

ORDINANCE NO. 1431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESEERT, CALIFORNIA APPROVING A GENERAL PLAN AMENDMENT FROM SMALL TOWN NEIGHBORHOOD TO NEIGHBORHOOD CENTER FOR A 2.21 ACRE PROPERTY ON THE NORTHWEST CORNER OF FRED WARING DRIVE AND FAIRHAVEN AVENUE AND MAKING A FINDING OF EXEMPTION UNDER CEQA. (ASSESSOR'S PARCEL NUMBER 640-040-016)

CASE NOS. GPA24-0001

WHEREAS, Dignity Investment Group ("Applicant"), submitted a request to change the general plan land use designation and zoning designation of a 2.21-acre parcel located at the northwest corner of Fred Waring Drive and Fairhaven Avenue from Small Town Neighborhood to Neighborhood Center and Planned Residential – 7 units per acre to Office Professional, respectively; and

WHEREAS, the Project site has a land use designation of Small Town Neighborhood in the Palm Desert General Plan adopted on November 10, 2016, and a zoning designation of Planned Residential – 7 units per acre (PR-7); and

WHEREAS, the Project Site has been developed with existing improvements which generally consist of a single unoccupied building previously occupied by a church, related parking lot and landscaping, and is adequately served by existing public utilities and services; and

WHEREAS, the proposed General Plan Amendment would not create any nonconforming uses or structures on site; and

WHEREAS, the proposed General Plan Amendment and Change of Zone would allow the site to remain suitable for residential uses at a maximum density of 15 units per acre; and

WHEREAS, the proposed General Plan Amendment and Change of Zone would make the land use consistent with the adjacent property to the west and allow the site to continue existing vehicular connectivity to said project site; 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, pursuant to the requirements of the CEQA, the State Guidelines for Implementation of CEQA (State CEQA Guidelines), and the City of Palm Desert CEQA Implementation Requirements, the City of Palm Desert Development Services Department has determined that the Project will not have a significant impact on the

environment and that the Project is categorically exempt under Article 19, Section 15301 Existing Facilities (Class 1) of the CEQA Guidelines; therefore, no further environmental review is necessary; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 20th day of May 2025, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request and adopted Planning Commission Resolution 2891 recommending the City Council approve said Project; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 26th day of June 2025, 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 Planning Commission did find the following facts and reasons, which are outlined in the staff report, exist to justify approval of said request:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, as follows:

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

SECTION 2. General Plan Amendment. As required by Palm Desert Municipal Code "PDMC" Section 25.78.070, the following findings to approve a General Plan Amendment:

There is a substantial public benefit to be derived from such amendment and the proposed amendment furthers the goals of the General Plan.

The General Plan Amendment (GPA) is in the public's interest as it will maintain the character of Fred Waring Drive by creating consistency in General Plan land use designation on the north side of Fred Waring, west of Fairhaven Drive. The project site has existed for decades as the site of a church with a parking lot that connects to an existing medical office park directly to the west. The existing General Plan land use allows for residential uses. The proposed General Plan Land use designation allows the site to establish non-residential uses that serve the needs of the neighborhood, meanwhile retaining its ability to have residential uses. The intent of Neighborhood Center is to provide a concentration of commercial businesses and civic amenities within walking and biking distances of neighborhoods, and the location off Fred Waring where this project site is located is ideal for this designation and uses based off its proximity to surrounding residential and a major thoroughfare (Fred Waring).

SECTION 3. CEQA Determination. The City Council finds that the Project is exempt from CEQA per Section 15301 of the CEQA Guidelines as the Project is a Class 1 Exemption for "Existing Facilities" development. Class 1 applies to projects involving

the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use. The proposed project change of land use would impact existing facilities and allow for their operation with additional uses. Additionally, the Project does not qualify for any of the exceptions pursuant to Article 19 of the CEQA Guidelines Section 15300.2 for "Exceptions."

SECTION 4. General Plan Amendment. The City Council approves the General Plan Amendment presented, as depicted in Exhibit "A."

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. Posting and Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish a summary of 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 full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2025.

JAN C. HARNIK
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

Ordinance No. 1431

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1431 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on June 26, 2025, and adopted at a regular meeting of the City Council held on _____, 2025, by the following vote:

AYES:

NOES:

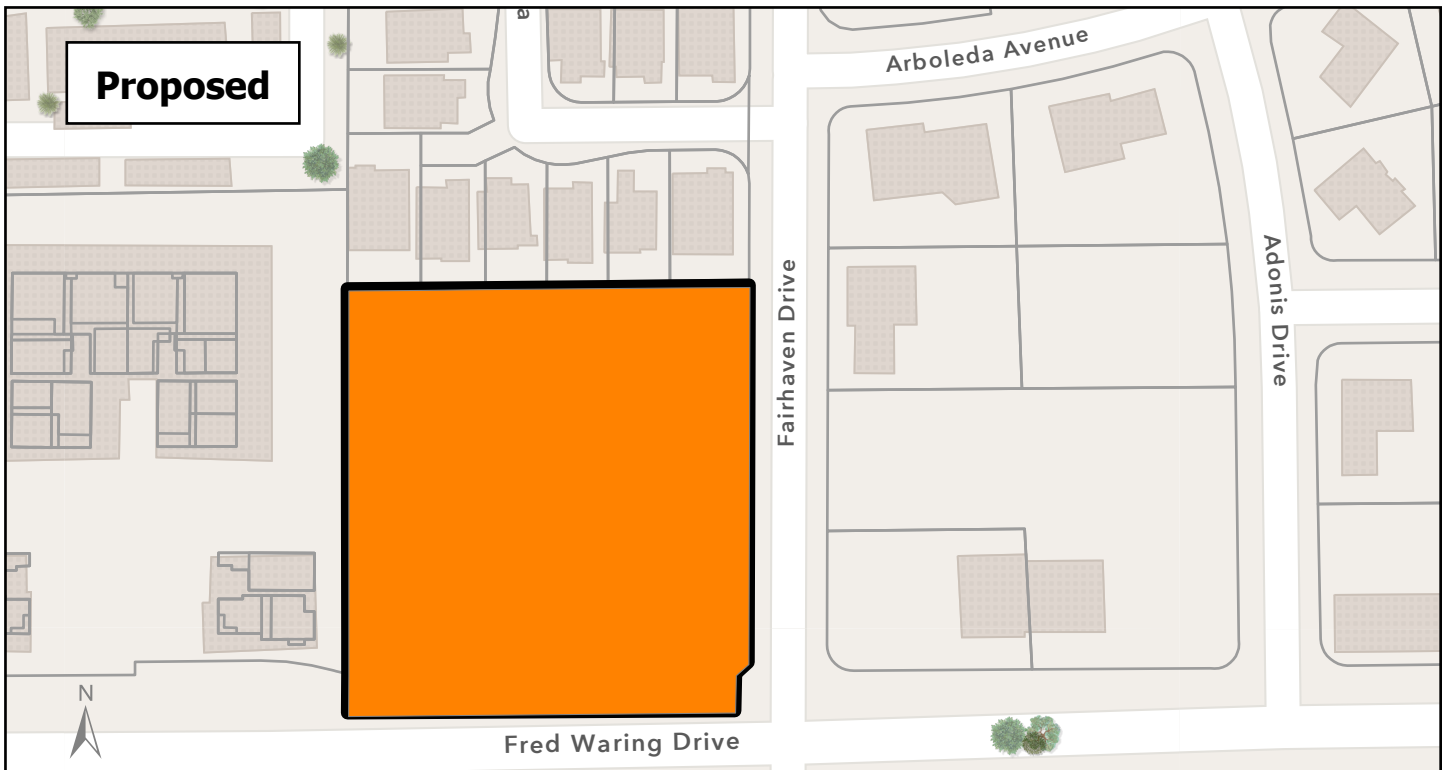
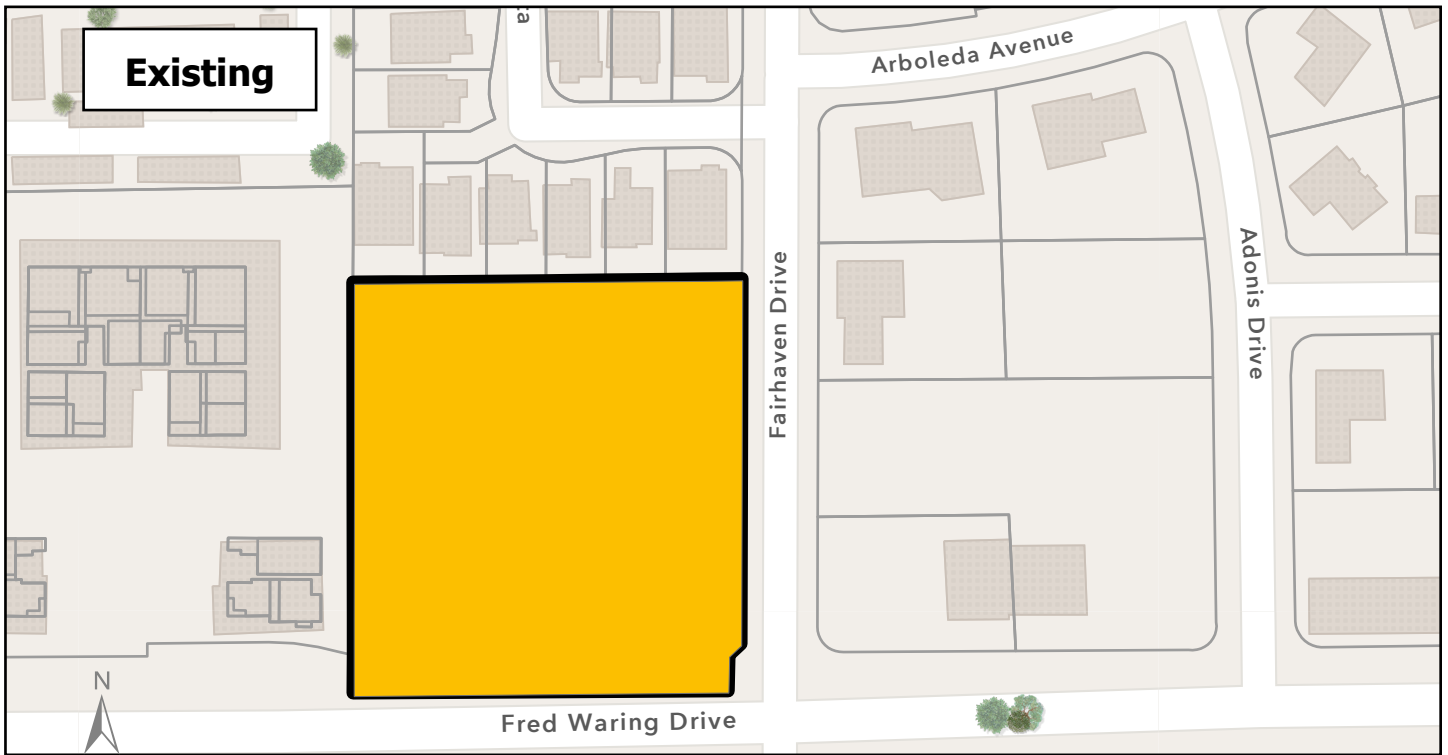
ABSENT:

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



Proposed General Plan Land Use Change for APN: 640-040-016

From Small Town Neighborhood to Neighborhood Center

Small Town Neighborhood

 Neighborhood Center

