

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: January 9, 2025

PREPARED BY: Nick Melloni, AICP, Principal Planner

SUBJECT: INTRODUCTION OF AN ORDINANCE TO AMEND SECTIONS OF TITLE 25 OF THE PALM DESERT MUNICIPAL CODE AND FINDING THE ACTION EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION:

Introduce an Ordinance entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SECTIONS 25.60.080, 25.60.160, AND 25.78.020(C) OF PALM DESERT MUNICIPAL CODE TITLE 25 AND MAKING A FINDING THAT THE ACTION IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

EXECUTIVE SUMMARY:

The proposed ordinance is a City-initiated zoning ordinance amendment intended to expand public notice and community engagement requirements for development projects. These changes include modifications to the following three sections of the Palm Desert Municipal Code (PDMC):

1. **PDMC Section 25.60.060 Public Hearing and Public Notice.** Proposed modifications include:
 - A. **Increased Notification Radius to 500 feet** - Increase minimum notification radius requirements for public notice for development projects from 300' to 500' for projects less than 5 acres. Existing notification radii of 1,000' and 4,000' for developments of 5-acres or greater, and hillside development applications, respectively, will be preserved.
 - B. **Homeowner's Association Notification** - Requires mailed notices be provided to all homeowner's associations within a project notification radius, in addition to property owners.
 - C. **On-site Notice Posting** - Requires sign postings for public hearings on project sites for all development applications.
 - D. **Design Review Notice** - Requires public notice for Design Review cases by the Architectural Review Commission, which are associated with an application requiring final approval by the Planning Commission and/or City Council.
2. **PDMC Section 25.60.160 Community Engagement.** The proposed modifications will expand the current requirements for community engagement plan to ensure discretionary projects address concerns and issues raised by interested residents. The proposed ordinance will now require one additional community engagement meeting early in the process for development applications with a recommendation that the first meeting be held not more than thirty (30) days prior to, and not later than twenty (20) days after, the date when the project application is submitted to the City. The second community meeting shall

take place within twenty (20) days after the date when the project is deemed or determined to be complete. The proposed modifications also outline requirements for the community engagement plan in more detail by establishing minimum standards for community meeting invitations. Additionally, developers will be required to submit community engagement reports which detail how projects have addressed concerns and issues raised by the community.

- 3. PDMC Section 25.78.020(C) Procedure for Hillside Development Plan application.** – The proposed ordinance will expand notification requirements for Hillside Development Plans to include all Homeowner’s Associations in the City located south of Highway 111.

PLANNING COMMISSION RECOMMENDATION:

On December 17, 2024, the Planning Commission adopted Resolution No. 2887 recommending approval of the proposed zoning ordinance amendment. The Planning Commission recommended minor changes to the ordinance including the following:

- Requiring removal of the on-site sign posting after the conclusion of a project appeal period. This change has been made to Section 1, Subsection G.6.
- Providing larger timeframes for applicants to conduct the first and second community engagement meetings. These changes have been made to to sections. The first is Section 2 subsection B.4.i, which requires the first meeting to occur between 30 days prior to the application submittal or 20 days after the application submittal. The second is Section 2 subsection B.4. ii, which requires the second meeting to occur within 30 days of the application being deemed complete.

BACKGROUND/ANALYSIS:

At the City Council meeting on October 10, 2024, then Mayor Pro Tem Harnik, seconded by Councilmember Nestande, requested City staff research options to increase the minimum public notification requirements for development projects.

On November 14, 2024, City staff presented a study session item to the City Council outlining a five recommended policy updates including:

- 1. Increasing Notification Radius to 500 feet** - Increase minimum notification radius requirements for public notice for development projects from 300’ to 500’ for projects less than 5 acres. Existing notification radii of 1,000’ and 4,000’ for developments of 5-acres or greater, and hillside development applications, respectively, will be preserved.
- 2. Homeowner’s Association (HOA) Notification** - Require mailed notices be provided to all homeowner’s associations within a project notification radius, in addition to property owners.
- 3. Pre-Application Neighborhood Meeting** - Requires a mandatory neighborhood meeting prior to the submittal of an application for certain development entitlements including projects greater than 5-acres. This meeting will occur between a project applicant and surrounding neighbors. The applicant shall present an overview of the project to surrounding interested property owners and receive comments and feedback. The applicant will be required to provide a list of all input provided by neighbors, and how and why it was or was not incorporated into the application for project design.

4. **On-site Notice Posting** - Requires sign postings for public hearings on project sites for all development applications.
5. **Design Review Notice** - Requires public notice for Design Review cases by the Architectural Review Commission proceeding to Planning Commission and/or City Council.

City Council provided input that the recommended policy changes should be implemented and directed staff to proceed with a Zoning Ordinance Amendment. Council Member Kelly, with consensus among all Council Members, suggested requiring the Hillside Development Plan notification to HOAs include all associations located south of Highway 111.

Public Input:

Public Notification

Public noticing was conducted for the January 9, 2025, City Council meeting per the requirements of PDMC Section 25.60.060 and Government Code Sections 65090 to 65094. A public hearing notice was published a minimum of 10 days before the hearing date on Friday, December 27, 2024, in *The Desert Sun* newspaper.

Copies of the proposed ordinance have been provided to the Desert Valley Builders Association for their input and comment.

Environmental Assessment/Environment Review:

Staff recommends that the Planning Commission of the City of Palm Desert finds that the adoption of the ordinance amendments have been analyzed for compliance with the California Environmental Quality Act (CEQA) pursuant to CEQA (Pub. Resources Code, § 21000 et seq.) (CEQA) and the state CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). It has been determined that the amendments do not meet the definition of a project because the amendments do not have the potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment. The proposed amendments are consistent with the General Plan's goals of ensuring the quality of life for the community. Because the ordinance amendments are not a project under CEQA, they are not subject to further environmental review.

Legal Review:

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

FINANCIAL IMPACT:

There is no direct financial impact with this action.

ATTACHMENTS:

1. Draft City Council Ordinance
 - a. Exhibit A – Draft Ordinance
2. Draft Ordinance Strikethrough
3. Public Hearing Notice