

ORDINANCE NO. 1425

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).  
CASE NOS. ZOA 24-0004

WHEREAS, the City of Palm Desert, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Government Code Section 65800 et seq. provides for the amendment of any and all adopted City of Palm Desert ("City") zoning laws, ordinances, rules and regulations; and

WHEREAS, the Zoning Ordinance Amendment (ZOA) is initiated by the Palm Desert Director of Community Development and modifies sections of the Palm Desert Municipal Code (PDMC) Title 25 (Zoning) to amend and expand requirements for public notice for public hearings and community engagement; and

WHEREAS, the City has complied with the requirements of the Local Planning and Zoning Law (Government Code section 65100 et seq.), and the City's applicable ordinances and resolutions with respect to approval of amendments to Title 25 of the Palm Desert Municipal Code ("Zoning Ordinance"); and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and the City of Palm Desert's ("City's") Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, the Project has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2024-035, in that the Director of Development Services has determined that the Project will not have a foreseeable significant impact on the environment and that the Project is eligible for an exemption exempt Section 15061(b)(3) General Rule of the CEQA Guidelines; therefore, no further environmental review is necessary at this time; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, on December 17, 2024, the Planning Commission of the City of Palm Desert, California held a duly noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission adopted Planning Commission

Resolution No. 2887 to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on January 9, 2025, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Palm Desert does ordain as follows:

SECTION 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. The City Council finds that the adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act (CEQA) because it does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedures.

SECTION 3. Amendment. The City Council of the City of Palm Desert recommends that the City Council of the City of Palm Desert, California, approve and adopt the Palm Desert Municipal Code amendments to Title 25 as shown in "Exhibit A", which is attached hereto and incorporated herewith.

SECTION 4. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 5. Publication. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 6. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 73-510 Fred Waring Drive, Palm Desert, CA.

SECTION 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

ADOPTED ON \_\_\_\_\_, 2025.

\_\_\_\_\_  
JAN C. HARNIK  
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. 1425 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on January 9, 2025, and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2025, 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 \_\_\_\_\_, 2025.

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

**“EXHIBIT A”****ZONING ORDINANCE AMENDMENT**

**SECTION 1. Amendment to Palm Desert Municipal Code.** Palm Desert Municipal Code Section 25.60.060 is hereby amended as follows:

25.60.060. Public Hearing and Public Notice.

- A. **Public hearing required.** The following procedures shall govern the notice and public hearing, where required pursuant to this title. The designated approving authority shall hold a public hearing to consider all applications for a conditional use permit, variance, architectural review, precise plan, planned development, specific plan, zoning code and/or map amendment, pre-zoning, development agreement, and General Plan amendment considered by the Commission or Council.
- B. **Notice of hearing.** Pursuant to California Government Code Sections 65090 to 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general description of the matter to be considered and the real property which is the subject of the hearing.
1. Notice of public hearing shall be published in at least one newspaper of general circulation in the City.
  2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of real property, inclusive of any association governing a common interest development (as defined in Part 5 of Division 4 of the California Civil Code), within a radius of five hundred (500) feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners, or the name of any association of a common interest development, as applicable, as shown upon the current tax assessor's records of Riverside County or the Official Records of Riverside County. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project. If the number of owners exceeds 1,000, the City may, in lieu of mailed notice, provide notice by placing notice in one newspaper of general circulation within the City.
    - a. Public notification for projects 5 acres or more shall be 1,000 feet for public notifications related to development projects and to ensure adequate Community Engagement efforts are achieved

pursuant to requirements in Section 25.60.160.

- b. Public notification for Hillside Development Plans shall comply with Section 25.78.020(C) of this Title.
  - c. Hearings before the Architectural Review Commission for Design Review associated with an application requiring approval by the Planning Commission and/or City Council will be noticed in accordance with the requirements of this section.
- 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
  - 4. Notice of the public hearing shall be posted at City Hall.
  - 5. Notice of the public hearing shall be mailed to any person who has filed a written request for notice.
  - 6. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

C. Notice of Zoning Administrator decision.

- 1. Notice. The notice of decision shall be provided, in writing, to the applicant, interested parties, neighborhood associations within proximity of the subject site, and properties within five hundred (500) feet of the property. The notice shall include:
  - i. A brief statement explaining the criteria and standards considered relevant to the decision.
  - ii. A statement of the standards and facts relied upon in rendering the decision.
  - iii. Findings as listed for each entitlement or justification for the decision based on the criteria, standards, and facts set forth.
  - iv. An explanation of appeal rights and appeal deadlines.
- 2. Decision. The ZA may approve, approve with conditions, or deny the application. Decisions shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings, and a determination.
- 3. Appeal. A ZA determination may be appealed to the Commission for a final determination according to Section 25.60.080.

D. **Requests for notification.** Any person who requests to be on a mailing list for

notice of hearing shall submit such request in writing to the Department. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

- E. **Receipt of notice.** Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.
- F. **Hearing procedure.** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.
- G. **On-Site Public Notice Signs**
  - 1. **Applicability.** All projects requiring a public hearing before the Planning Commission and/or City Council shall be required to post one or more public notice signs on the property, which is the subject of the proposed development, in accordance with the requirements of this subsection.
  - 2. **Public Notice Sign Requirements.**
    - a. The applicant shall post informational signs on the property that is the subject of the proposed development. The signs shall be unilluminated, four feet by four feet in size, and shall include a description of the proposed development, the date, time, and location of the public hearing, and the location where further information can be obtained.
    - b. The sign shall be placed in an area of the property most visible to the public, not more than five feet from the front property line in residential areas, and not more than three feet from the front property line in commercial and industrial areas. Placement of the sign shall not be permitted to cause traffic sight obstructions.
    - c. For properties less than five acres in size, one sign per street frontage shall be posted on site.
    - d. For properties greater than five acres in size, one sign per five hundred feet of street frontage shall be posted on site. For properties that are unusually shaped or within a unique location, the planning director may determine the location for sign posting or require additional notice of the proposed project.

- e. For projects that may change or intensify the existing use or zoning, the planning director may require supplemental or larger signs or both.
- 3. **Sign Posting Acknowledgement.** A completed Sign Posting Acknowledgment form prepared and signed and dated by the applicant or an authorized representative of the applicant, which shall contain photographic evidence of the installed signs, shall be submitted to the Development Services Department no later than ten calendar days prior to the scheduled public hearing. This document shall be mailed or dropped off or emailed to the assigned Project Planner.
- 4. **Timing of Sign Installation.**
  - a. Signs shall be installed no later than ten (10) days prior to the scheduled date of the public hearing.
  - b. Posted signs must remain visible on the property until the last decision-making action specified by the Development Services Department.
- 5. **Maintenance.**
  - a. The applicant and owner shall be responsible for maintaining the noticeboard such that it is readable during the period it is required to be in place. If the sign or structure is damaged, defaced or otherwise made illegible, the applicant/owner shall replace the sign in accordance with the standards of this subsection. The applicant shall pay the replacement cost of such board.
- 6. **Removal**
  - a. The applicant shall remove the sign(s) from the project site no later than 10 calendar days following the end of the appeal period for the project.

(Ord. 1259 § 1, 2013; Ord. 1279 § 10, 2015; Ord. 1303 § 6, 2016; Ord. 1375 § 2, 2022)

**SECTION 2. Amendment to Palm Desert Municipal Code.** Palm Desert Municipal Code Section 25.60.160 is hereby amended as follows:

25.60.160. Community Engagement.

- A. **Intent and purpose.** It is the intent of this chapter that each project applicant prepare and submit to the City a "Community Engagement Plan" to implement requirements for public notice, community engagement, and public outreach. The intent is to present project information and engage in public outreach meetings

early in the development review process of new projects and address concerns of the public prior to an action of the approving body. The Community Engagement Plan shall provide residents within the required notification radius with an opportunity to actively participate in the city's development review procedures for discretionary projects to help shape the direction of the City's development.

- B. **Scope of regulations.** This chapter shall be applied pursuant to the adopted "Resolution of the City Council of the City of Palm Desert Establishing Policies related to Community Engagement (Resolution No. 2021-50)."

Requirements related to community engagement for new projects are as follows:

1. Developers must prepare and submit a Community Engagement Plan to the Development Services Department at the same time a development application is submitted for any project that is located on a project site of five (5) acres, or greater, and requires discretionary approval, including, but not limited to, any request for a discretionary approval of a Precise Plan, Tentative Map, Specific Plan, General Plan Amendment, Change of Zone, Development Agreement, Variance, or combination thereof. The Director of Development Services may require a Community Engagement Plan for any project when due to extraordinary or exceptional factors.
2. Comply with the public notification requirements of Section 25.60.060 of this Title.
3. The Community Engagement Plan must contain the following:
  - i. Developer's method(s) of communication with the public. Proposed location(s) of public outreach shall be provided;
  - ii. Samples of the written publications distributed to the public that include any informational items of the project. Written publications and invitations should comply with the following:
    - a) The written publication should include the date, time, and location of the scheduled community meeting.
    - b) The invitation to community meetings should include as much information about the project and request in the application as possible to inform attendees of what is being proposed.
    - c) Community meetings should be located in the City of Palm Desert and as close to the subject property as is practical to minimize the distance that attendees need to travel to participate.



- d) Community meetings should be scheduled to avoid, to the extent feasible, any conflict with other publicly scheduled meetings.
  - e) Community meetings should be scheduled during non-business hours and at reasonable times to allow attendees who work during the day an opportunity to attend.
  - f) Applicants may also, in addition to the in-person meeting, provide an option for participating by teleconference.
4. For any application that requires a Community Engagement Plan, the applicant shall host a minimum of two community meetings to provide information and receive feedback about the project. Follow-up meetings may be required by the Director of Development Services.
- i. The first community meeting shall occur 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. To the extent practical, the first community meeting should occur prior to application submittal to the City.
  - ii. The second community meeting shall occur within thirty (30) days after the date when the project is deemed or determined to be complete.
  - iii. There shall be at least one (1) day between the required community meetings in sub-paragraphs (a) and (b), above.
  - iv. The Director of Development Services may approve alternative scheduling of the required community meetings as reasonably necessary.
  - v. The applicant is solely and exclusively responsible for holding the community meetings in accordance with this section. The community meetings shall not be considered a public hearing or meeting on the project.
5. The applicant shall prepare a Community Engagement Report summarizing the outcome of the community meetings required by this section, and submit the Community Engagement Report to the City prior to the first public hearing or other public meeting for the project held by the City. The Community Engagement Report will be included as an exhibit as a part of the agenda report that is published prior to the public hearing. The Community Engagement Report shall include the following:
- i. Dates, times, and locations of all meetings that attendees were invited to attend to discuss the project and the subject request.

- ii. The names and affiliation of those that attended that represent the applicant.
  - iii. The names and department of staff that attended the meeting.
  - iv. A sign-in sheet listing the names of the attendees that participated in the process.
  - v. The applicant shall provide any written comments and/or a written summary of any significant issues or concerns raised by attendees during the community engagement meetings.
6. The applicant shall coordinate with staff for the notification of community meetings with property owners, including any association for a common interest development, within 1,000 feet of the proposed project.
7. City Staff is to be present at the meeting to observe, collect information, and provide answers, as needed, related to the General Plan, and applicable codes and ordinances of the City.
  - i. The applicant shall coordinate the scheduling of all community meetings required under this section with the City's project planner and include City staff in all notices of meetings.
8. The entitlements will include a condition of approval on residential and/or owner- occupied projects, that the applicant will disclose, as part of any closing documents, the City's General Plan and Housing Element sites adjacent to the project.

**SECTION 3. Amendment to Palm Desert Municipal Code.** Palm Desert Municipal Code Section 25.72.020(C) is hereby amended as follows:

**25.78.020(C) Procedure for Hillside Development Plan application**

1. Application. The owner, authorized agent, or the purchaser with the consent of the owner may submit an application for development plan approval to the Department.
2. Notice. All development of parcels within the Hillside Planned Residential Zoning District that do not meet the exception's requirement as described in Section 25.10.050 shall require notice of a public hearing not less than 10 days or more than 30 days prior to the date of the hearing by publication in the newspaper of general circulation in the city and mailing notices via United States Postal Service to parties whose name appear on the latest adopted tax rolls of Riverside County as owning property within 4,000 feet of the exterior boundaries of the property that is the subject of the hearing, and by notification to all homeowners associations within the city south of Highway 111.

3. The Commission shall hold a public hearing and make a recommendation to Council to approve the development plan if it finds the criteria set forth in this chapter have been satisfied subject to such conditions as it deems necessary. The Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare. The decision of the Commission to deny the development plan shall be final unless appealed to the Council.