

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING THE CITY'S ZONING MAP TO REFLECT A CHANGE IN LAND USE DESIGNATION FROM R-R (RURAL RESIDENTIAL) TO C-N (COMMERCIAL NEIGHBORHOOD) FOR APN 657-050-003 LOCATED AT THE SOUTHWEST CORNER OF PALM DRIVE AND CLAIRE AVENUE IN THE CITY OF DESERT HOT SPRINGS.

WHEREAS, the City of Desert Hot Springs ("City") has a responsibility to plan and regulate the use of property within the City's jurisdictional boundaries; and

WHEREAS, the City has received an application to amend the "City of Desert Hot Springs Official Land Use Zoning District Map," through the adoption of Zoning Map Amendment 01-18 ("ZMA 01-18" or the "Project"), for a vacant 9.1-acre property having Assessor's Parcel Number (657-050-003 ("Subject Site"), as well as the supporting approval of a General Plan Amendment (GPA 02-18); and

WHEREAS, the City Council desires to amend the "City of Desert Hot Springs Official Land Use Zoning District Map," through the adoption of ZMA 01-18 to change the land use designation of the Subject Site from R-R (Rural Residential) to C-N (Commercial Neighborhood), to provide a comprehensive set of zoning regulations to facilitate the development of the Subject Site, while at the same time ensuring that such development does not conflict with the City's 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 the amended "Official Land Use Zoning District Map" has been adequately evaluated in accordance with the applicable provisions of the California Environmental Quality Act ("CEQA"), and that the City Council hereby certifies the exemption, pursuant to Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 *et seq.* (the "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

WHEREAS, the City Council finds this amendment to the "Official Land Use Zoning District Map" 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, this amendment to the "Official Land Use Zoning District Map" is compatible with the general objectives of the General Plan, in that the subject uses and standards conform with goals, policies and standards of the General Plan; and

WHEREAS, on November 13, 2018, the City's Planning Commission held a public hearing, considered this Ordinance, and made a positive recommendation to the City Council; and

WHEREAS, on February 19, 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) 2018 CEQA Guidelines & Statutes;
- (d) Testimony and/or comments from all persons including the applicant and its representatives submitted to the City in both written and oral form at, or prior to, the public hearings conducted at the Planning Commission and City Council meetings;
- (e) Planning Commission's recommendation; and
- (f) Public comments, both written and oral, received and/or submitted at, or prior to, the public hearings conducted at the November 13, 2018, Planning Commission meeting and the February 19, 2019, City Council meeting, in connection with City Council's consideration of this Ordinance.

Section 3. AMENDMENT OF THE "OFFICIAL LAND USE ZONING DISTRICT MAP" LAND USE DESIGNATION

That the City Council hereby approve ZMA 01-18 to amend the Subject Site's land use designation from R-R (Rural Residential) to C-N (Commercial Neighborhood).

Section 4. ENVIRONMENTAL FINDINGS

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 5. GENERAL PLAN CONSISTENCY FINDINGS

That the City Council finds this amendment to the "Official Land Use Zoning District Map" is compatible with the general objectives of the General Plan and any applicable

specific plan, in that the subject uses and/or development would be subject to a discretionary review and approval by the City for all development within the Subject Site, and will be subject to an evaluation for consistency with the development standards of that zone and conformance to the City's General Plan, and in that any uses and/or development will be subject to strict review, condition of approval, and compliance with the California Environmental Quality Act.

Section 6. GENERAL FINDINGS

That the City Council finds this amendment to the "Official Land Use Zoning District Map" is not detrimental to the public interest, health, safety, convenience, or welfare of the City; and,

That the City Council finds this amendment to the "Official Land Use Zoning District Map" is internally consistent with the General Plan; and,

That the City Council finds this amendment to the "Official Land Use Zoning District Map" would maintain the appropriate balance of land uses within the City; and,

That the City Council finds that 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).

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. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 11. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading by the City Council.

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The foregoing Ordinance was approved and adopted at a meeting of the City Council held on February 19, 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**