

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: December 12, 2024

PREPARED BY: Richard D. Cannone, AICP, Development Services Director

SUBJECT: ADOPT A POLICY (DS-001) FOR NOTIFYING HOMEOWNER ASSOCIATIONS AS PART OF THE BUILDING PERMIT PROCESS

RECOMMENDATION:

Adopt a resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A POLICY (DS-001) FOR NOTIFYING HOMEOWNER ASSOCIATIONS AS PART OF THE BUILDING PERMIT PROCESS".

BACKGROUND/ANALYSIS:

Homeowner Associations (HOAs) play an integral role in maintaining neighborhood standards by overseeing common area upkeep, exterior improvements, and adherence to Covenants, Conditions & Restrictions (CC&Rs). These CC&Rs, established during subdivision development, ensure consistency in standards such as paint color, roofing materials, architecture, and landscaping.

To better support the City's HOAs, staff presented a draft policy to the City Council on October 10, 2024. The Council requested that staff obtain feedback from HOAs on whether a 10-day notice period was sufficient for action when needed. Subsequently, staff met with representatives from the Silver Spur Ranch HOA to discuss a revised policy that includes a 30-day notice period, which the HOA agreed was appropriate.

Notifications were then sent to HOAs citywide, inviting them to a workshop held on November 18, 2024, to discuss the revised policy and gather further input. Approximately 12 HOA representatives attended the workshop, providing additional feedback, including:

- Notification for interior renovations in shared-wall units: Specific to Marrakesh Country Club, where HOA approval is required.
- Updated mapping needs: Palm Desert Country Club HOA committed to providing an updated map identifying homes under their jurisdiction.

Revised Process for Building Permit Applications Requiring HOA Approval

If HOA approval is determined necessary, staff will implement the following procedures:

1. **Immediate Notification:** Staff will notify the HOA in writing upon receipt of an application, using the attached form.
2. **30-Day Resolution Period:** If no resolution is achieved, the permit will be issued 30 days after the HOA was notified. This period allows the applicant and HOA sufficient time to address any concerns.

3. **Follow-Up on HOA Concerns:** If an HOA representative contacts Development Services staff, staff will inform the applicant and encourage them to work directly with the HOA to resolve any issues.
4. **Documented HOA Feedback:** The HOA's response must be signed and dated by an authorized representative (e.g., President, Vice President, or Architectural/Landscape Committee Chair) and include specific references to the plans, including the date, to prevent misunderstandings should revised plans be submitted.

The following types of building permit applications will not require adherence to this policy:

- Interior modifications to habitable structures with no exterior impact (except for shared-wall units)
- Accessory Dwelling Units (ADUs)
- Solar panels or battery storage systems
- HVAC replacements (existing locations only)
- Electrical panel upgrades
- Water heater replacements (existing locations only)

This revised policy aims to streamline the approval process while maintaining strong collaboration between HOAs, applicants, and the City.

Legal Review:

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

FINANCIAL IMPACT:

There is no financial impact directly associated with this action.

ATTACHMENTS:

1. Resolution
 - a. Exhibit A – Policy No. CC DS-001
2. Presentation