

# CITY OF PALM DESERT STAFF REPORT

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MEETING DATE: September 12, 2024

PREPARED BY: Nick Melloni, AICP, Principal Planner

SUBJECT: STUDY SESSION: POLICY DISCUSSION ON PROPOSED TEXT AMENDMENTS TO PALM DESERT MUNICIPAL CODE TITLE 26, (SUBDIVISIONS) AND TITLE 27 (GRADING)

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## **RECOMMENDATION:**

Provide feedback on the proposed policy and text amendments to Palm Desert Municipal Code Title 26 (Subdivisions) and Title 27 (Grading).

## **BACKGROUND/ANALYSIS:**

Title 26 of the Palm Desert Municipal Code (“PMDC”) regulates the land subdivision in the city and outlines the procedures for administering and implementing the State Subdivision Map Act (“Map Act”). Title 27 of the Palm Desert Municipal Code establishes minimum requirements for grading and sets forth the procedures for permit issuance and enforcement of grading requirements. Both Titles were originally adopted in 1976 and have been revised on an as-needed basis in response to updates in state legislation or development-related issues.

Development Services staff, in collaboration with the City Attorney’s Office, is working on a comprehensive amendment to the Titles to align with current best practices and state law requirements. This update precedes the update for the Unified Development Code (“UDC”) update, which is scheduled for completion in 2026. Staff is seeking input from the City Council on several policy updates related to subdivision and grading procedures and design requirements, as outlined below:

## **POLICY UPDATES TO TITLE 26 SUBDIVISIONS**

### **1. Senate Bill 684 Implementation:**

In 2023 the California Legislature adopted Senate Bill 684 (SB 684) to streamline the approval process development projects of 10 or fewer residential units on urban lots under 5 acres, as governed by the Subdivision Map Act. SB 684 mandates that the City must ministerially consider, without discretionary review or a public hearing, a parcel map or a tentative and final map for housing development projects that meets specified requirements.

**Staff recommendation:** Expand the discretion of the City Engineer and Development Services Director to approve Tentative Parcel Maps, Conditional Certificates of Compliance, Lot Line Adjustments, and administrative Tract Maps in accordance with SB 684. Additionally, establish the necessary procedures and objective standards to maintain local control under this new legislation. The objective standards would include objective development standards (e.g., setbacks, building heights) that do not conflict with SB 684,

objective subdivision standards of the subdivision map act, and objective design standards contained in the City’s Multifamily and Mixed-use Objective Design Standards.

## **POLICY UPDATES TO TITLE 27 GRADING**

### **1. Clarify that no grading permit shall be issued prior to final tract map approval**

It is standard practice that a grading permit is not issued for a site until the final tract map has been approved by the City Council. However, conflicting provisions in the current code create ambiguity around this process. Staff recommends removing these conflicting provisions to ensure clarity.

**Staff recommendation:** Require that if a final tract map is required or approved for a site, no grading permit shall be issued until the final map has been approved by the City Council.

### **2. Establish design requirements for grading adjacent to existing development**

One of the primary purposes of the Grading Ordinance is to ensure that the development of land occurs in a manner most compatible with surrounding areas. In areas where infill development is possible, the absence of clear criteria for compatibility can lead to uncertainty for stakeholders, prolonged discretionary processes, and undesirable development outcomes. To align with the goals and policies of the General Plan, grading elevations and slopes between adjacent developments should be regulated to promote compatibility.

**Staff Recommendation:** Establish a requirement limiting the finished grade and slopes of new developments in relation to the finished elevations of existing developments. Exceptions may be made if a finding is made that the proposed elevation is necessary to protect public health, safety, and welfare, with additional considerations for hillside areas of the City.

### **3. Control of Building Pad Elevation**

Currently, Section 27.12.045(C) of the Palm Desert Municipal Code governs the approved building pad elevation of new developments associated with a Tentative Map. This section stipulates that any deviation of more than six inches (6") from the preliminary approval must be reviewed by the Director of Development Services, based on a recommendation from the City Engineer. The Director may also choose to refer the request to the Planning Commission for further consideration at their discretion.

**Staff recommendation:** Remove the six-inch (6") threshold and require that all deviations in building pad elevation be jointly reviewed and approved by the City Engineer and Director of Development Services.

### **4. Regulation of Stockpiling**

Currently, stockpiling is regulated by Palm Desert Municipal Code Section 27.28.155(A). Due to the potential nuisances that can arise from the temporary stockpiling of earthen materials, expanded regulations are recommended to mitigate these issues .

**Staff recommendation:** Expand the regulatory requirements for the stockpiling approval by implementing certain measures including:

1. Requiring a dedicated stockpiling permit.
2. Require erosion control plans prepared by a registered civil engineer.
3. Prohibit the acceptance of stockpile permit applications prior to map or project approval, including applicable environmental review
4. Establish criteria to control stockpile placement and mitigate visual impacts.
5. Require applicants enter into an agreement with the City, secured by a cash deposit, to ensure the timely removal or permanent placement of stockpiled material.

Based on City Council input, City staff will incorporate these policy modifications and conduct necessary outreach activities before returning with the proposed ordinances.

**Legal Review:**

This report has been reviewed by the City Attorney's office.

**FINANCIAL IMPACT:**

There is no financial impact related to this item.

**ATTACHMENT:**

1. Study Session PowerPoint