

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: October 24, 2024

PREPARED BY: Nick Melloni, AICP, Principal Planner

SUBJECT: INTRODUCTION OF AN ORDINANCE TO AMEND SECTIONS OF TITLE 27 GRADING OF THE PALM DESERT MUNICIPAL AND MAKING A FINDING OF EXEMPTION UNDER CEQA

RECOMMENDATION:

Introduce an Ordinance entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPDATING SECTIONS OF TITLE 27 GRADING AND MAKING A FINDING OF EXEMPTION UNDER CEQA.”

EXECUTIVE SUMMARY

Adopting staff’s recommendation will pass the proposed ordinance amending sections of Title 27, also known as the City’s Grading Ordinance, to second reading. The current Grading Ordinance, originally adopted in 1976, has been amended sporadically since that time. The proposed ordinance will implement new requirements such as finished grade sensitive transition requirement which will limit grade elevations of new development adjacent to existing residential developments, and stockpiling grading requirements to require permittees enter into agreements and provide securities, including bonds or cash deposits, with the City. Future amendments will include a comprehensive amendment to the Grading Ordinance, followed by the adoption of a Unified Development Code (“UDC”), which is expected to occur within the next 18 to 24 months. These efforts will further integrate the Grading Ordinance with the Subdivision and Zoning Titles.

BACKGROUND

Title 27 (“Grading Ordinance”) of the Palm Desert Municipal Code (“PDMC”) establishes regulations for grading in the incorporated areas of the City of Palm Desert. The general purpose of the Grading Ordinance is to safeguard life, limb, property, and the public welfare by regulating grading and controlling the quality of water runoff on private and public property within the City. The current Grading Ordinance was originally adopted by the City in 1976 and has been sporadically amended approximately seven times with the most recent major amendment occurring in 1987. Changes in City staffing, unclear procedures, outdated verbiage, and new state laws for housing necessitate a comprehensive update to the Grading Ordinance.

On September 12, 2024, during the City Council Study Session, City staff presented recommended policy updates which would affect Title 26 (Subdivision Ordinance) and the Grading Ordinance. Recommended policy updates to the grading ordinance included the following:

- Establish a grading pad elevation transition standard for infill developments, adjacent to existing residential which limits the height of new finished pads to 5’-0” above existing grade of the existing developments within 100 feet of the project’s property line with exceptions for master planned communities.

- Require permitting for temporary stockpiling which establishes requirements that follow current best practices.

ANALYSIS

The proposed ordinance will generally make updates to implement the finished grade sensitive height transition standards, make agreements and securities mandatory for stockpiling to assure work is completed in a timely manner, or provide an option for the City to remediate, if necessary. The proposed amendments also include appurtenant definitions to support the policies for finished grade height.

Section 1 through 6 – Chapter 25.08 - Definitions

These sections add or amend terms used in the ordinance in support of the proposed finished grade transition standard. These terms include “abut”, “building pad”, and definitions for the “existing”, “finished” and “natural grade” of a site.

Section 7 – Section 27.12.048 - Finished Grade Transition Standard

The intent of this section is to establish design standards for sensitive transition of finished grade for new development which abuts existing residential development. This standard will require new developments to limit height of increased finished grade to five feet above the existing grade at the property boundary, within 100 feet of an existing residential development.

This section would apply to new development adjacent to existing residential developments, and are increasing the grade. Exceptions can be made for master planned projects, if the grade is necessary for public health and safety and public welfare, or the site topography prevents alternative designs with lower pads.

Section 8 - 27.28.155 Stockpiling

This change will add a requirement that all stockpiling requires agreements and securities, including bonds or cash deposits, to ensure the work is completed and provide for site restoration, if the City must complete it. Additionally, all references to mining have been removed since this activity is not allowed.

Legal Review:

This report has been reviewed by the City Attorney’s Office.

Public Input:

A ten-day public hearing notice for this item was posted in the Desert Sun newspaper on Friday, October 11, 2024. No comments have been submitted to City staff regarding this action.

Environment Review:

The proposed Ordinance is a Project pursuant to the requirements of the California Environmental Quality Act. The proposed Ordinance is exempt from further environmental review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the Ordinance would not have the potential or possibility for causing a significant effect on the environment. Specifically, the proposed changes to the Municipal Code

are primarily technical and administrative in nature. No construction is proposed, and the amendments do not constitute any project approvals.

FINANCIAL IMPACT:

The is no direct financial impact to the General Fund with this action.

ATTACHMENTS:

1. Draft City Council Ordinance
2. Attachment “A”
3. Public Hearing Notice