

# CITY OF PALM DESERT STAFF REPORT

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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

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## **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

## “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 300 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 300 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 ~~to relate the provisions of this title and all other applicable projects to the appropriate City provisions that have been adopted to comply with the Community Engagement Plan's intended purpose of requiring developers~~ 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 meeting early in the entitlement 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 ~~to must~~ prepare and submit a Community Engagement Plan to the ~~Planning/Land Development Division~~ Development Services Department at the same time a ~~of entitlement~~ development application is submitted for any project that is 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. ~~Meet-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. ~~Submitted~~ Samples of the written publications distributed to the public that includes ~~s~~ 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 Aa minimum of one two community meetings with the public 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 ~~developer to~~ 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 developer applicant will disclose, as part of any closing documents, the City's General Plan and Housing Elements 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 ~~Haystack Road~~ 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.