

ORDINANCE NO. 1398

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING A CHANGE OF ZONE FROM PC-4 TO PC-2 FOR THE PROPERTY LOCATED ON PARCEL 1 OF PARCEL MAP NO 36614 AT 72221 HIGHWAY 111 (ASSESSOR'S PARCEL NUMBER 640-020-054) CASE NO. CZ23-0001

WHEREAS, 72221 Highway 111 ("Applicant"), submitted a request to change the zoning designation of a 1.34-acre parcel located at 72221 Highway 111, legally described as Parcel 1 of PM 36614 from Resort Planned Commercial (PC-4) to District Planned Commercial (PC-2); and

WHEREAS, the Project site has a land use designation of Suburban Retail Center in the Palm Desert General Plan adopted on November 10, 2016, and a zoning designation of Resort Commercial Center (PC-4); and

WHEREAS, the Project site has been developed with existing improvements, which generally consist of a multi-tenant commercial building and related parking lot and landscaping; and

WHEREAS, the Project site is adequately served by existing public utilities and services; and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and the City of Palm Desert's ("City's") Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, under Palm Desert Municipal Code (PDMC) Chapter 25.02 establishes that the Suburban Retail Center General Plan land use designation is implemented by the District Commercial Center (PC-2) zoning designation; therefore, consistent with the 2016 Palm Desert General Plan; and

WHEREAS, the proposed Change of Zone will not render the existing improvements on the site or land uses nonconforming with any applicable Palm Desert Zoning Ordinance standards; and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and the City of Palm Desert's ("City's") Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, the Project has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2019-41, in that the Director of Development Services has determined that the Project will not have a foreseeable significant impact on the environment and that the Project is eligible for an

ORDINANCE NO. 1398

exemption exempt Section 15061(b)(3) General Rule of the CEQA Guidelines; therefore, no further environmental review is necessary at this time; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 18th day of July 2023, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request and did adopt Resolution No. 2837 recommending approval to the Palm Desert City Council; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 24th day of August 2023, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request; and

WHEREAS, at the said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, the City Council did find the following facts and reasons exist to justify approval of said request:

WHEREAS, all other legal prerequisites to the presentation of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Adoption of Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. The Change of Zone is identified in "Exhibit A".

SECTION 3. General Plan Consistency. The City Council hereby finds that the proposed zone change to PC-2 is consistent with the City of Palm Desert General Plan.

SECTION 4. CEQA. The application has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2019-41, in that the Planning Commission finds that the Project is an exemption from CEQA per Section 15061(b)(3) of the CEQA guidelines as the Project is a determination on whether a use that is not listed shall be deemed a conditional use. No direct, foreseeable impact on the environment can be identified at this time.

SECTION 5. Severability. If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 6. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in

ORDINANCE NO. 1398

full force and effective thirty (30) days after its adoption.to the Commission shall attest and certify to the passage and adoption thereof.

ADOPTED ON _____.

KATHLEEN KELLY
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Ordinance No. 1398 is a full, true, and correct copy, and was introduced at a regular meeting of the City Council of the City of Palm Desert on August 24, 2023, and adopted at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK

EXHIBIT A

