

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE 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)

WHEREAS, 72221 Highway 111, LLC ("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 (Assessor's Parcel Number 640-020-054; Case No. CZ230001) from Resort Planned Commercial (PC-4) to District Planned Commercial (PC-2) ("Project"); 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, 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 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 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, and is 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, 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 exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines; therefore, no further environmental review is necessary at this time; and

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

WHEREAS, on August 24, 2023, the City Council of the City of Palm Desert, California held a duly noticed public hearing to consider the Applicant's request for approval of the above-noted Project request; and

WHEREAS, at said public hearing, upon hearing and considering the testimony and arguments 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. Change of Zone. 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 pursuant to 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 full force and effective thirty (30) days after its adoption.

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ADOPTED ON September 14, 2023.

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. _____ 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 September 14, 2023, 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

