

ORDINANCE NO. 1436

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESEERT, CALIFORNIA APPROVING A ZONING ORDINANCE AMENDMENT TO MODIFY TITLE 25 (ZONING) OF THE PALM DESERT MUNICIPAL CODE TO ADD SINGLE FAMILY RESIDENTIAL AND DAY CARE CENTERS AS AN ALLOWED LAND USE TYPE AND MAKING A FINDING OF EXEMPTION UNDER CEQA.

CASE NOS. ZOA25-0001

WHEREAS, Government Code Section 65800 et seq. provides for the amendment of any and all adopted City of Palm Desert (“City”) zoning laws, ordinances, rules and regulations;

WHEREAS, the Zoning Ordinance Amendment (“Project”) is initiated by the City of Palm Desert Development Services Department and modifies Title 25 (Zoning) of the Palm Desert Municipal Code to add single family residential and day care centers as allowed land use types; and

WHEREAS, the City has complied with the requirements of the Local Planning and Zoning Law (Government Code section 65100 et seq.), and the City’s applicable ordinances and resolutions with respect to approval of amendments to Title 25 of the Palm Desert Municipal Code (“Zoning Ordinance”); and

WHEREAS, the proposed Project would not create any nonconforming uses or structures and makes the Municipal Code and General Plan consistent with existing structures and uses; 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 under Section 15061(b)(3) General Rule of the CEQA Guidelines 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 15th day of July 2025, hold a duly noticed public hearing to consider the request for approval of the above-noted Project request and adopted Planning Commission Resolution 2895 recommending the City Council approve said Project; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 28th of August, 2025, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request and approved Council

Resolution 2025-063. Resolution 2025-063 was approved in error as it should have been brought forward as an Ordinance, as it is being introduced today; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 23rd day of October 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 City Council 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 Consistency. There is a substantial public benefit to be derived from the Zoning Ordinance Amendment and the proposed amendment furthers the goals of the General Plan. The Zoning Ordinance Amendment is in line with the General Plan, as amended via General Plan Amendment 25-0001, approved by the City Council on August 28th, 2025 as Ordinance 1435.

The approved General Plan Amendment clarified that single family residential units are allowed within the City Center/Downtown designation, which is consistent with the Palm Desert Municipal Code and with existing single family residential units constructed and used within the area. The removal of a minimum density allows additional opportunities for development of sites within the area to increase the amount of housing units. The General Plan Amendment clarified original intention and existing uses for the City Center/Downtown.

SECTION 3. CEQA Determination. The City Council finds that the Project is this is not a "project," as defined in the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedures.

SECTION 4. Council Resolution 2025-063 Rescinded. The City Council hereby rescinds Council Resolution 2025-063, which mistakenly approved this Project as a Resolution instead of as an Ordinance on August 28, 2025.

SECTION 5. Zoning Ordinance Amendment. The City Council approves the Zoning Ordinance Amendment presented, as depicted in Exhibit "A."

SECTION 6. 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 7. 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 _____.

JAN C. HARNIK
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1436 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on October 23, 2025, 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

See following pages