

Resolution No. PC-2020-003

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS 1) AMENDING OR ADDING THE FOLLOWING CHAPTERS OF THE DESERT HOT SPRINGS MUNICIPAL CODE: A) 17.04.050 “DEFINITIONS”; B) 17.08 “RESIDENTIAL DISTRICTS”; 4) 17.12 “COMMERCIAL DISTRICTS”; D) 17.14 “MIXED USE DISTRICTS”; E) 17.16 “INDUSTRIAL DISTRICTS”; F) 17.64 “ADMINISTRATION”; G) 17.74 “ADMINISTRATIVE CONDITIONAL USE PERMITS” AND 2) AMENDING THE ZONING MAP IN ACCORDANCE WITH ZONING AMENDMENT NO. ZA-20-1.”

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 of Desert Hot Springs (“Applicant or City”), is requesting to approve a General Plan Update and an amendment to the General Plan Land Use Map to update the General Plan and re-designate several properties in the City (the “Project”); and

WHEREAS, the City, acting as Lead Agency, has reviewed a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed Project and determined that, following the implementation of certain mitigated measures, the requested General Plan Amendment will not have a significant impact on the environment; and

WHEREAS, on May 12, 2020, 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, said Project was submitted for consideration to the City Council for decision following a duly noticed public hearing on February 14, 2020; and

WHEREAS, the Desert Hot Springs Municipal Code (“DHSMC”) provides for the adoption of General Plans and related actions, as follows:

- Chapter 17.88 provides for the adoption of Zoning Ordinance Amendments;
 - Chapter 17.100 provides for the adoption of General Plan Amendments;
- and

WHEREAS, the City Council desires to amend the various Chapters of the DHSMC to provide a comprehensive set of zoning regulations to facilitate the development of the City; and

WHEREAS, the Planning Commission recommends to the City Council that it finds

that the adoption of this proposed Ordinance has been adequately evaluated by an Environmental Impact Report prepared in accordance with the applicable provisions of the California Environmental Quality Act (CEQA), and that the City Council certified an Environmental Impact Report and Mitigation Monitoring Program prepared from the Initial Study; and

WHEREAS, the propose adoption of this Ordinance is compatible with the general objectives of the General Plan; and

WHEREAS, the City's Planning Commission held a public hearing on May 12, 2020, considered this Ordinance (along with the Project), and made a positive recommendation to the City Council.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. RECITALS.

The Recitals are true and correct and are hereby incorporated by this reference.

Section 2. EVIDENCE

That the Planning Commission 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) All of the environmental documents;
- (d) Testimony and/or comments from all persons submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission;
- (e) Planning Commission's recommendation; and
- (f) Public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this Ordinance.

SECTION 3. PROPOSED ORDINANCE

The Planning Commission recommends that the City Council adopt the proposed Ordinance, as attached hereto as Exhibit "A."

Section 4. SEVERABILITY

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 5. EXECUTION AND CERTIFICATION

The Planning 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.

[END OF PAGE]

The foregoing Resolution was approved and adopted at a meeting of the Planning Commission held on May 12, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Larry Buchannan, Mayor

ATTEST:

Planning Clerk

APPROVED AS TO FORM:

**Jennifer A. Mizrahi,
City Attorney**

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS 1) AMENDING OR ADDING THE FOLLOWING CHAPTERS OF THE DESERT HOT SPRINGS MUNICIPAL CODE: A) 17.04.050 “DEFINITIONS”; B) 17.08 “RESIDENTIAL DISTRICTS”; 4) 17.12 “COMMERCIAL DISTRICTS”; D) 17.14 “MIXED USE DISTRICTS”; E) 17.16 “INDUSTRIAL DISTRICTS”; F) 17.64 “ADMINISTRATION”; G) 17.74 “ADMINISTRATIVE CONDITIONAL USE PERMITS” AND 2) AMENDING THE ZONING MAP IN ACCORDANCE WITH ZONING AMENDMENT NO. ZA-20-1.

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 of Desert Hot Springs (“Applicant or City”), is requesting to approve a General Plan Update and an amendment to the General Plan Land Use Map to update the General Plan and re-designate several properties in the City (the “Project”); and

WHEREAS, the City, acting as Lead Agency, has reviewed a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed Project and determined that, following the implementation of certain mitigated measures, the requested General Plan Amendment will not have a significant impact on the environment; and

WHEREAS, on May 12, 2020, 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, said Project was submitted for consideration to the City Council for decision following a duly noticed public hearing on ____; and

WHEREAS, the Desert Hot Springs Municipal Code (“DHSMC”) provides for the adoption of General Plans and related actions, as follows:

- Chapter 17.88 provides for the adoption of Zoning Ordinance Amendments;
 - Chapter 17.100 provides for the adoption of General Plan Amendments;
- and

WHEREAS, the City Council desires to amend the various Chapters of the DHSMC to provide a comprehensive set of zoning regulations to facilitate the development of the City; and

WHEREAS, the City Council finds that the adoption of this proposed Ordinance has been adequately evaluated by an Environmental Impact Report prepared in accordance with the applicable provisions of the California Environmental Quality Act (CEQA), and that the City Council certified an Environmental Impact Report and Mitigation Monitoring Program prepared from the Initial Study; and

WHEREAS, the City Council finds this Ordinance is for the convenience and general welfare of the City; and

WHEREAS, the propose adoption of this Ordinance is compatible with the general objectives of the General Plan; and

WHEREAS, the City's Planning Commission held a public hearing on May 12, 2020, considered this Ordinance (along with the Project), and made a positive recommendation to the City Council; and

WHEREAS, on __, the City Council concluded the public hearings and considered this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS.

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) All of the environmental documents;
- (d) Testimony and/or comments from all persons submitted to the City in both written and oral form at, or prior to, the public hearing conducted at the Planning Commission;
- (e) Planning Commission's recommendation; and
- (f) Public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this Ordinance.

SECTION 3. AMENDING 17.04.050 “DEFINITIONS”; B) 17.08 “RESIDENTIAL DISTRICTS”; 4) 17.12 “COMMERCIAL DISTRICTS”; D) 17.14 “MIXED USE DISTRICTS”; E) 17.16 “INDUSTRIAL DISTRICTS”; F) 17.64 “Administration”; AND G) 17.74 “ADMINISTRATIVE CONDITIONAL USE PERMITS” AS IN EXHIBIT “A”

The following chapters of the DHSMC are amended as pursuant to Exhibit “A”, which Exhibit is incorporated herein by this reference.

1. 17.04.050 “Definitions”;
2. 17.08 “Residential Districts”;
3. 17.12 “Commercial Districts”;
4. 17.14 “Mixed Use Districts”;
5. 17.16 “Industrial Districts”;
6. 17.64 “Administration”; and
7. 17.74 “Administrative Conditional Use Permits”

Section 4. CITY’S ZONING MAP, AS IN EXHIBIT “B”

The City’s Zoning Map is amended as pursuant to Exhibit “B”, which Exhibit is incorporated herein by this reference.

Section 5. ENVIRONMENTAL FINDINGS

Based upon the Environmental Impact Report (EIR), the comments received thereon, and the record before the City Council, the City Council hereby finds that the EIR prepared for the Project represents the independent judgment of the City and incorporates the environmental findings contained in the Resolution titled, “A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, 1) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT; 2) ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND 3) APPROVING GENERAL PLAN AMENDMENT AND LAND USE MAP NO. GPA-20-1, AMENDING THE GENERAL PLAN AND LAND USE MAP FOR SEVERAL PROPERTIES IN THE CITY.”

Section 6. GENERAL PLAN CONSISTENCY FINDINGS

The City Council finds this amendment is compatible with the general objectives of the General Plan, as amended, in that the subject uses would be conditionally permitted or permitted in the zones.

Section 7. GENERAL FINDINGS

The City Council finds this Ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 8. SEVERABILITY

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 9. AMENDING OF BAIL SCHEDULE

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 10. EXECUTION AND CERTIFICATION

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 11. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

[END OF PAGE]

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on __, 2020, 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**