

ORDINANCE NO. _____

AN ORDINANCE 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"), 2) AND AMENDING THE CITY'S ZONING MAP 01-19 TO REFLECT A CHANGE IN ZONING MAP FROM R/VS-L (RESIDENTIAL VISITOR SERVING LOW DENSITY) & R-L (LOW DENSITY RESIDENTIAL) TO V-S-V (VISITOR SERVING VILLAGE) FOR THE 108 ACRE SITE LOCATED AT ON THE BUBBLING WELLS RANCH SITE ON BOTH SIDES OF YERXA ROAD NORTH OF SAN GORGONIO STREET (APN'S: 656-140-002, 005, 007, 011, 016, 014, 018 & 656-255-003, 005, 007 & 656-150-011)

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 ORDAIN 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, 2019.

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 ZONING MAP AMENDMENT

That the City Council has considered all of the evidence submitted into the administrative record for the proposed Zoning Map Amendment and in accordance with Section 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.

Zoning Map Amendment Findings

- A. The proposed amendment is 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. It is also noteworthy that 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 has been evaluated and City Council determines 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. The amendment 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 current applications will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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.

Section 5. APPROVAL ZONING MAP AMENDMENT

That the City Council hereby approves Zoning Map 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 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.

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:

ABSTAIN:

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

EXHIBIT "A"

