation of the Planning Commission, the City Council conducted a properly noticed public hearing to consider the Project, at which testimony and evidence, both written and oral, were presented to and considered by the City Council.

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

Section 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. ADMINISTRATIVE RECORD

That 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 Environmental Assessment;
- (c) Staff Report;
- (d) Staff presentation at the public hearing conducted at the Planning Commission meeting;
- (e) Testimony and/or comments from interested parties including Developer 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;
- (f) 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 December 12, 2018, supporting and/or opposing the Project.

Section 3. ENVIRONMENTAL

That the City Council has determined that the Project, which only changes the land use designation and map and does not propose any construction or require any improvements, is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, which provides for the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and does not apply where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 4. FINDINGS FOR GENERAL PLAN AMENDMENT AND ZONING MAP AMENDMENT

That the City Council has considered all of the evidence submitted into the administrative record for the proposed General Plan Amendment and Zoning Map Amendment and in accordance with Section 17.100.050 and 17.88.050 of the Desert Hot Springs Municipal Code, bases its approval on the findings set forth in the Staff Report accompanying this Resolution.

Section 5. APPROVAL OF GENERAL PLAN AMENDMENT AND ZONING MAP AMENDMENT

That the City Council hereby approve General Plan Amendment No. 02-18 and Zoning Map Amendment No. 01-18 to amend the Project Site designation from R-R (Rural Residential) to C-N (Commercial Neighborhood) and amend the zoning map.

Section 6. CERTIFICATION

That 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 9. 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 meeting duly held on the 12th of December, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

EXHIBIT “A”