

ORDINANCE NO. 1419

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPDATING PALM DESERT MUNICIPAL CODE CHAPTER 2.18, BUILDING BOARD OF APPEALS AND MAKING FINDINGS UNDER CEQA

WHEREAS, Palm Desert Municipal Code ("Municipal Code"), Chapter 2.18 establishes a Building Board of Appeals; and

WHEREAS, the Building Board of Appeals is created to hear and decide appeals of order, decisions, or determinations made by the Building Official relative to the application and interpretation of the California Building Code and City's local building code; and

WHEREAS, City of Palm Desert ("City") periodically reviews the Municipal Code to identify areas the need updating, clarification, and revisions in accordance with state law; and

WHEREAS, the City Council of the City of Palm Desert desires to enact the Ordinance to make such updates, clarifications, and revisions to the Municipal Code; and

WHEREAS, all other legal prerequisites to the presentation of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES ORDAIN AS FOLLOWS:

SECTION 1. The Palm Desert Municipal Code Chapter 2.18 *Building Board of Appeals* is amended to read as follows:

"Chapter 2.18 Building Board of Appeals

2.18.010. Established.

The building board of appeals and condemnation ("building board") is hereby established for the City of Palm Desert ("City"). The provisions set forth in Chapter 2.34 of this code shall apply to this board, except as otherwise required by state law. If there is any conflict between this chapter and Chapter 2.34 of this code, the provisions of this chapter shall control.

2.18.020. Purpose.

The purpose of the building board of appeals is to conduct hearings that allow appellants to present evidence to reverse or amend a city official's administrative decision regarding any matter covered by Title 15 of this code. The right to appeal applies when the objection involves the exercise of administrative discretion or personal judgment by the city official pursuant

to any provisions of Title 15 of this code. This board will hear appeals related to the application of building standards, except where the city official's decision is ministerial and involves the strict application of objective requirements and standards of this code and the California Building Code. The building board may also ratify alternate materials and methods of construction that are not specifically recognized in the California Building Code.

#### 2.18.030. Members.

The building board shall be comprised of five community members. Members shall possess a thorough understanding of the California Building Code and related city regulations and ordinances.

#### 2.18.040. Meetings/appeal hearings.

- A. The building board meetings will be scheduled as needed when letters of appeal from building officer decisions are received.
- B. The building board secretary shall collect letters of appeal and prepare an agenda for each meeting which shall be furnished to members prior to the meeting.
- C. Requests for hearings must be scheduled at least ten days prior to such hearing.
- D. If a party of any appeal intends to submit evidence, or legal argument, outside of the expertise of the building board, said party shall so inform the building board secretary in writing at the time the appeal is filed. Failure to provide such information shall be cause to prohibit the presentation of such evidence or argument.
- E. The building board shall be the judge of the qualifications of persons appearing as expert witnesses and shall be empowered to refuse to receive the testimony of any purported expert not so qualified.

#### 2.18.050. Decisions.

- A. In rendering its decision, the building board has no authority to waive requirements of any code (California Building Code Section 113.2.). The building board shall either approve, approve with modifications or deny the appeal, and shall specify any conditions or limitations imposed.
- B. The decision of the building board shall be final. The written decision shall be sent to the appellant and shall provide that the appellant may file an appeal with the California Building Standards Commission pursuant to California Administrative Code Section 1-303(a)."

**SECTION 2.** If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 3. The City Council hereby finds and determines that this Ordinance is exempt from 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. The Ordinance would update the building board of appeals requirements and procedures. No construction is proposed, and the amendments do not constitute any project approvals. In reviewing the Ordinance, the City Council has exercised its independent judgment and has reviewed and considered the Ordinance in light of all testimony received, both oral and written. Therefore, based upon the entire administrative record, the City Council hereby determines that no further environmental review is required for the Ordinance.

SECTION 4. The City Clerk of the City of Palm Desert, California, is hereby directed to publish a summary of this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON \_\_\_\_\_ 2024.

\_\_\_\_\_  
KARINA QUINTANILLA  
MAYOR

ATTEST:

\_\_\_\_\_  
ANTHONY J. MEJIA  
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1419 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on October 10, 2024, and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on \_\_\_\_\_.

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ANTHONY J. MEJIA  
CITY CLERK