ORDINANCE 623-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A PROPOSED GENERAL PLAN AMENDMENT FROM A RESIDENTIAL MEDIUM DENSITY (RM) DESIGNATION TO A HIGHWAY COMMERCIAL (CH) DESIGNATION FOR THE PARCEL LOCATED AT 3353 NEEDLES HIGHWAY ALSO KNOWN AS APN 0660-101-32

WHEREAS, Shawn Illingsworth, representative for Fluid Holding LLC, submitted an application requesting a General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also known as APN 0660-101-32.

WHEREAS, Government Code Section 65860 requires that the General Plan designation and Zoning Code are consistent; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on June 12, 2019 and notices were sent to property owners within a 300 foot radius of the subject property specifying the date, time and location of the public hearing; and

WHEREAS, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the General Plan Amendment (GPA); and

WHEREAS, on June 19, 2019 the Needles Planning Commission approved RESOLUTION 06-19-2019 PC, recommending City Council approval of a General Plan Amendment and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing for a General Plan Amendment; and

WHEREAS, the matter was scheduled for a public hearing at the July 9, 2019 City Council meeting; and

WHEREAS, on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for a General Plan Amendment; and

WHEREAS, Section 116.00(d) of the Needles City Code describes the findings required to approve a General Plan Amendment; and

WHEREAS, California Government Code Section 65860 describes the findings required to approve a General Plan Amendment; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

8-13-19 #16

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

1) the project site was not considered to be infill due to its location;

2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment.

Based on that determination, the IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies for a 30-day public review and comment period starting on April 29, 2019.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project.

The public review period for comments on the proposed adoption of the MND closed on May 29, 2019. Comments were received from the California Department of Food and Agricultural (CDFA) and California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in Appendix H of the Final MND. Changes, including those that reflect changes due to the comments received, that were made to the Draft MND are shown in the Final MND in track changes. These changes do not constitute new significant information that would require the revision and recirculation of the MND.

Pursuant to AB 52, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation. Letters were sent to five tribes and only the 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested that a Tribal monitor be present at each site while any type of excavation activity is occurring.

SECTION 2. The City Council HEREBY FINDS AND DETERMINES, with reports and findings in compliance with Chapter 3, Subsection 65860 of the California Government Code and of evaluation of goals and policies contained in the General Plan that facts do exist to approve a General Plan Amendment.

1. That the amendment or plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof;

FINDING: The proposed General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation would be consistent

with the elements, goals and policies of the General Plan related to Highway Commercial uses.

This because the subject parcel with a current RM designation would permit uses (i.e., residential development) that would otherwise not be permitted under the subject parcel's current Zoning designation Highway Commercial (C-3). Furthermore, over the span of several decades, the City has processed and approved more Zone Change applications than General Plan Amendments for the same amount of area throughout the City. The purpose of this was mainly intended for, 1) attracting development and, 2) expediting the process of development permits. As a result of this process, the area bounded by Park Road, Needles Highway and Interstate 40 (including the subject parcel), which totals roughly 451 acres has a number of sites where there's an inconsistency between the General Plan land use (RM) and the current Zoning designation (C-3). A proposed General Plan Amendment for any parcel in this area in proposing a similar land use designation in matching with the area's current zoning designation, will eventually return to a consistency pattern between General Plan land use and Zoning. Therefore, the proposed General Plan Amendment would not be inconsistent with the intent of the goals and policies of the General Plan as a whole, or with individual elements.

2. *That the amendment or plan is necessary to prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

FINDING: The proposed General Plan Amendment is necessary as the subject parcel's current designated land use (RM) conflicts with its current zoning designation (C-3). The proposed General Plan Amendment would eliminate this conflict by providing matching permissible land uses found in the C-3 Zoning designation.

Furthermore, and hypothetically, if the Applicant were to instead propose a Zone Change to a residential designation (i.e., RM), the end result would be consistent between General Plan and Zoning designation, however would create an island of spot zoning in the entire 451 acre area of land as discussed in Finding A as the rest of the area is zoned for commercial uses. Therefore, the proposed General Plan Amendment is necessary in order to prescribe reasonable controls and standards for its affected land use.

3. *That the amendment or plan is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species;*

FINDING: The proposed GPA, is necessary in order to provide reasonable property development rights in a commercial zone. As discussed in Finding B, the subject parcel would be restricted to commercial development under its current C-3 zoning designation and does not permit residential development even though with a current RM designated land use.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **ORDINANCE 623-AC.**

SECTION 4. The City Council HEREBY APPROVES **ORDNANCE 623-AC**, approving a General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also Known as APN 0660-101-32.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES: Councilmembers Gudmundson, Terral, Paget and Belt
NOES: None
ABSENT: Councilmember Hazlewood
ABSTAIN: Councilmember Longacre out of room

Mayor

(Seal) **Attest:** Dale Jones
City Clerk

Approved as to form:

City Attorney

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS

NOES:
ABSENT:
ABSTAIN:

Mayor

(seal)

ATTEST:
City Clerk

APPROVED AS TO FORM:

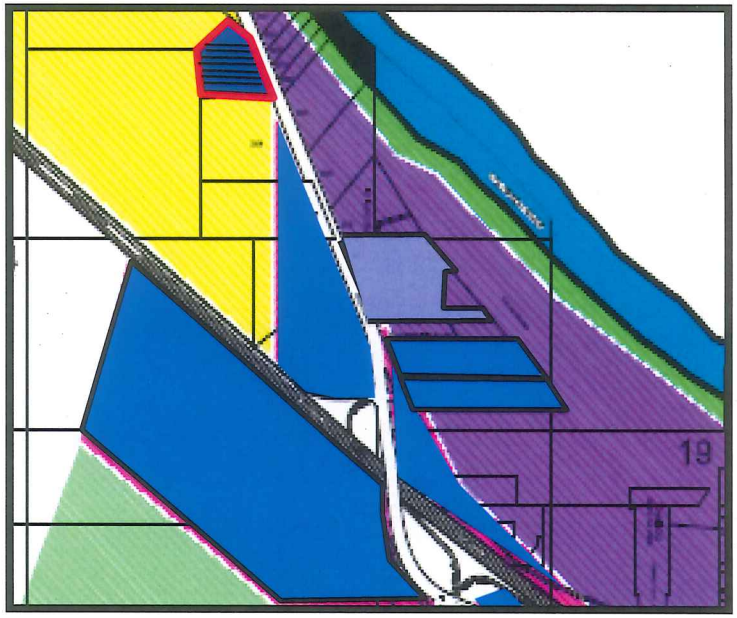
City Attorney

Existing Designations

- Highway Commercial
- Resort Commercial
- Parks / Recreation Commercial
- Medium Density Residential
- Project Site

Proposed Designations

- Highway Commercial
- Resort Commercial
- Parks / Recreation Commercial
- Medium Density Residential
- Project Site



ATTACHMENT: B—GENERAL PLAN AMENDMENT

APPLICANT: SHAWN ILLINGWORTH, FLUID HOLDING

ADDRESS: 3353 NEEDLES HIGHWAY