

RESOLUTION NO. _____

GENERAL PLAN AMENDMENT NO. 01-19 AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, 1) FINDING THAT THE PROJECT DESCRIBED HEREIN IS EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTIONS 15000 *ET SEQ.* (THE “GUIDELINES”), AND 2) APPROVING GENERAL PLAN AMENDMENT NO. 01-19 AND ZONING MAP AMENDMENT NO. 01-19 AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM R/VS-L (RESIDENTIAL VISITOR SERVING LOW DENSITY) & R-L (LOW DENSITY RESIDENTIAL) TO V-S-V (VISITOR SERVING VILLAGE)

WHEREAS, Courtney Moe (“Property Owner”) has requested a change of the land use designation for the eleven (11) parcels located on 110 acres of land on both sides of Yerxa Road north of San Gorgonio Street. Assessor’s Parcel Numbers: 656-140-002, 005, 007, 011, 016, 014, 018 & 656-255-003, 005, 007 & 656-150-011 from R/VS-L (Residential Visitor Serving Low Density) and R-L (Low Density Residential) to V-S-V (Visitor Serving Village) and change of zoning map for the Project Site through Zoning Map Amendment No. 01-19 (“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 site with a health and wellness resort hotel and spa, with a restaurant, gym, hot springs, pool, spa, group meeting areas, teepees, and other ancillary structures and uses related to the resort hotel; and

WHEREAS, the City Council has determined that the Project, which only changes the land use designation and zoning 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 September 10, 2019, 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 November 19, 2019, 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) Any and all environmental documents, including exemptions;
- (c) Staff Report;
- (d) Staff presentation, Testimony and/or comments from interested parties including Developer and its/his/her 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) 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 November 19, 2019t.

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

That 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 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 as follows.

General Plan Amendment Findings:

- (a) *That the proposed Project is internally consistent with the General Plan;*

The proposed amendment has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations from R/VS-L & R-L (Residential Visitor Serving Low Density & Low Density Residential) to V-S-V (Visitor Serving Village) to allow for future development of a resort hotel and spa with ancillary uses and amenities would be allowed on the northern portion of the project site under the current Zoning & General Plan land use designation (R/VS-L). The southern portion of the property is owned by

the same property owner and currently has a designation of R-L (low density residential). Both the northern and southern portions are currently being utilized as a large ranch style residential oasis with many structures including guest houses, a gym, several wells, a lake, and entertainment areas, along with many other amenities. The zoning on the southern portion would allow for a bed & breakfast (with a conditional use permit); similar properties of this size, which are zoned R-E (Residential Estate), allow for development of resort hotels with a Conditional Use Permit. The City is currently updating the Citywide General Plan and the intention is to change the General Plan land use designations of this project site to V-S, which would allow for development of the site with resort hotels and spas. Although the Citywide Comprehensive General Plan Update has not yet been adopted, the land in question for the proposed future development of the site with a health & wellness resort hotel and spa business and has determined that the low-density nature of the proposed use as well as the large setbacks and minimal heights of structures makes the proposed project more consistent with the current land use designations and with what the City is considering as the best use of the property. The applicant also has the desire to remove the split zoning that currently exists on the project site to enable development the site with a harmonious project that will utilize the hot mineral water resources, provide a benefit to the community and will help to bolster tourism in the City.

The proposed amendments to the City's Zoning Map, and to the General Plan land-use designation for this site, is not internally inconsistent with the current, adopted General Plan.

- (b) *That the proposed Project would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment from R/VS-L & R-L (Residential Visitor Serving Low Density & Low Density Residential) to V-S-V (Visitor Serving Village) to allow for future development of a resort hotel and spa with ancillary uses has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations is consistent with the City's intention to use the Bubbling Wells Ranch area for future resort hotel and spa uses with ancillary commercial businesses. The project site has nearly 108 acres, of which most will be left vacant and undisturbed providing a low density and intensity as part of the characteristics of any future development. This type of lower intensity development will also help to provide open spaces between nearby residential units. The project will also utilize lower building heights by occupying existing structures which will help to preserve scenic viewsheds. The proposed conceptual plan and the current request for changes in land use designations and has determined that the current applications will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Also of note, is that any future development (applications) would be subject to a discretionary review and would be evaluated based on compatibility with surrounding uses including design characteristics, site planning, access, impacts, aesthetics, viewsheds, building heights, setbacks, adequate/required parking, as well as a host of other characteristics, all to ensure the project's compatibility with the neighboring properties and that any potential impacts are mitigated to a level of "less than significant".

Any future development project would also include provisions for public and private improvements to address vehicular circulation, including emergency services, as well as

drainage, air quality, and other environmental factors. The proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

- (c) *That the proposed Project would maintain the appropriate balance of land uses within the City;*

The proposed amendment has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations from R/VS-L & R-L (Residential Visitor Serving Low Density & Low Density Residential) to V-S-V (Visitor Serving Village) to allow for future development of a resort hotel and spa with ancillary uses introduces uses which would be compatible with some of the surrounding, and existing land uses. The location, in a largely vacant area south of the existing Two Bunch Palms Resort and near the hot water resources produced by the San Andreas fault, is an appropriate location for this type of development and is consistent with the City's intention to use the area for Visitor Serving Commercial activities. The City is currently evaluating the subject land for just such uses as part of the Comprehensive General Plan Update. A change in land use designation to V-S-V would maintain an appropriate balance of land uses within the City..

- (d) *That in the case of the amendment to the General Plan Land Use Map, the subject parcel(s) are 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); and*

The proposed amendment from R/VS-L & R-L (Residential Visitor Serving Low Density & Low Density Residential) to V-S-V (Visitor Serving Village) to allow for future development of a resort hotel and spa with ancillary uses has been evaluated against the General Plan of the City of Desert Hot Springs to identify any potential internal inconsistencies. The proposed change in land use designations is consistent with the City's intention to use the Bubbling Wells Ranch area for future resort hotel and spa uses with ancillary commercial businesses. The project site has nearly 108 acres, of which most will be left vacant and undisturbed providing a low density and intensity as part of the characteristics of any future development. This type of lower intensity development will also help to provide open spaces between nearby residential units. The project will also utilize lower building heights by occupying existing structures which will help to preserve scenic viewsheds. The proposed conceptual plan and the current request for changes in land use designations and has determined that the current applications will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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Any future development project would also include provisions for public and private improvements to address vehicular circulation, including emergency services, as well as

drainage, air quality and other environmental factors. The proposal would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The proposed uses of the property are physically suitable for the proposed health and wellness- related resort hotel and spa that the applicant has suggested. The site will provide access to existing sewer, water, and electric infrastructure. Staff would like to note that the City would benefit from the taxes that future business would generate and that there is the potential to bring some free advertising to the City as a world-class resort destination. The increased tourism would also likely bring additional patrons to our local businesses.

- (e) *The proposed General Plan Amendment was circulated in compliance with Senate Bill 18 and no significant issues identified.*

The General Plan Amendment is subject to review by local Native American Tribal organizations, under Senate Bill 18 (SB 18) requirements. Per SB 18 requirements, the Community Development Department sent notice to the potentially affected Native American Tribes, identified by the Native American Heritage Commission, requesting their response within 90 days for formal consultation. The request for consultation period began on August 15, 2019 and concluded on November 15, 2019 (November 13, 2019 is 90 days; notice is deemed received 2 days after mailing). The local tribes typically only request consultation to periodically review our standard conditions of approval to make sure there are mitigation measures and conditions that will protect cultural and historic resources and notify them in the event that something is found during ground disturbance activities. As of this writing, staff has not received any comments or requests for consultation.

Section 5. APPROVAL OF GENERAL PLAN AMENDMENT

That the City Council hereby approves General Plan Amendment No. 01-19 to amend the Project Site designation from R/VS-L (Residential Visitor Serving Low Density) and R-L (Low Density Residential) to V-S-V (Visitor Serving Village) 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.

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PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a meeting duly held on the 19th of November, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

EXHIBIT “A”

