

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: November 14, 2024

PREPARED BY: Ryan Gayler, Capital Projects Manager

SUBJECT: INTRODUCTION OF AN ORDINANCE TO AMEND CHAPTER 12.04 – ENCROACHMENTS, OF THE PALM DESERT MUNICIPAL CODE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

RECOMMENDATION:

Introduce an Ordinance entitled “AN ORDINANCE OF THE CITY OF PALM DESERT, CALIFORNIA, TO AMEND CHAPTER 12.04 – ENCROACHMENTS, OF THE PALM DESERT MUNICIPAL CODE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA.”

BACKGROUND/ANALYSIS:

Section 12.04 (“Encroachment Ordinance”) of the Palm Desert Municipal Code (“PDMC”) establishes regulations for activities occurring within the public right-of-way (PROW) in the City of Palm Desert. The general purpose of the Encroachment Ordinance is to safeguard life, limb, property, and the public welfare by regulating and requiring permits for certain activities and encroachments into the PROW.

The proposed ordinance amendment will authorize the City Manager to waive encroachment permit fees for certain municipal projects or special events. Projects or events eligible for the fee waiver include those funded by the following sources: General Fund; Gas Tax/SB1 funds; Measure A funds; Fire Tax funds; Aquatic Facility funds; Library funds; Capital Reserve Project funds; and Housing Authority/Housing Assets funds. Authorizing the City Manager to waive fees for these funding sources will reduce unnecessary fund transfers and streamline administrative processes, eliminating the need and redundancy for the City to process payments to itself.

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, November 1, 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 Encroachment Ordinance
2. Attachment A to Draft Encroachment Ordinance
3. Public Hearing Notice