



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA

www.palmsprings-ca.gov

www.yoursustainablecity.com

September 17, 2019
5:00 PM

REGULAR
MEETING AGENDA

Palm Springs City Hall
Large Conference Room
 3200 E Tahquitz Canyon Way
 Palm Springs, CA 92262

COMMISSIONERS		
Roy Clark, Chair	David Freedman	John Goins
Robert McCann, Vice Chair	Jennifer Futterman	Lani Miller
Carl Baker	Sandra Garratt	T Santora
Jim Flanagan	Greg Gauthier	

Staff representatives: Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

CITY MANAGER / STAFF COMMENTS

(20 MINUTES)

1. July 24 and September 18, 2019 City Council Meetings Update.
2. Branding/Business Cards Status.
3. Anticipated PSDS Rate Increases.

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

A. WELCOME AND INTRODUCTIONS

(5 MINUTES)

B. MEETING MINUTES

(5 MINUTES)

July 16, 2019 Regular Meeting Minutes

C. RECYCLING REPORT - Gary Calhoun

(5 MINUTES)

D. OLD BUSINESS

(25 MINUTES)

1. Downtown Trash/Recycling Receptacle Update – Manager Tallarico
2. Solar Zoning Ordinance

“MOTION: The Sustainability Commission approves the Solar Zoning Ordinance to encourage the use and development of solar energy systems and solar energy facilities and recommends that the City forward the draft ordinance to the Planning Commission for adoption.” – Commissioner Freedman

E. NEW BUSINESS

(35 MINUTES)

1. Election of Commission Chairperson and Vice Chairperson.
2. Student rep from Palm Springs High School or Desert Learning Academy.
3. Fountain grass eradication.
4. Community garden naming plan.
5. 2020 Earth Day, Wed, April 22, form ad hoc subcommittee.
6. Resolution on California Desert Protection Act.

F. SUBCOMMITTEE AND COMMISSIONER REPORTS

(35 MINUTES)

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman, Goins and Flanagan
 - EV Charging
 - Training Topic Feedback
2. Standing Subcommittee on Waste Reduction – Manager Tallarico, Vice Chair McCann, Chair Clark, Commissioner Miller
 - September 16, 2019 Plastic Food Ware Ordinance Stakeholder Meetings
 - Signage
 - Outreach
 - Field Trips
3. Standing Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Santora, Garratt
4. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Gauthier, Futterman
 - Safe Routes to Schools Project and Pedestrian Master Plan.
 - Crosswalk Projects.
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan
6. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann and Commissioner Flanagan
7. Big Horn Sheep Habitat Protection – Commissioner Flanagan, Manager Tallarico
8. Wellness – Commissioner Baker
9. Water - Commissioner Freedman
 - DWA Rebates (e.g., Turf Buy-Back Program)
 - Airport Water Filling Stations
10. Desert Community Energy, Community Advisory Committee – Commissioners Baker, Freedman, Miller

G. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT

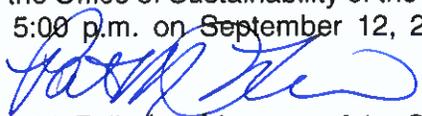
(5 MINUTES)

H. ADJOURNMENT - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, October 15, 2019, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8214.

AFFIDAVIT OF POSTING: I, Patrick Tallarico, Manager of the Office of Sustainability of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on September 12, 2019, as required by established policies and procedures.


Patrick Tallarico, Manager of the Office of Sustainability

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**

Commissioner Name
Advisory Board Member

☎ xxx.xxx.xxxx (c)
✉ commissioner@email.com



**Palm Springs
Sustainability
Commission**



Palm Springs California

Sustainability Commission



MEMORANDUM

Date: July 29, 2019

To:

From:

Subject: Insert Subject



SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES
 Tuesday, July 16, 2019 Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Clark called the meeting to order at **5:00** p.m.

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

AGENDA APPROVAL: The agenda was presented by Chair Clark. A motion to approve as was made by Commissioner Miller and seconded by Vice Chair McCann and carried by a vote of 7-0-1 with Commissioner Baker abstaining.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2019/2020 Excused Absences</u>	<u>FY 2019/2020 Unexcused Absences</u>
Roy Clark, Chair	X	36		
Robert McCann, Vice Chair	X	34		
David Freedman	X	46		
Jennifer Futterman	X	33		
Greg Gauthier	X	27		
John Goins	E	22	1	
T Santora	E	12	1	
Carl Baker	X	14		
Jim Flanagan	E	5	1	
Lani Miller	X	5		
Sandra Garratt	X	1		

X = Present
 L = Late

E = Excused (notified Chair and Staff of absence)
 U = did not notify of absence

CITY STAFF PRESENT: Patrick Tallarico, Manager, Office of Sustainability; Daniel DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator.

CITY MANAGER / STAFF COMMENTS – Manager Tallarico reported on the following:

- Brown Act Refresher – City Clerk Anthony Mejia provided a handout describing the “ABC’s” of the Brown Act, which applies to the full Commission and to Standing Subcommittees. He hit on some important points that some Commissioners may not be aware of. For example:
 - A majority of a body (Commission or Committee) cannot talk privately about a matter of agency business no matter how the communication about a business item occurs.
 - The public must be informed any time a majority is meeting about the time and place and issues to be addressed at the meeting. This applies to field trips as well.
 - A serial meeting is a series of communications that result in a majority of the body’s members discussing, deliberating or taking action on a business matter and must be avoided. Public Comments can be shared anonymously – the speaker does not have to identify him/herself.
- Update on Cogen Plant: Maintenance and Facilities Director Staci Schafer reported that the Cogen Plant is currently down, waiting on a part. The plant has been up most of the time in the last four months. The City is moving forward with Engie International (formerly Chevron/Opterra) on some terms and agreement on how to move forward with the plant to get more energy savings. The energy produced recently has been consumed by the airport.
- Product Development Process: A product Workflow was distributed to the Commissioners detailing how a program is put into place when brought before the Commission. Also added to the Workflow was a section on projects or programs that emerge from the Commission and programs that emerge from outside the City.
- Report on Past and Upcoming Council Meeting Topics: At the June 19, 2019 Council meeting Sandra Garratt was appointed to the Sustainability Commission. Also, the Salton Sea resolution was passed in support for a comprehensive analysis of all water import alternatives as a part of the long-term solution

Sustainability Commission Regular Meeting Minutes

July 16, 2019, 5 p.m. - Page 2

for the Salton Sea. The Dockless electric scooter proposal was discussed and voted down. The Council asked that the Business Retention subcommittee issue an RFP for Bike Share services. A plastics ban was fully supported so the City will move forward with developing a Draft Ordinance for the Council.

- On July 10th, there was a request from a Council member to evaluate non-toxic alternatives to Roundup weed killer for the City's gardening and landscaping activities. Later in the meeting, Commissioner Baker agreed to conduct some research on this topic.
- The Solar Zoning Ordinance will go before the Council at the July 24, 2019 Council meeting.
- The Summer Reading Program Bike Raffle at the Library will be held on July 18th.
- Manager Tallarico requested that the Commissioners indicate which email address they would like to use for future correspondence, personal or First.Last-ABM@palmspringsca.gov.

PUBLIC COMMENTS – None

A. WELCOME AND INTRODUCTIONS - Chair Clark welcomed Commissioner Sandra Garratt and she gave a brief statement of her interests and background.

B. PRESENTATIONS:

1. Fountain Grass Eradication – Jennifer Prado (Friends of the Desert Mountains) and Tracy Merrigan (Desert Horticultural Society). Ms. Prado discussed the problem of Fountain Grass being an invasive plant with a Power Point presentation. The grasses create a fire problem as well as taking water away from the desert. The only way to kill it is to pull it out by the roots and destroy the seeds. It is a very fast-growing plant. A recommendation was made to ask the City to ban the sale of the plant within the City limits.
2. Sidewalks and Pedestrian Safety – Don Barratt spoke on crosswalks in the Warm Sands neighborhood. Crossing Ramon between Sunrise and Indian Canyon is difficult and more crosswalks are needed for pedestrian safety. Another area of concern is along Ramon from Calle Encilia to Avenida Caballeros.

C. MEETING MINUTES

June 18, 2019 Regular Meeting minutes approval: Motion by Commissioner Baker to approve as presented, second by Commissioner Gauthier. Motion passed 7-0-1 with Commissioner Baker abstaining.

D. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported on the following

1. Beverage Container grant annual report for FY 2016-17 is due September 3, 2019
2. Desert Arc has asked for a proof of designation, which will allow them to collect e-waste.
3. Special events – three e-waste and shredding events throughout the year. The next one is in mid-October.
4. Annual Report which is due in August is being worked on and will be submitted on time.
5. Legislation – SB1383 Organics recycling bill is causing some consternation with waste haulers, and the haulers will be presenting a much more aggressive approach to the bill.
6. Other duties as requested – no report.
7. Recyclable materials taken to approved recycling facilities – The battery recycling program has proven to be successful with 4 pickups already and another 4 scheduled. Mr. Calhoun also reported on the tonnage received by SA Recycling.
8. Current Legislation – Mandatory Commercial Recycling letters will be mailed out soon.

E. OLD BUSINESS

Commissioners discussed the following items. Key points are highlighted.

1. Status of the Leaf Blower Information Campaign – Manager Tallarico reported that to date about 67 complaints have been filed with about 30 that were unable to be determined as the gardener had already left the address, 9 citations and about 15 false alarms. More outreach will be forthcoming to show the difference between a gas blower and an electric blower. The City has also received a lot of positive feedback from residents and landscapers.

2. Status of Household Battery Recycling Program. Manager Tallarico reported that to date, we have recycled about 240 pounds or 3800 batteries in the first month of the program. One additional location for a collection tube has been added at the Farmers Market. Home collection boxes have also been provided to the True Value store per their request. A request was made to take the collection boxes to schools and hospitals where they can be distributed.
3. Status of Downtown Trash/Recycling Receptacle Analysis. Manager Tallarico reported on the steps that have been taken to make a decision on obtaining new trash and recycling containers. Manager Tallarico showed a Power Point presentation (attached) showing the status of the research and recommendations for the new containers. A waste audit was also conducted in the Downtown area. Selection parameters for the containers were presented based primarily on feedback from the Maintenance staff. A plan was developed for the placement of containers still to be approved. Chair Clark stated that the City Manager requested a recommendation from the Commission for selection of appropriate containers. The following motion was made by Vice Chair McCann and seconded by Commissioner Baker.

“MOTION: The Sustainability Commission recommends that the City purchase standalone (not combined) trash and recycling containers for the downtown/uptown business districts that can be paired where necessary to encourage effective recycling. The containers must meet the following requirements: trash containers shall be grey and recycling containers shall be blue; they shall have non-removable tops; they shall be of similar design but have appropriate openings and markings to differentiate trash and recycling; they shall be made of durable materials and be resistant to weather, graffiti, and power washing; and they shall have liners that hold bags and prevent them from slipping.”

AYES: 8
NOES: 0
ABSTENTIONS: 0
EXCUSED ABSENT: 3

Commission members noted the following additional concerns that the City should consider as it moves forward with this action:

- The material used for the bags in the recycle containers should be made from biodegradable materials.
- The liners in the containers should be made from non-plastic materials if available.
- Signage for the containers should include words and graphics and the written information should be in both English and Spanish.
- If plastic bags are used to collect recyclables, recyclable materials should be freed from the bags before they are sent offsite to be recycled.
- Existing concrete containers in good condition should be reused elsewhere in the City

F. COMMITTEE AND COMMISSIONER REPORTS

Commissioners discussed the following items. Key points are highlighted.

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman, Goins and Flanagan
Commissioner Freedman reported on the following:
 - The draft solar ordinance will be on the City Council agenda on July 24, 2019. The Planning Commission approved the ordinance at their June 26, 2019 meeting.
 - The DCE Community Advisory Committee chose Commissioners Freedman, Baker and Miller as representatives from Palm Springs. The Advisory Committee will be working on a RFP for an enhanced enrollment program for low income customers.
 - Also as a result of the City electing the 100% carbon free product from DCE, the annual greenhouse gas emissions will be reduced from 431,000 to 313,000 metric tons, a 25% decrease.
 - The Energy Code training program is moving forward with CVAG and DVBA. The Energy Code ACE program sponsored by SCE and SoCalGas will be presented at no cost to the Commission. The program is being planned for the week of October 21, 2019.
 - Manager Tallarico reported on the progress of adding more EV charging stations in the City.

Sustainability is working with the Engineering Department to assess the various locations throughout the City.

2. Standing Subcommittee on Waste Reduction – Vice Chair McCann, Chair Clark, Commissioner Miller
 - Manager Tallarico reported on the following:
 - That the plastic foodware and straw ban ordinance is in the development stage with some outreach being planned over the next few months.
 - Commissioner McCann reported on the following:
 - The Downtown trash container audit. The audit revealed that Food Packaging, Drink cups and miscellaneous plastics were the main items found.
 - Signage on both trash and recycle containers will help to inform the public what is and is not recyclable.
 - Single use plastic foodware should be compostable.
 - Have manufacturers label their items as either recyclable or trash.
 - Commissioner Miller reported on the following:
 - Progress of the recycling list being developed. She showed a Power Point presentation on what is not recyclable (attached).
 - Education and outreach is extremely important to providing the correct message.
3. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Wilson, Gauthier, Futterman
 - Manager Tallarico stated that he has been trying to contact the project manager at SCAG on the Walkability Plan but has not heard back yet. The City has started getting unsolicited feedback on places that need improving and on improving the safe routes to school.
4. Ad Hoc Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Santora
 - Chair Clark stated that the Ad Hoc Subcommittee will now be a Standing Subcommittee and asked if anyone would like to join the group.
 - Commissioner Garratt volunteered to join the Subcommittee
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan –
 - No Report
6. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann and Commissioner Flanagan -
 - No Report
7. Big Horn Sheep Habitat Protection – Commissioner Flanagan
 - Manager Tallarico stated that signs were received to put up on the trail heads prohibiting dogs on some of the trails. The signs will be going up soon.
 - Commissioner McCann reported that a press conference will be held on Thursday, July 18, 2019 at Oswit Canyon reporting that the amount of money now needed to purchase the land and keep development out is down to one million dollars. Saving the Oswit Canyon land will help to protect the Big Horn Sheep.
8. Wellness – Commissioner Baker reported that he spoke with Richard Noble on his ideas to help Palm Springs to become more sustainable. No specifics have been developed. Chair Clark asked if Commissioner Baker would like to look into alternatives to Roundup for lawn care, and he agreed.
9. Water - Commissioner Freedman reported on:
 - DWA completed its process for elections by district starting in 2020.
 - 22.3% reduction in potable water production compared with 2013 and cumulative savings over the last 12-month period of 18.1% and cumulative savings in the last three years is 17.6%.

G. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT -

- Commissioner Futterman stated that a comprehensive guide to environmental education and learning resources has been published.
- Commissioner Freedman requested an agenda item for September be elections for the 2019-20 Fiscal Year. Chair Clark stated that the elections were delayed due to 3 Commissioners being excused and to let Commissioner Garratt have a chance to see the workings of the Commission. The elections will be held at the September meeting.

H. ADJOURNMENT - The meeting of the Sustainability Commission adjourned at 7:38 PM by a motion from Commissioner Gauthier and seconded by Commissioner Baker and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday,

Sustainability Commission Regular Meeting Minutes

July 16, 2019, 5 p.m. - Page 5

September 17, 2019, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability



MEMORANDUM

DATE: SEPTEMBER 9, 2019

SUBJECT: SOLAR ZONING ORDINANCE

TO: Sustainability Commission
Patrick Tallarico, Manager, Office of Sustainability
Flinn Fagg, Director, Department of Planning Services

FROM: David Freedman, Sustainability Commissioner; Solar and Green Building
Committee Member

At its July 24 meeting, City Council considered and gave direction on the draft solar zoning ordinance approved by the Sustainability Commission at its March 19 meeting and by the Planning Commission at its June 26 meeting. Council asked that the ordinance be revised to reduce barriers to the installation of solar energy facilities in the City.

Following discussions with staff in light of Council direction, the draft ordinance approved by the Sustainability and Planning Commissions has been revised and is being submitted for reconsideration by the two Commissions at their respective meetings of September 17 and 25, prior to going back to Council at its October 23 meeting. At the October 23 meeting, Council will separately consider an ordinance adopting the 2019 state Building Standards Codes, effective January 1, 2020. The code package includes the 2019 Energy Code, which, among other things, will require solar energy systems on all new residential development three stories and under. The systems must meet the minimum qualification and electric output requirements as specified in the Energy Code. For Climate Zone 15, where Palm Springs is located, the required output is slightly larger than the two watts per square foot standard for new residential construction set out in the policy resolution that Council adopted in January 2018. The 2019 Energy Code upon its effectiveness next January 1 will replace the current City policy.

The proposed solar zoning ordinance reflects solar zoning best practices in other California cities such as Santa Monica and West Hollywood and is based on technical assistance from the National League of Cities that Palm Springs received last summer when the City was awarded a Gold designation from the NLC's SolSmart program. Under the proposed ordinance, solar energy systems will be allowed in all zoning districts. Solar energy systems on properties in the Environmentally Sensitive Area Specific Plan Area

(ESA-SP) will also be allowed but will be subject to additional requirements. Installation or replacement of solar energy systems that does not change the use or the basic exterior characteristics or appearance of a non-conforming building or structure is allowed.

The proposed ordinance also sets height, visibility and setback requirements for rooftop and ground-mounted systems for both residential and non-residential buildings and protects solar energy systems from excess shading. Dwelling units in subdivisions of five or more lots are encouraged to be sited to reduce solar gain as well as to take advantage of solar access and provide maximum exposure of roof area to the sun insofar as practical, including their orientation with respect to sun angles.

Key changes to the draft ordinance that the Sustainability and Planning Commissions previously approved are as follows:

- **Height allowances are increased.** Roof-mounted solar energy systems on all structures may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the zoning district in which the structure is located. The previous version of the ordinance only specified that structures could not exceed the maximum height limit.
- **Aesthetic and visibility requirements are eased.** Roof-mounted solar energy systems shall be designed and located in a manner that minimizes their visibility from public streets without compromising the effectiveness of the solar collectors. The same rule applies to ground-mounted solar energy systems other than for single-family dwellings, which are subject to the approval of the Planning Services Director. Visibility is determined by the Planning Services Director and effectiveness is determined by the Office of Sustainability Manager. The previous version of the ordinance required screening and painting of solar energy system accessory equipment on single-family homes and siting solar energy systems for other properties in the location that is the least visible from abutting streets unless such location would significantly increase costs and decrease efficiency.
- **The requirement for architectural review of certain solar installations, which is a current requirement under Subdivision (C)(3) of Section 93.03.00 of the Palm Springs Zoning Code, is eliminated.** However, as noted above, ground-mounted solar energy systems for single-family dwellings are subject to the approval of the Planning Services Director. In addition, installation of solar energy systems on historic resources are subject to review by the City's Historic Preservation Officer, under Section 8.05.150 of the Palm Springs Municipal Code. The previous version of the ordinance maintained the architectural review requirement in the current Zoning Code.

The text of the revised ordinance and a mark-up showing the changes to the draft ordinance previously approved by the Sustainability Commission are attached to this Memorandum.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE CHAPTER 93.00 TO ADD SECTIONS 93.16.00 THROUGH 93.16.09 AND AMEND SECTIONS 92.17.1.01, 92.17.2.01, 92.20.01 92.21.01 AND 93.03.00 TO FACILITATE SOLAR ENERGY SYSTEMS (CASE 5.1470 ZTA).

City Attorney's Summary

This Ordinance adds a new Chapter to the Palm Springs Zoning Code that will facilitate the installation of solar energy systems by establishing height, visibility and setback standards and allowing solar energy systems in all zoning districts. Additional requirements will apply for structures in Environmentally Sensitive Area Specific Plan zones. This Ordinance also will help streamline installation of solar energy systems on new residential construction three (3) stories and under, which will be required as part of the 2019 California Energy Code, which takes effect January 1, 2020.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

- A. The Sustainability Commission of the City of Palm Springs, by vote of 11 to 0 at its meeting of March 19, 2019, approved draft amendments to the Zoning Code to encourage the use and development of solar energy systems and solar energy facilities and recommended that the City forward the draft ordinance to the Planning Commission for adoption.
- B. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1470 ZTA was given in accordance with applicable law.
- C. On June 26, 2019, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law, at which meeting the Planning Commission voted 5-0-2 to recommend approval of the proposed amendments.
- D. On July 24, 2019, the City Council held a noticed public hearing on the proposed Zone Text Amendment in accordance with applicable law. Following the public hearing, City Council provided direction to the Planning and Sustainability Commissions and voted 5-0 to table the Zone Text Amendment pending further revisions by these Commissions to ensure the Amendment was sufficiently supportive of solar energy system adoption.
- E. The Sustainability Commission, by vote of _ to _ at its meeting of September 17, 2019, approved the revised amendments to the Zoning Code and recommended that the City forward the revised ordinance to the Planning Commission for adoption.

F. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1470 ZTA was given in accordance with applicable law.

G. On [September 25], 2019, a public hearing on the revised Zone Text Amendment was held by the Planning Commission in accordance with applicable law, at which meeting the Planning Commission voted _ to _ to recommend approval of the proposed amendments.

H. On [October 23], 2019, the City Council held a noticed public hearing on the revised Zone Text Amendment in accordance with applicable law.

I. The proposed Zone Text Amendment is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 *et. seq.*) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines. Certain structures and projects allowable under this proposed Zone Text Amendment would require an environmental evaluation under the California Environmental Quality Act (CEQA) at the time an application is filed for such development.

J. The City Council has carefully reviewed and considered all the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.

K. The City Council finds that approval of the proposed Zone Text Amendment would:

1. Allow solar energy systems in all zoning districts, with additional requirements for the Environmentally Sensitive Area Specific Plan zone.

2. Provide guidelines for placement, height, and setbacks for solar energy systems.

3. Facilitate implementation of the 2019 California Energy Code, which takes effect January 1, 2020, by providing a consolidated location for city solar zoning requirements. The new Energy Code will, among its provisions, require all new residential construction three (3) stories and under to install a solar energy system.

4. Implement the following goals of the General Plan:

- Support and encourage the use of alternative energy in the construction of new buildings and retrofit of existing buildings;
- Encourage and support the incorporation of energy efficiency and conservation practices in subdivision and building design;
- Make the maximum use of solar electric capabilities on an individual and community wide basis.

5. Implement the following goals of the Sustainability Plan:

- Develop strategies to reduce community-wide contributions to greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 by 2050;
- Encourage the building or retrofitting of one million square feet of green buildings;
- Reduce the total energy use by all buildings built before 2012 by 10%;
- Reduce energy use and carbon use from new homes and buildings;
- Supply 50% of all energy from renewable sources by 2030.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Ordinance.

SECTION 2. Chapter 93.00 of the Palm Springs Zoning Code is amended to add Sections 93.16.00 through 93.16.09 as follows:

93.16.00 Solar Energy Systems and Facilities

Sections 93.16.00 through 93.16.09 constitute the zoning regulations for solar energy systems and solar energy facilities in the City.

93.16.01 Short Title

Sections 93.16.00 through 93.16.09 may be referred to as the Solar Zoning Ordinance of the City of Palm Springs.

93.16.02 Purpose

Recognizing that the Sustainability Plan has set a vision of Palm Springs as a high efficiency, renewable energy city, the City Council finds that it is in the public interest to reduce energy demand, encourage the use and development of solar energy systems as a clean, renewable energy source and to help promote local, renewable energy jobs. The purpose of this Solar Zoning Ordinance is to facilitate the effective and efficient use of solar energy systems by the residents, businesses and institutions of Palm Springs while protecting the public health, safety and welfare.

93.16.03 Definitions

“Solar access” means space open to the sun and clear of overhangs or shade, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

“Solar energy system” shall have the meaning assigned to it in Section 8.100.020 of the Palm Springs Municipal Code.

“Solar energy facilities” means an alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment (including storage) and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use.

93.16.04 Permitted Accessory Use

A. Solar energy systems are permitted in all zoning districts as an accessory use to a permitted principal use subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this Solar Zoning Ordinance. In the ESA-SP zone, a solar energy system that is structurally mounted to the roof of a single-family dwelling or multi-family residential building that is permitted under Section 92.21.1.01 shall be considered an accessory use under Subdivisions (A)(2) and (B)(6) of such section.

B. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage only if pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.

C. Installation or replacement of solar energy systems that does not change the use or the basic exterior characteristics or appearance of a non-conforming building or structure is allowed.

D. Solar energy systems may generate energy in excess of the energy requirements of a property if the energy is to be credited under an applicable net energy metering program or used or stored onsite.

93.16.05 Height, Visibility and Setback Requirements

A. Roof-mounted solar energy systems shall be subject to the following requirements and allowances:

1. Roof-mounted solar energy systems may extend up to five (5) feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the zoning district in which the structure is located.

2. Roof-mounted solar energy systems shall be designed and located in a manner that minimizes their visibility from public streets without compromising the effectiveness of the solar collectors. All solar energy systems on single-family dwellings not conforming to the roof profile are subject to the approval of the Director.

B. Ground-mounted solar energy systems shall be subject to the following requirements and allowances:

1. All ground-mounted solar energy systems for single-family dwellings are subject to the approval of the Director.

2. All other ground-mounted solar energy systems shall be designed and located in a manner that minimizes their visibility from public streets without compromising the effectiveness of the solar collectors.

3. The setback of ground-mounted solar energy systems accessory to a multi-family dwelling principal use or accessory to a principal use in non-residential zoning districts is subject to the following additional standards:

a. Solar collectors are allowed to be located up to half (1/2) of the setback that would otherwise apply from the front, side or rear property line.

b. Accessory equipment also may be installed within the required side and rear setback but shall not be closer than two (2) feet to any property line.

C. The review and determination of visibility from public streets shall be made by the Director. The review and determination of effectiveness of solar collectors shall be made by the Manager of the Office of Sustainability.

D. Solar energy systems in the ESA-SP zoning district shall comply with the design standards set out in Section 92.21.1.05.

93.16.06 Solar Energy Facilities

As stated in Subdivision (D)(9)(a) of Section 92.17.1.01, Subdivision (D)(7)(a) of Section 92.17.2.01, Subdivisions (B)(1)(b)(i) and (B)(2)(a)(i) of Section 92.20.01 and Subdivision (D)(2)(a) of Section 92.21.01, solar energy facilities may be permitted in the zoning districts referred to in such sections, subject to approval of a conditional use permit, as provided in Section 94.02.00.

93.16.07 Protection of Solar Access

A structure, fence, or wall shall not be constructed or modified in a residential zoning district so as to obstruct the solar access of a solar energy system on a neighboring parcel to a degree that significantly decreases (as such term is defined in Subdivision (B)(2)(a) of Section 93.16.05) the energy performance of the system. The Planning Commission may modify this requirement if it finds that strict compliance would unduly limit property development, or unduly interfere with the development potential as envisioned for the area in the General Plan or Zoning Code. Vegetation is encouraged to be sited to reduce solar gain while not obstructing solar access insofar as practical.

93.16.08 Solar Orientation

Dwelling units in subdivisions of five (5) or more lots are encouraged to be sited to reduce solar gain as well as to take advantage of solar access and provide maximum exposure of roof area to the sun insofar as practical, including their orientation with respect to sun angles.

93.16.09 Building, Construction and Permitting

Building, construction and permitting of solar energy systems and solar energy facilities shall be subject to the provisions of Title 8 of the Palm Springs Municipal Code including Chapters 8.04, 8.05 and 8.100 thereof, as applicable.

SECTION 3. The term "solar collectors" in Subdivision (D)(9)(a) of Section 92.17.1.01, Subdivision (D)(7)(a) of Section 92.17.2.01, Subdivisions (B)(1)(b)(i) and (B)(2)(a)(i) of Section 92.20.01 and Subdivision (D)(2)(a) of Section 92.21.01 is replaced by the term "Solar energy facilities as defined in Section 93.16.03".

SECTION 4. Subdivision (C)(3) of Section 93.03.00 of the Palm Springs Zoning Code is rescinded.

SECTION 5. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. The proposed Zone Text Amendment is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines.

SECTION 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS ____ DAY OF _____, 2019.

Robert Moon, Mayor

ATTEST:

Anthony Mejia, MMC, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, Anthony Mejia, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and introduced by the City Council at a regular meeting held on the ___th day of [October], 2019, and adopted at a regular meeting of the City Council held on the ___ day of [November], 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ANTHONY MEJIA, MMC
CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING ~~CHAPTER 93.00 THE~~ PALM SPRINGS ZONING CODE CHAPTER 93.00 TO ADD SECTIONS 93.16.00 THROUGH 93.16.09 AND AMENDING~~AMEND~~ SECTIONS 92.17.1.01, 92.17.2.01, 92.20.01 92.21.01 AND 93.03.00 TO ~~ENCOURAGE THE USE AND DEVELOPMENT OFFACILITATE~~ SOLAR ENERGY SYSTEMS ~~AND FACILITIES~~ (CASE 5.1470 ZTA).

City Attorney's Summary

This Ordinance ~~updates the City's zoning rules for solar energy systems in anticipation of the 2019 Energy Code requirements for~~ adds a new Chapter to the Palm Springs Zoning Code that will facilitate the installation of solar energy systems by establishing height, visibility and setback standards and allowing solar energy systems in all zoning districts. Additional requirements will apply for structures in Environmentally Sensitive Area Specific Plan zones. This Ordinance also will help streamline installation of solar energy systems on new residential construction effective January 1, 2020. It provides that solar energy systems are permitted in all zoning districts except environmentally sensitive areas as an accessory use, establishes height, visibility, setback and solar orientation requirements and protects solar access. three (3) stories and under, which will be required as part of the 2019 California Energy Code, which takes effect January 1, 2020.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

- A. The Sustainability Commission of the City of Palm Springs, by vote of 11 to 0 at its meeting of March 19, 2019, approved draft amendments to the Zoning Code to encourage the use and development of solar energy systems and solar energy facilities and recommended that the City forward the draft ordinance to the Planning Commission for adoption.
- B. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1470 ZTA was given in accordance with applicable law.
- C. On ~~_____~~, June 26, 2019, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law, at which meeting the Planning Commission voted ~~to 5-0-2~~ to recommend approval of the proposed amendments.

D. On _____, July 24, 2019, the City Council held a noticed public hearing on the proposed Zone Text Amendment in accordance with applicable law. Following the public hearing, City Council provided direction to the Planning and Sustainability Commissions and voted 5-0 to table the Zone Text Amendment pending further revisions by these Commissions to ensure the Amendment was sufficiently supportive of solar energy system adoption.

E. The Sustainability Commission, by vote of ___ to ___ at its meeting of September 17, 2019, approved the revised amendments to the Zoning Code and recommended that the City forward the revised ordinance to the Planning Commission for adoption.

F. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1470 ZTA was given in accordance with applicable law.

G. On [September 25], 2019, a public hearing on the revised Zone Text Amendment was held by the Planning Commission in accordance with applicable law, at which meeting the Planning Commission voted ___ to ___ to recommend approval of the proposed amendments.

H. On [October 23], 2019, the City Council held a noticed public hearing on the revised Zone Text Amendment in accordance with applicable law.

I. The proposed Zone Text Amendment is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines. Certain structures and projects allowable under this proposed Zone Text Amendment would require an environmental evaluation under the California Environmental Quality Act (CEQA) at the time an application is filed for such development.

FJ. The City Council has carefully reviewed and considered all the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.

GK. The City Council finds that approval of the proposed Zone Text Amendment would:

1. ~~Encourage the use and development of solar energy systems in anticipation of the requirement of solar energy systems in new residential construction under the 2019 California Energy Code effective January 1, 2020;~~ Allow solar energy systems in all zoning districts, with additional requirements for the Environmentally Sensitive Area Specific Plan zone.

2. Provide guidelines for placement, height, and setbacks for solar energy systems.

3. Facilitate implementation of the 2019 California Energy Code, which takes effect January 1, 2020, by providing a consolidated location for city solar zoning

requirements. The new Energy Code will, among its provisions, require all new residential construction three (3) stories and under to install a solar energy system.

2.4. Implement the following goals of the General Plan:

- Support and encourage the use of alternative energy in the construction of new buildings and retrofit of existing buildings;
- Encourage and support the incorporation of energy efficiency and conservation practices in subdivision and building design;
- Make the maximum use of solar electric capabilities on an individual and community wide basis;

3.5. Implement the following goals of the Sustainability Plan:

- Develop strategies to reduce community-wide contributions to greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 by 2050;
- Encourage the building or retrofitting of one million square feet of green buildings;
- Reduce the total energy use by all buildings built before 2012 by 10%;
- Reduce energy use and carbon use from new homes and buildings;
- Supply 50% of all energy from renewable sources by 2030.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Ordinance.

SECTION 2. Chapter 93.00 of the Palm Springs Zoning Code is amended to add Sections 93.16.00 through 93.16.09 as follows:

93.16.00 Solar Energy Systems and Facilities

Sections 93.16.00 through 93.16.09 constitute the zoning regulations for solar energy systems and solar energy facilities in the City.

93.16.01 Short Title

Sections 93.16.00 through 93.16.09 may be referred to as the Solar Zoning Ordinance of the City of Palm Springs.

93.16.02 Purpose

Recognizing that the Sustainability Plan has set a vision of Palm Springs as a high efficiency, renewable energy city, the City Council finds that it is in the public interest to reduce energy demand, encourage the use and development of solar energy systems as a clean, renewable energy source and to help promote local, ~~clean~~renewable energy jobs. The purpose of this Solar Zoning Ordinance is to facilitate the effective and efficient use of solar energy systems by the residents, businesses and institutions of Palm Springs while protecting the public health, safety and welfare.

93.16.03 Definitions

“Solar access” means space open to the sun and clear of overhangs or shade, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

“Solar energy system” shall have the meaning assigned to it in Section 8.100.020 of the Palm Springs Municipal Code.

“Solar energy facilities” means an alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment (including storage) and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use.

93.16.04 Permitted Accessory Use

A. Solar energy systems are permitted in all zoning districts ~~except ESA-SP~~ as an accessory use to a permitted principal use subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this Solar Zoning Ordinance. In the ESA-SP zone, a solar energy system that is structurally mounted to the roof of a single-family dwelling or multi-family residential building that is permitted under Section 92.21.1.01 shall be considered an accessory use under Subdivisions (A)(2) and (B)(6) of such section.

B. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage ~~so long as~~only if pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.

C. Installation or replacement of solar energy systems that does not change the use or the basic exterior characteristics or appearance of a non-conforming building or structure is allowed.

D. Solar energy systems may generate energy in excess of the energy requirements of a property if the energy is to be credited under an applicable net energy metering program or used or stored onsite.

93.16.05 Height, Visibility and Setback Requirements

A. ~~The height of Roof-mounted solar energy systems is shall be~~ subject to the following ~~standards requirements and allowances:~~

~~1. On all single-family dwellings: Solar collectors shall not extend~~Roof-mounted solar energy systems may extend up to five (5) feet above the roof surface on which they are installed, even if this exceeds the maximum allowable height of limit in the zoning district in which the structure is located.

~~2. On all other properties with pitched roofs: Solar collectors shall not extend above the maximum allowable height of the structure.~~Roof-mounted solar energy systems shall be designed and located in a manner that minimizes their visibility from public streets without compromising the effectiveness of the solar collectors. All solar energy systems on single-family dwellings not conforming to the roof profile are subject to the approval of the Director.

~~3. On all other properties with flat roofs: Photovoltaic solar energy systems may extend up to five (5) feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the zoning district in which it is located. Water or swimming pool heating solar energy systems may extend up to seven (7) feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the zoning district in which it is located.~~

B. ~~The visibility of solar energy systems is subject to the following standards:~~Ground-mounted solar energy systems shall be subject to the following requirements and allowances:

~~1. On single-family dwellings: Solar panels and accessory equipment shall be designed and located on the dwelling in a manner that minimizes the detrimental impact to its aesthetic appearance. All solar energy system appurtenances such as, but not limited to, water tanks, supports, wiring and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors and shall be painted a color similar to the color of the surface upon which they are mounted. Solar collectors and warning and safety signs are exempt from the screening and color provisions of this subdivision. All designs not conforming to the roof profile shall be approved by the Director.~~

1. All ground-mounted solar energy systems for single-family dwellings are subject to the approval of the Director.

~~2. On all other properties: roof-mounted solar collector panels, their necessary support structure(s), and conduit(s), shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system as compared to a more visible location.~~ground-mounted solar energy systems shall be designed and located in a

manner that minimizes their visibility from public streets without compromising the effectiveness of the solar collectors.

~~a. For energy performance, “significantly decrease” shall be defined as decreasing the expected annual energy production by more than 10 percent.~~

~~b. For the cost of solar energy systems, “significantly increase” shall be defined as increasing the cost of the system by more than 10 percent.~~

~~The review and determination of the cost or energy efficiency of installation alternatives shall be made by the Manager of the Office of Sustainability. The review and determination of the least visible alternative shall be made by the Director.~~

~~3. Notwithstanding Subdivision (B)(1) of this Section 93.16.05, solar energy systems for single-family dwellings may be ground-mounted if approved by the Director. No part of the ground-mounted system shall extend into the side-yard or rear setback when oriented at minimum design tilt or extend into the required setbacks due to a tracking system or other adjustment of solar panels or accessory equipment. The screening requirement of Subdivision (B)(4) of this Section 93.16.05 shall also apply.~~

~~4. Ground-mounted solar energy systems accessory to a multifamily dwelling principal use shall be installed in common areas and shall be screened from view at-grade from all adjacent streets and adjacent properties, so long as the screening does not significantly decrease (as such term is defined in Subdivision (B)(2)(a) of this Section 93.16.05) the energy performance of the system.~~

~~C. The setback of ground-mounted solar energy systems accessory to a multi-family dwelling principal use or accessory to a principal use in non-residential zoning districts is subject to the following additional standards:~~

~~1.a. Solar collector panels may collectors are allowed to be located no closer than one up to half (1/2) of the setback that would otherwise apply from the front, side or rear property line.~~

~~2.b. Accessory equipment also may be installed within the required side and rear setback but shall not be closer than two (2) feet to any property line.~~

~~C. The review and determination of visibility from public streets shall be made by the Director. The review and determination of effectiveness of solar collectors shall be made by the Manager of the Office of Sustainability.~~

~~D. Those structures covered by Section 94.04.00 (Architectural approval) shall be required to comply with the requirements for architectural approval for any changes proposed to the exterior of the building. Solar energy systems in the ESA-SP zoning district shall also comply with the design standards set out in Section 92.21.1.05.~~

93.16.06 Solar Energy Facilities

As stated in Subdivision (D)(9)(a) of Section 92.17.1.01, Subdivision (D)(7)(a) of Section 92.17.2.01, Subdivisions (B)(1)(b)(i) and (B)(2)(a)(i) of Section 92.20.01 and Subdivision (D)(2)(a) of Section 92.21.01, solar energy facilities may be permitted in the zoning districts referred to in such sections, subject to approval of a conditional use permit, as provided in Section 94.02.00.

93.16.07 Protection of Solar Access

A structure, fence, or wall shall not be constructed or modified in a residential zoning district so as to obstruct the solar access of a solar energy system on a neighboring parcel to a degree that significantly decreases (as such term is defined in Subdivision (B)(2)(a) of Section 93.16.05) the energy performance of the system. The Planning Commission may modify this requirement if it finds that strict compliance would unduly limit property development, or unduly interfere with the development potential as envisioned for the area in the General Plan or Zoning Code. Vegetation is encouraged to be sited to reduce solar gain while not obstructing solar access insofar as practical.

93.16.08 Solar Orientation

Dwelling units in subdivisions of five (5) or more lots are encouraged to be sited to reduce solar gain as well as to take advantage of solar access and provide maximum exposure of roof area to the sun insofar as practical, including their orientation with respect to sun angles.

93.16.09 Building, Construction and Permitting

Building, construction and permitting of solar energy systems and solar energy facilities shall be subject to the provisions of Title 8 of the Palm Springs Municipal Code including Chapters 8.04, 8.05 and 8.100 thereof, as applicable.

SECTION 3. The term “solar collectors” in Subdivision (D)(9)(a) of Section 92.17.1.01, Subdivision (D)(7)(a) of Section 92.17.2.01, Subdivisions (B)(1)(b)(i) and (B)(2)(a)(i) of Section 92.20.01 and Subdivision (D)(2)(a) of Section 92.21.01 is replaced by the term “Solar energy facilities as defined in Section 93.16.03”.

SECTION 4. Subdivision (C)(3) of Section 93.03.00 of the Palm Springs Zoning Code is rescinded.

SECTION 5. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. The proposed Zone Text Amendment is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines.

SECTION 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS _____ DAY OF _____, 2019.

Robert Moon, Mayor

ATTEST:

Anthony Mejia, MMC, City Clerk

CERTIFICATION

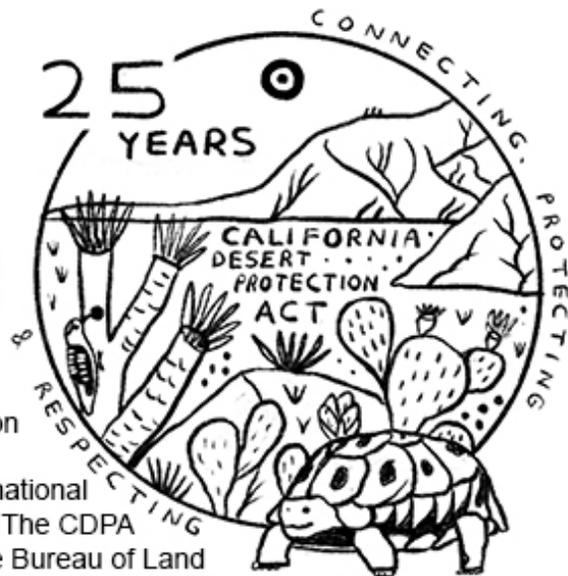
STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, Anthony Mejia, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and introduced by the City Council at a regular meeting held on ____ the ___-th day of _____[October], 2019, and adopted at a regular meeting of the City Council held on the ___ day of _____[November], 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ANTHONY MEJIA, MMC
CITY CLERK

Twenty-five Years of California Desert Protection!



October 31, 2019 marks twenty-five years since the signing of the 1994 California Desert Protection Act (CDPA), which, in addition to enlarging and re-designating Joshua Tree and Death Valley as national parks, established the Mojave National Preserve. The CDPA also created 69 wilderness areas managed by the Bureau of Land Management in the California desert, including the Mecca Hills Wilderness. The CDPA catalyzed 25 years of desert protection measures which have brought enormous benefits to the desert region, including five national monuments and millions of acres of lands specifically to be used for recreation and conservation. Those include: the San Jacinto, Santa Rosa, Sand to Snow, Mojave Trails and Castle Mountain National Monuments, the National Conservation Lands identified through the Desert Renewable Energy Conservation Plan, and places like the Whitewater River and Alabama Hills which gained new recognition through the Dingell Protection Act of 2019.

Desert land trusts, National Park units, conservation groups, community members, and chamber and tourism organizations that want to showcase the values of the region have come together to design a series of events throughout the fall to highlight lands protected through the last twenty-five years. There are celebration events planned in San Bernardino, Inyo, Riverside, Kern, Los Angeles, and Imperial Counties in September, October and November. Events include museum exhibits, guided hikes, star parties, trainings, bike rides, fireside chats, ranger tours, and art exhibits.

Groups involved in this effort include: the National Park Service; Joshua Tree National Park Association; The Wildlands Conservancy; Friends of the Desert Mountains; the Greater Palm Springs Convention & Visitors Bureau; Mojave Desert Land Trust; Joshua Tree Association for the Arts; Sierra Club; Friends of Big Morongo Canyon Preserve; Morongo Basin Conservation Association; VisitCA Desert; Visit 29 Palms; National Parks Conservation Association; Amargosa Conservancy; Friends of the Inyo; Ridgecrest Chamber and Tourism Bureau; Imperial Valley Desert Museum; Red Rock Canyon Interpretive Association and more!!!

Twenty-Five Years of Desert Protection

Desert Communities Lead the Way

- As part of the effort to enhance visibility and support for protected desert lands, communities throughout Southern California are considering resolutions recognizing the 25th Anniversary. The hope is the communities of Coachella Valley, as environmental leaders in the region, will help catalyze this effort towards a goal of *twenty-five resolutions*.
- Communities showing support can build ownership and recognition of local protected places with their residents, increasing local visitation and awareness. We hope this is part of a larger statewide effort to draw attention, and visitation to the desert region, including harder to reach areas, creating and supporting new 'gateway communities.'

Desert Protection brings economic benefits to the region through visitation

- Over the last quarter century the protected lands of the California desert have created an economic windfall. The economic benefit of desert travel, including visitor spending, industry earnings and government revenue, is increasing every year to 7.62 billion in 2018. Travel industry-generated employment in the California desert region has increased by more than 35% since 2010 alone, with more than 73,000 employees in 2018. ¹ This trend has been an economic boom for the Coachella Valley, where in 2017, visitors contributed revenue of \$7 billion, bringing in 13.6 million visitors.²
- A large part of the benefits to the Coachella Valley have come from its proximity to landscapes such as Joshua Tree National Park and, more recently, the Sand to Snow, Santa Rosa and San Jacinto National Monuments. In 2018, 2.9 million park visitors spent an estimated \$146 million in the local gateway regions while visiting Joshua Tree National Park. These expenditures supported a total of 1,830 jobs, \$71.9 million in labor income, \$122 million in value added, and \$196 million in economic output in local gateway economies surrounding Joshua Tree National Park.

Desert Protection is key to recreation and quality of life for residents

- The protected lands of the California deserts provide a place for members of the desert community and visitors to hike, bike, and engage in off-road motorized recreation. The protected lands of the California desert also provide a place for residents who enjoy the rural character of deserts, mountains, and wildlands to

¹ The desert region includes Imperial County and parts of Inyo, Kern, Riverside and San Bernardino Counties.
<https://industry.visitcalifornia.com/Research/Economic-Impact>

² [2017 Report on the Economic Impact of Tourism](#)

experience solitude, undisturbed vistas, and glorious sunsets and to gaze up into the night sky free of light or noise pollution.

Desert Protection aids the military

- Military installations located in the Mojave Desert have a significant economic impact on the surrounding communities.³ For example, Twentynine Palms Combat Center is the main economic driver in the Morongo Basin and one of the largest employers in the county. In 2015, the installation contributed an estimated \$1 billion annually to the local economy, supported 16,000 jobs (nearly 52 percent of all employment in the Basin), and direct and indirect spending comprised 48 percent of the area's economic activity.
- Desert military installations rely on desert public lands to protect against development projects that would impact military airspace or recreational activities that might stray onto installations, as well as preventing the overuse of water resources necessary for military operations. Protected public lands provide important habitat for threatened and endangered species, thus keeping military installations from becoming 'refuges of last resort' for threatened and endangered species. To reserve the viability of the military missions that occur in these areas, it is critical that desert landscape retain its natural function and that wildlife be able to migrate freely and protected on and off these lands.⁴

Desert Protection is key to water security

- Groundwater provides more than 40% of California's drinking water.⁵ Life in the California desert is sustained by underground aquifers and springs located in protected areas. Desert protection efforts like CDPA, the Dingell Act and DRECP protect these groundwater resources for desert residents, wildlife and the military.

Why now?

- The twenty-five year anniversary provides an opportunity for local communities to take pride in their local gems. Additionally, as we saw in the early 2019 National Park shut-downs, federal public lands across the nation are in danger of being under-funded or even closed to the public.

³ https://militarycouncil.ca.gov/s_economicdata/

⁴ <https://sonoraninstitute.org/files/ProtectingCalDesertMilitary.pdf>

⁵ <https://pubs.usgs.gov/fs/2019/3033/fs20193033.pdf>

- Equally concerning, the Desert Renewable Energy Conservation Plan (DRECP), a comprehensive amendment to the California Desert Conservation Area that the BLM approved in 2016, is ‘under review’ by the current Department of Interior. The DRECP is the result of over eight years of collaborative effort among federal and state agencies, local governments, renewable energy companies, environmental groups, businesses, and citizens. It balances large-scale renewable energy development in the desert with conservation and recreation on more than 10.5 million acres of public lands in Imperial, Inyo, Kern, Los Angeles, Riverside and San Bernardino Counties, designating 4.2 million acres of the desert’s most sensitive natural and cultural landscapes for conservation and designating 3.6 million acres for recreation.

Desert Protection is critical for climate

- In addition to their solar, wind and geothermal resource potential, California’s public lands act as carbon storage banks, and represent our best opportunity to remove CO₂ already in the atmosphere. When these lands are disturbed or lost to development they then become a major source of emissions. The Mojave Desert has specifically been found to be a significant carbon sink—and just as protecting land helps reduce carbon—disturbing it could exacerbate greenhouse gas emissions. Studies show that damage to desert soils can release significant amounts of carbon dioxide into the atmosphere.
- Conservation Management Actions in the DRECP include caps on the level of disturbance in conservation areas. This is important for both natural resource protection and climate change, because the network of protected lands provides habitat connectivity for flora and fauna to adapt to stressors, and also keeps the desert’s carbon-laden soils intact.



Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: September 17, 2019	SUBMITTED BY: Patrick Tallarico
SUBCOMMITTEE NAME: Standing SubCommittee on Waste Reduction (SSCoWR)	SUBMITTED DATE: September 12, 2019
LAST SUBCOMMITTEE MEETING DATE: September 4, 2019	NEXT SUBCOMMITTEE MEETING DATE: October 4, 2019

Subcommittee Goal:

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

Summary:

1. C&D Waste Ordinance.
 - No developments to report.
2. Reducing Single-use Nonrecyclable Plastic Food Ware and Plastic Straws by Food Service Establishments.
 - Staff is in the process of developing the ordinance draft. To inform that draft, they will hold a Stakeholder meeting on September 16th to get input from the business communities on key concepts that could be included in the ordinance. The City reached out to individuals from other cities such as Encinitas and Alameda and Long Beach to get their input on lessons learned from similar ordinances.
 - The City added a page on single-use plastics to its website.
3. Battery Recycling Project
 - The City is routinely collecting batteries from various locations around the City. In July and August, the City sent 12, 35-pound containers for recycling.
4. Toward a Public Spaces Recycling Program for the City of Palm Springs.
 - The group focused on signage during its August and September meetings. Robert McCann presented some mockups of potential signs to be placed on and above recycling and trash containers in parks and downtown. Signage on containers will focus on what not to put in. Signage above the containers will focus on what TO put in. The City met with a graphics specialist on September 10th to get an estimate for developing the signs.
 - The group also discussed conducting a pilot program with The Cultural Center that would not only focus on increasing their recycling rates but also moving to reusable and compostable food ware. Roy Clark and Patrick Tallarico met with Cultural Center staff on August 15th to assess mutual interests and visited the Center to see what types of materials they have that are recyclable and what materials they use for food service. The group agreed that Chair Clark will be the lead contact for the effort, which will begin with the recycling focus at the Cinema Diverse the weekend of September 19th.
 - Sept 10. Rob McCann and Patrick Tallarico met with teacher Lynn Yada, Desert Learning Center (DLC), to finalize plans for a collaborative scientific study to investigate the separate and joint effects of

pairing recycle and trash containers, providing signage, and educating waste receptacle users, on waste disposal behavior in outdoor trash and recycle containers. In Phase 1 of the study, to be carried out before Christmas, DLC students will repeatedly collect, sort and classify waste from existing DLC mixed-stream outdoor trash receptacles into several waste categories. The relative quantity of each category in each container will be recorded.

5. Palm Springs Waste and Recycling Materials Management Investigation.

- Lani Miller continued to research and review recycling program websites, web/mobile applications, and communications materials to identify potential good examples to inform future communication efforts. She attended the CRRRA Conference in Rancho Mirage along with City Staff to gather information and lessons learned from other cities.
- Manager Tallarico and Commissioner Miller reviewed some of the key takeaways from the CRRRA conference at the September Committee meeting.
- Commissioner Miller met with PSDS on August 27th to discuss content for communications materials.
- Commissioner Miller presented a list of things to keep out of recycling containers at the July Commission meeting. She worked on developing a narrative version of this list and presented it to the Committee at the September 4th meeting. She also presented a set of instructions on how to prepare materials for recycling. The group was asked to provide feedback to Commissioner Miller following the meeting.
- PSDS will be including an article on plastics recycling in its October newsletter. This article will talk about types of plastics and secondary markets. The Committee was asked to provide input on the draft article. Manager Tallarico agreed to consolidate this feedback and send it to PSDS.

6. Waste and Recycling Reporting

- Nothing new to report.

7. Downtown Trash and Recycling Containers

- Sustainability staff worked with Maintenance staff to develop the staff report for the purchase of new containers. The report will be presented to City Council at the September 18th meeting. At the Committee's meeting on September 4th, the group recommended that the factory-cut labeling for each container "Trash" and "Recycling" be moved down a few inches from the container openings so that signage could be placed on the units to indicate what "should not" be placed in the container. The group also discussed signage that will be placed above paired containers to inform individuals about what should be placed in each container.

8. Parks Trash and Recycling Containers

- July 27, 2019. 35 additional blue recycle containers were procured from Trashcans Unlimited for placement in the parks. SSCoWR and Office of Sustainability representatives will be meeting shortly to make placement decisions.

9. City Website

- The Committee agreed to conduct a review of the City's recycling and sustainability website at the next meeting in October to identify improvements and consider additions such as a link to Kars 4 Kids.

Recommendation/Request

Subcommittee members will continue to conduct research and refine products to improving recycling rates and report on progress at future Commission meetings.

ACTION ITEMS REQUEST TO COMMISSION	N/A
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	N/A
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	N/A