

ORDINANCE NO. 1404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA ADOPTING AN AMENDMENT TO THE UNIVERSITY NEIGHBORHOOD SPECIFIC PLAN, AND APPLYING A PROFESSIONAL/MEDICAL OFFICE OVERLAY TO A 10.47-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF GERALD FORD DRIVE AND TECHNOLOGY DRIVE (ASSESSOR'S PARCEL NUMBERS 694-580-026 AND -027)

WHEREAS, Desert Care Network/Tenet Healthcare ("Applicant") submitted applications for a Specific Plan Amendment ("Specific Plan") to amend the University Neighborhood Specific Plan (UNSP) to allow medical offices and medical clinics as allowed land uses within the Neighborhood Center designation, create a Professional/Medical Office Overlay, and apply said overlay to a 10.47-acre site located at the southwest corner of Gerald Ford Drive and Technology Drive; and

WHEREAS, the land use designation of the Project site is Town Center Neighborhood (TCN) per the General Plan adopted November 10, 2016, by Resolution No. 2016-87; and

WHEREAS, the Project site is located within the UNSP, adopted on December 8, 2016, by Ordinance No. 1312 as Case No. CZ 16-262, and is designated Neighborhood Center (NC); 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 is consistent with the development density and use characteristics considered by the General Plan EIR, Specific Plan MND in the TCN land use designation; and

WHEREAS, the University Neighborhood Specific Plan Amendment ("Specific Plan") has been prepared pursuant to the California Government Code § 65450 et. Seq. and is compliant with state law; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 19th day of September 2023, hold a duly noticed public hearing to consider the request by the Applicant and adopted Planning Commission Resolution No. 2832 recommending that the City Council approve the above-noted Project subject to findings of approval; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred; and

WHEREAS, the City Council of the City of Palm Desert, did on the 26th day of October 2023, hold a duly noticed public hearing, the City Council opened the public hearing, the City Council considered the request by the Applicant for the development of the Specific Plan; 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, the City Council of the City of Palm Desert, California, DOES ORDAIN 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 Ordinance.

SECTION 2. Specific Plan Statutory Requirements. Pursuant to Government Code §65451, a specific plan must contain the minimum required information to be considered legally adequate. The Specific Plan provides the following items compliant with state law:

§65451(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- 1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

The Specific Plan provides exhibits throughout showing the area defined under the plan and the exhibits showing the location, and extend of land uses within the area covered by the plan.

- 2) The distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the area covered by the plan and needed to support the land uses described in the plan.

The existing Specific Plan contains an infrastructure plan for essential major components of public and private transportation, sewage, water, drainage, solid waste disposal, vehicle entry, and other essential facilities. The plan identifies necessary improvements for the development, including descriptive text and illustrative diagrams. No changes are proposed by this amendment.

- 3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

The Specific Plan contains standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.

- 4) A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

The Specific Plan Development of the land use change will require implementation measures, including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs (1), (2), and (3) above.

§65451(b) The Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan.

The Specific Plan provides a statement of the relationship of the Specific Plan to the applicable goals, policies, and objectives of the Palm Desert General Plan. These statements are provided and elaborated on the Specific Plan's consistency with applicable Palm Desert General Plan objectives, goals, and policies included in the Land Use element, Mobility (Circulation) element, Health and Wellness element, Environmental Resource (Open Space), Noise element, Safety element, Public Utilities and Services Policy.

SECTION 3. Findings of Specific Plan. In approving this Project, the City Council, shall make the following findings in accordance with the Palm Desert Municipal Code (PDMC):

1. Consistent with the General Plan. The Specific Plan or amendment is consistent with the goals, objectives, and policies of the General Plan.

The Specific Plan Amendment is consistent with the Palm Desert General Plan goals and policies of the Land Use Element. The Project site is designated Town Center Neighborhood (TCN) by the Palm Desert General Plan Land Use Element (see page 30 of the General Plan). The TCN designation is intended to provide moderate to higher intensity neighborhood development that features a variety of housing choices, walkable streets, and mixed uses, including institutional and service uses, which are compatible with and oriented toward serving the needs of neighborhoods along corridors. The Project provides medical offices near existing and approved residential land uses in the area and provides full frontage improvements, including sidewalks and pedestrian connections to the office building. The changes will not affect the overall specific plan but will add optional development standards for future medical office projects.

2. Public Welfare. The Specific Plan or amendment will not create conditions materially detrimental to the public health, safety, and general welfare.

The Specific Plan will not create conditions materially detrimental to the public health, safety, and general welfare or cause serious health problems. The Project is not located within a hazardous area that would be subject to flooding, liquefaction, landslide, fault zones, or other natural hazards. The Project does not generate adverse effects that would cause public health problems. Ground-disturbing activities are conditioned to prepare plans to control fugitive dust. The access locations to the subdivision have been evaluated in accordance with a traffic impact analysis.

3. Land Use Compatibility. The Specific Plan or amendment is compatible with zoning on adjacent properties and ensures development of desirable character that will be harmonious with surrounding properties.

The Specific Plan amendment will add medical clinics and medical offices as allowable land uses within the Neighborhood Center designation. These land uses provide personal care and medical services to serve the needs of neighborhoods and are

similar to the research and development land use, which is allowable within the Town Center Neighborhood General Plan Land Use Designation. The amendment will add an optional overlay district, known as the Professional/Medical Office Overlay Zone, which may be applied to parcels that contain 75% or greater medical or professional office uses and apply the overlay to a 10.47-acre parcel located at the southwest corner of Gerald Ford Drive and Technology Drive. The Project site is located in a largely urbanized area of Palm Desert that supports a mix of commercial and residential land uses with surrounding land uses, including single-family residential to the south and west, professional and medical office uses to the east, and planned multi-family residential and commercial to the north. The application of the professional/medical area is compatible and will provide for a harmonious transition between commercial uses along Gerald Ford Drive and residential neighborhoods to the south.

4. Property Suitability. The Specific Plan or amendment is suitable and appropriate for the location, access, and topography for the development of the subject property.

The site is physically suitable for the density of development. The allowable density for the site has been evaluated by the General Plan. The Applicant has prepared the appropriate technical studies to assess that the site is physically suitable to develop and will not result in detrimental environmental impacts.

The 400 acres subjected to the UNSP are suitable for the proposed development. No environmental issues were identified in the preparation and drafting of the General Plan EIR that would indicate that development in this area would be unsuitable. In addition, existing commercial and residential developments have successfully constructed similar types of development in the immediate vicinity. No obstacles to the development of surrounding subdivisions were experienced, and due to the proximity and similarity of the proposed development, it's reasonable to conclude that the site is physically suitable for it. The property is suitable for the proposed development, and mitigation measures identified in the General Plan EIR ensure that impacts to the surrounding areas are minimized.

5. CEQA. The Specific Plan or amendment has been reviewed in compliance with the provisions of the CEQA.

The Specific Plan Amendment has been reviewed in compliance with the provisions of the CEQA. Under the CEQA and the State CEQA Guidelines, an Initial Study has been prepared to analyze the environmental impacts of the Project. The documents have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Palm Desert local CEQA guidelines. All environmental impacts of the Project are either insignificant or can be mitigated to a less than significant level pursuant to the mitigation measures outlined in the MND, Initial Study, and the Mitigation Monitoring and Reporting Program (MMRP).

SECTION 4. Project Approval. The City Council hereby approves Case No. SP/EA22-0002 attached to this Resolution as Exhibit "B" to the City Council, subject to the findings and Conditions of Approval.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City's office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Anthony J. Mejia, MMC, the City Clerk of the City of Palm Desert is the custodian of the record of proceedings.

SECTION 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. 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 30 days after its adoption.

ADOPTED ON OCTOBER 26, 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. 1404 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 October 26, 2023, and adopted at a regular meeting of the City Council held on _____, 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