



MEMORANDUM

DATE: June 23, 2022

SUBJECT: Renewable Energy Ordinance

TO: Sustainability Commission
Flinn Fagg, Deputy City Manager
Tracy Sheldon, Interim Director, Office of Sustainability

FROM: David Freedman, Sustainability Commission Member

At the presentation of the Climate Action Roadmap at the City Council meeting of November 18, 2021, Council was informed of the Commission's work on an ordinance to require commercial businesses of a certain size – especially cannabis grow facilities – to use carbon-free energy. This ordinance is included under the City Council Priority "Environmental Stewardship (2A) in the FY 2021/22 Strategic Plan discussed at the Council meeting of February 22, 2022.

This Council direction follows a request by the Planning Commission at its July 14, 2021, meeting in response to large cannabis cultivation facilities considered at previous meetings and a desire to address energy demands of such large facilities and require sustainable practices related to energy and water usage. An earlier draft of the ordinance was presented to the Planning Commission at a study session held on September 1, 2021.

The current draft ordinance is attached to this memorandum. It is largely based on an ordinance that San Francisco adopted in 2019 to transition private commercial buildings to 100 percent GHG-free or renewable electricity. It also complements 2022 California Energy Code provisions on cannabis facilities and solar and battery energy storage systems for nonresidential buildings, which will enter into effect on January 1, 2023. This measure would be relatively easy to adopt in Palm Springs, as both Desert Community Energy (DCE) and Southern California Edison (SCE) offer 100% carbon-free energy products. It does not mandate the installation of solar facilities, which would require demonstrating cost-effectiveness and prior approval of California Energy Commission (CEC).

The draft ordinance presents detailed findings on greenhouse gas (GHG) emission savings from both indoor cannabis cultivation facilities and large nonresidential buildings, as well as water savings by cannabis cultivation facilities from the use of dehumidification equipment having the capability to reuse transpired water for irrigation. The estimated GHG and water savings are based on an analysis of the City's cannabis cultivation permit data as of January 2022 by Kyle Booth of Energy Solutions, on behalf of the state's Codes and Standards Program at no charge to the City of Palm Springs. Those estimates are set out in Attachment 1. The estimated GHG reductions for other large businesses are based on load data provided by SCE.

Key cannabis provisions of the draft ordinance are as follows:

- Applies to indoor and mixed-light cultivation facilities.
- Renewable energy requirement for existing facilities phased in over three years, largest facilities (based on state license type) first (see Attachment 2).
- New facilities must comply at the start of operations.
- Dehumidification equipment at new facilities must have the capability to reuse transpired water for irrigation – this is considered best industry practice.
- Larger new facilities must use energy efficient lighting.
- Permit applicants must provide substantial evidence of ability to comply with energy and water requirements.

Key nonresidential provisions of the draft ordinance are as follows:

- Applies to all nonresidential buildings – owners and tenants. Small commercial businesses are exempt.
- Renewable energy requirement for existing facilities phased in over three years, largest energy users (based on SCE tariff or monthly energy demand) first (see Attachment 2).
- Monthly energy demand is proxy for building size used in San Francisco ordinance – City does not have building size data.
- New facilities must comply at certificate of occupancy.
- Users on long-term direct access energy contracts can continue them until end of contract term (including renewals).

The draft ordinance gives the City Manager or designee(s) the authority to adopt rules and regulations for implementation, including for verification of compliance with requirements of the ordinance. Given the dynamic nature of electricity rates and energy policy, the ordinance also grants authority to the City Manager to modify or suspend any or all the requirements by submitting a written determination to the City Council indicating:

- lack of carbon free or renewable energy market resources available to meet demand, and/or
- the cost of all available carbon free or renewable energy resources options is more than 25% of each energy provider's default program offering, and/or
- the requirement conflicts with or is similar or less comprehensive than a renewable energy requirement adopted by the State of California or the Federal government

(the California Energy Code is updated every three years and SB 100 sets a 2045 goal of powering all retail electricity sold in California with renewable and zero-carbon resources).

Finally, the draft ordinance has three small “clean-up” provisions:

- An unused Chapter 8.32 of the Municipal Code regarding municipal solar utility leasehold marketing is deleted.
- The definition of “solar energy system” in Municipal Code Section 8.100.020 is amended to conform to AB 1124, signed into law on September 23, 2021, and effective January 1, 2022.
- Section 93.16.05 of the Zoning Code is amended to conform to AB 2188 (2014) and recent CEC guidance on permitting of residential solar energy systems.

Assuming approval of the draft ordinance by the Sustainability Commission, the next step will be outreach to the business community and cannabis industry for their input, including a sustainability forum for cannabis cultivation facilities to be organized with the Department of Special Program Compliance. Discussions with DCE and SCE on their carbon free / renewable energy products are continuing. Stakeholder input will be reflected prior to presenting the draft ordinance for review and approval by the Planning Commission and then to City Council.

Respectfully submitted,

David Freedman

Attachment 1

Cannabis GHG and Water Savings

License Status	Canopy Size (sq ft)	Baseline Total Annual kWh Consumption	Baseline MTC02e GHG2	Total Annual kWh Savings (Increase PPE to 2.1 indoor and 1.9 in greenhouse)	Estimated Demand Reduction (kW)	Total Annual MTC02e GHG Savings (Increase PPE to 2.1 indoor and 1.9 in greenhouse)	Annual Water Use (Million Gallons)	Annual Water Reclaim Savings (Million Gallons)
Operating	63,342.26	11,945,130.30	3,240.12	453,886.91	51.81	123.12	12.54	3.14
Permitted Non-Operational	136,626.30	48,038,990.69	13,030.58	9,222,807.56	1,052.83	2,501.69	27.05	6.76
Recently Approved Permits	101,677.50	21,739,407.71	5,896.81	848,781.75	96.89	5,896.81	20.13	5.03
Not Yet Permitted	1,200.00	477,909.11	129.63	91,030.31	10.39	24.69	0.24	0.06
Total	302,846.06	82,201,437.82	22,297.14	10,616,506.54	1,211.93	8,546.31	59.96	14.99

Attachment 2

Ordinance Phase-In Schedule

Effective Date	Proposed Ordinance Requirement to Purchase / Generate On-Site Carbon-Free / Renewable Energy		State Requirement (2022 California Energy Code)
	Cannabis Cultivation Type	Nonresidential Buildings	
01/01/23	3A Medium Indoor (10,001 – 22,000 square feet of total canopy) 3B Medium Mixed-light (10,001 – 22,000 square feet of total canopy)	>500 kW monthly demand	<ul style="list-style-type: none"> New Nonresidential / High-Rise Residential Building Solar and Storage Cannabis Cultivation Dehumidification and Lighting (New / Additions / Alterations)
01/01/24	2A Small indoor (5,001 – 10,000 square feet of total canopy) 2B Small mixed-light (5,001 – 10,000 square feet of total canopy)	200 kW – 500 kW monthly demand	
01/01/25	1A Specialty indoor (501 – 5,000 square feet of total canopy) 1B Specialty mixed-light (2,501 – 5,000 square feet of total canopy) 4 Nursery	20 kW – 200 kW monthly demand	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 5.55 AND 8.30 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING USE OF RENEWABLE AND CARBON-FREE ENERGY BY NONRESIDENTIAL BUILDINGS AND INDOOR AND GREENHOUSE CANNABIS CULTIVATION SITES, PROMOTING CANNABIS CULTIVATION ENERGY AND WATER EFFICIENCY, DELETING CHAPTER 8.32 OF THE PALM SPRINGS MUNICIPAL CODE AND AMENDING SECTION 8.100.020 OF THE PALM SPRINGS MUNICIPAL CODE AND SECTION 93.16.05 OF THE PALM SPRINGS ZONING CODE.

City Attorney's Summary

This Ordinance amends Chapter 5.55 and amends and replaces in its entirety Chapter 8.30 of the City's Municipal Code to establish requirements for the use of renewable and carbon free energy by new and existing nonresidential buildings and indoor and greenhouse cannabis cultivation sites in Palm Springs. This Ordinance also adds energy and water efficiency standards for indoor and greenhouse cannabis cultivation sites.

Chapter 8.30 currently grants authority to the City Manager to establish a municipal solar utility. However, such authority is no longer necessary considering the City's participation in Desert Community Energy, which supplies carbon free and renewable energy to electricity customers in Palm Springs.

This Ordinance deletes Chapter 8.32 of the City's Municipal Code regarding municipal solar utility leasehold marketing, which was related to Chapter 8.30 being amended and replaced by this Ordinance. This Ordinance also amends the definition of "solar energy system" in Palm Springs Municipal Code Section 8.100.020 to conform to AB 1124, signed into law on September 23, 2021, and effective January 1, 2022. Finally it amends Section 93.16.05 of the Palm Springs Zoning Code to conform to AB 2188 (2014) and recent state guidance on permitting of residential solar energy systems.

WHEREAS, the City of Palm Springs adopted Chapter 5.55 of the Palm Springs Municipal Code in order to, among other things, regulate the cultivation, manufacturing, processing, testing, transportation, and distribution, of cannabis goods in a manner which

is responsible and which protects the health, safety, and welfare of the residents of Palm Springs.

WHEREAS, the City of Palm Springs adopted Section 93.23.15 of the Palm Springs Zoning Code in order to establish special standards for cannabis facilities.

WHEREAS, indoor and greenhouse cannabis cultivation as authorized under Palm Spring Municipal Code Chapter 5.55 and Zoning Code Section 93.23.15 substantially contributes to the City's greenhouse gas (GHG) emissions. According to a study carried out on the City's behalf by Energy Solutions, the baseline annual energy consumption of all the cannabis cultivation sites currently permitted or with pending permits in Palm Springs is 82.2 gigawatt hours (GWh) per year. This equates to an equivalent 22,100 metric tons carbon dioxide equivalent (MTCO_{2e}) per year.

WHEREAS, a 2021 study by Colorado State University researchers shows that indoor cannabis cultivation in Riverside County results in life-cycle GHG emissions of between 2,296 and 3,318 kilograms of CO_{2e} per kilogram of dried flower.

WHEREAS, the use of energy efficient lighting in cannabis cultivation sites would also reduce electricity consumption and costs and GHG emissions. According to the Energy Solutions study, the energy savings potential of increasing the minimum horticultural lighting efficacy to 2.1 micromole per Joule for indoor cultivation and 1.9 micromole per Joule for greenhouse cultivation in all the cannabis cultivation sites permitted or with pending permits in Palm Springs as of January 2022 is 10.62 GWh per year. This equates to 2,650 metric tons CO_{2e} per year. Estimated electricity demand reduction with the increased minimum horticultural lighting efficacy is 1,212 kW. An indoor cannabis cultivation site with a 10,000 square foot canopy would reduce its electric usage for cultivation by 19%.

WHEREAS, the reuse of transpired water for irrigation would lower water consumption of indoor cannabis cultivation sites, resulting in water savings and the embedded energy savings associated with extracting, treating, transporting, and collecting water. According to the Energy Solutions study, annual estimated water consumption of all the cannabis cultivation sites permitted or with pending permits in Palm Springs as of January 2022 is 59.96 million gallons per year, and water savings associated with requiring 100% dehumidifier condensate reclaim is 14.99 million gallons per year.

WHEREAS, Palm Springs is one of the oldest urban areas in the Coachella Valley, and many of its nonresidential buildings were built before energy efficiency codes were enacted.

WHEREAS, Palm Springs nonresidential buildings and indoor and greenhouse cannabis cultivation sites that do not self-generate or purchase renewable and carbon-free energy use electricity partially supplied by fossil-fuel burning power plants that emit carbon dioxide, one of several pollutants that contribute to global warming. In its Power Content label posted in October 2021, Southern California Edison (SCE) reported that its 2020 GHG emissions intensity was 598 lbs CO_{2e}/MWh.

WHEREAS, a Priority Statement for the 2040 General Plan adopted by City Council in _____ 2022 calls on the City to reduce GHG emissions and proactively anticipate and mitigate the impacts of climate change.

WHEREAS, the Sustainability Plan adopted by City Council in June 2016 establishes a vision that Palm Springs is resilient and carbon neutral and sets the following goals:

- Develop strategies to reduce community-wide contributions to GHG 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.

WHEREAS, in addition to the above Sustainability Plan goals, SB 32 signed by Governor Brown in September 2016 requires the California Air Resources Board to ensure that statewide GHG emissions are reduced at least 40 percent below 1990 levels by December 31, 2030, and AB 3232 enacted in 2018 requires the CEC to assess the potential for the state to reduce GHG emissions from the state's residential and nonresidential building stock by at least 40 percent below 1990 levels by January 1, 2030.

WHEREAS, the General Plan adopted by City Council in October 2007 sets the following goals:

- 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.

WHEREAS, in April 2020, Desert Community Energy (DCE) launched in Palm Springs with DCE's Carbon Free energy product as the default choice for residential, nonresidential, and municipal accounts. The Carbon Free energy product consists of renewable energy under the California Renewables Portfolio Standard and hydropower.

WHEREAS, according to the GHG inventory prepared by the City's consultant, Palm Springs has achieved its 2020 GHG emissions reduction target by reducing emissions 15 percent below 2010 levels primarily as a result of the launch of DCE and the commitment by most customers to stay with the Carbon Free program. Without the reductions achieved by DCE, Palm Springs' projected 2020 GHG emissions would have been approximately 4.4% above 2010 levels.

WHEREAS, SCE also offers renewable energy products to its customers, including a 100% Green Rate for businesses.

WHEREAS, according to a load analysis of nonresidential building customers of DCE and SCE not enrolled in either provider's 100% green tariff whose monthly maximum demand is above 20 kW, they collectively consumed approximately 41.1 GWh of electricity between April 2021 and March 2022. Using SCE's 2020 GHG emissions intensity of 598 lbs CO₂e/MWh noted above, this energy produced approximately 11,100 MTCO₂e during this period.

WHEREAS, moving to renewable and carbon free electricity by nonresidential buildings and indoor and greenhouse cannabis cultivation sites and reducing electricity and water consumption by cannabis cultivation sites is a significant step the City can take to continue reducing community-wide GHG emissions and meet the above Sustainability Plan, General Plan and state vision and goals, thus protecting public health and welfare.

WHEREAS, the Sustainability Commission of the City of Palm Springs, by vote of ___ to _ at its meeting of _____, 2022, approved the draft ordinance and recommended its adoption by City Council.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference herein as material findings in support of this Ordinance.

SECTION 2. Subdivision (A)(4) of Section 5.55.096 of the Palm Springs Municipal Code is hereby amended to read:

4. The Cultivation includes adequate measures that minimize use of water for Adult-Use Cannabis Cultivation at the site. Dehumidification equipment shall have the capability to reuse transpired water for irrigation.

SECTION 3. Subdivision (A)(8) of Section 5.55.096 of the Palm Springs Municipal Code is hereby amended to read:

8. Sufficient power availability to meet the requirements of the proposed use in accordance with Chapter 8.30 of the Palm Springs Municipal Code to the extent applicable. In Cannabis Cultivation Sites with more than 40 kW of aggregate horticultural lighting load, luminaires used for plant growth and plant maintenance shall have a photosynthetic photon efficacy of not less than 2.1 micromoles per joule for indoor cultivation and 1.9 micromoles per Joule for greenhouse cultivation, in each case rated in accordance with ANSI / ASABE S640 for wavelengths from 400 to 700 nanometers.

SECTION 4. Subdivisions (B)(2)(d) and (B)(2)(e) of Section 5.55.205 of the Palm Springs Municipal Code are hereby amended to read:

d. Water conservation measures, water capture systems, or grey water systems shall be incorporated in Adult-Use Cannabis Cultivation operations in order to minimize use of water. Dehumidification equipment installed on or after January 1, 2023, shall have the capability to reuse transpired water for irrigation.

e. All onsite electricity demands shall be met in accordance with Chapter 8.30 of the Palm Springs Municipal Code to the extent applicable. In Cannabis Cultivation Sites with more than 40 kW of aggregate horticultural lighting load, luminaires used for plant growth and plant maintenance installed on or after January 1, 2023, shall have a photosynthetic photon efficacy of not less than 2.1 micromoles per joule for indoor cultivation and 1.9 micromoles per Joule for greenhouse cultivation, in each case rated in accordance with ANSI / ASABE S640 for wavelengths from 400 to 700 nanometers.

SECTION 5. Chapter 8.30 of the Palm Springs Municipal Code is hereby amended to read:

RENEWABLE ENERGY FOR NONRESIDENTIAL BUILDINGS AND INDOOR CANNABIS CULTIVATION SITES

Sections:

8.30.010 Short Title.

8.30.020 Purpose.

8.30.030 Definitions.

8.30.040 Carbon Free and/or Renewable Energy Usage and Compliance.

8.30.050 Implementation.

8.30.010 Short Title.

Sections 8.30.00 through 8.30.050 may be referred to as the Renewable Energy Ordinance of the City of Palm Springs.

8.30.020 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 require the use of carbon free and renewable energy sources in Nonresidential Buildings and Cannabis Cultivation Sites. The purpose of this Chapter is to reduce GHG emissions by such facilities while protecting the public health, safety and welfare of the residents of Palm Springs.

8.30.030 Definitions.

For purposes of this Chapter 8.30, the following terms have the following meanings:

“Cannabis Cultivation Site” means a cultivation site as defined in Section 5.55.050 of the Palm Springs Municipal Code corresponding to the following state cultivation license types set forth in California Business and Professions Code Section 26050:

- Type 1A or “Specialty indoor; Small”
- Type 1B or “Specialty mixed-light; Small”
- Type 2A or “Indoor; Small”
- Type 2B or “Mixed-light; Small”
- Type 3A or “Indoor; Medium”
- Type 3B or “Mixed-light; Medium”
- Type 4 or “Nursery”
- Type 5A or “Indoor; Large”
- Type 5B or “Mixed-light; Large”

“Carbon free or renewable energy resources” means energy resources qualifying as renewable pursuant to California Public Resources Code Chapter 8.6, Section 25741 (a) and California Public Utilities Code Chapter 2.3, Article 16, Section 399.16(b)(1) or (2), as amended from time to time, and generation from hydroelectric facilities greater than 30 megawatts. Carbon free or renewable energy resources include the Carbon Free product offered by Desert Community Energy and the Green Rate Program at the 100% level and the Community Renewables Program offered by Southern California Edison.

“Nonresidential Building” means a facility other than a Cannabis Cultivation Site composed of occupancy types(s) other than residential – including type A, B, E, I-1, I-2, I-3, M, R-1, and S, as defined in Chapter 3 of the California Building Code, as amended from time to time.

"Permittee" means a person issued a City permit under Palm Springs Municipal Code Chapter 5.55.

8.30.040 Carbon Free and/or Renewable Energy Usage and Compliance.

A. Each Nonresidential Building and Cannabis Cultivation Site subject to this Chapter 8.30 shall, as of the date specified in subdivisions (B) and (C) respectively, ensure that all onsite electricity demands are met through any combination of:

1. purchase from carbon free or renewable energy resources, and/or
2. on-site generation from carbon free or renewable energy resources.

B. The date of applicability of the requirements of this Chapter 8.30 to Nonresidential Buildings is as follows:

1. Customers on Southern California Edison Rate Schedule TOU-8 (or any successor rate schedule) or whose monthly maximum demand exceeds 500 kW or has exceeded 500 kW for any three months during the preceding 12 months: January 1, 2023.

2. Customers on Southern California Edison Rate Schedule TOU-GS-3 (or any successor rate schedule) or whose monthly maximum demand registers 200 kW through 500 kW or has exceeded 200 kW for any three months during the preceding 12 months: January 1, 2024.

3. Customers on Southern California Edison Rate Schedule TOU-GS-2 (or any successor rate schedule) or whose monthly maximum demand registers above 20 kW and below 200 kW or has exceeded 20 kW for any three months during the preceding 12 months: January 1, 2025.

4. The requirements of this Chapter 8.30 shall be applicable to owners and tenants in new Nonresidential Buildings upon issuance of their certificate of occupancy on or after the effective date of this Chapter.

Customers on Southern California Edison Rate Schedule TOU-GS-1 (or any successor rate schedule) or whose monthly maximum demand does not exceed 20 kW are not subject to the requirements of this Chapter.

C. The date of applicability of the requirements of this Chapter 8.30 to Cannabis Cultivation Sites in operation on the date of effectiveness of this Chapter is as follows, based on state cultivation license types set out in Business and Professions Code Section 26050:

1. Type 3A and Type 3B: January 1, 2023.
2. Type 2A and Type 2B: January 1, 2024.
3. Type 1A and Type 1B: January 1, 2025.
4. Type 4 only: January 1, 2025

If a Permittee holds permits for separate Cannabis Cultivation Sites, the requirements of this Section 8.30.040 shall be applicable at each Cannabis Cultivation Site on the first date above to occur based on the type(s) for which such site is licensed.

The requirements of this Section 8.30.040 shall be applicable upon commencement of Cultivation operations by Cannabis Cultivation Sites of all the above types receiving their permits for Adult-Use Cannabis Cultivation pursuant to Section 5.55.096 on or after the effective date of this Chapter. The requirements of this Section 8.30.040 shall also be applicable upon commencement of Cultivation operations by Type 5A and Type 5B licensees, as allowed under Business and Professions Code Section 26061(c) beginning January 1, 2023.

D. In facilities subject to the requirements of this Chapter 8.30, it shall be the responsibility of Nonresidential Building owners and tenants and Cannabis Cultivation Site Permittees to ensure that all electric meters for which respectively they are the account holder comply the energy source provisions of this Section 8.30.040.

E. A Nonresidential Building owner or tenant or Cannabis Cultivation Site Permittee subject to this Chapter 8.30, as of the date specified in subdivisions (B) and (C) respectively, will be compliant if it is on a waitlist for enrollment in a program satisfying the conditions of subdivision (A).

F. A Nonresidential Building owner or tenant or Cannabis Cultivation Site Permittee subject to this Chapter 8.30 will not be considered in violation of this Chapter 8.30 during the term (including any renewals thereof) of an existing long-term energy contract executed and dated prior to the date of effectiveness of this Chapter.

8.30.050 Implementation.

A. The City Manager or the City Manager's designee(s) may adopt rules and regulations for the implementation of this Chapter 8.30, including rules for verification of compliance with the requirements of this Chapter.

B. The City Manager may modify or suspend any or all the requirements of this Chapter 8.30 if the City Manager submits a written determination to the City Council indicating:

1. lack of carbon free or renewable energy market resources available to meet demand, and/or

2. the cost of all available carbon free or renewable energy resources options is more than 25% of each energy provider's default program offering, and/or

3. the requirement conflicts with or is similar to or less comprehensive than a renewable energy requirement adopted by the State of California or the Federal government, including the California Energy Code as adopted by the City under Palm Springs Municipal Code Section 8.04.065.

4. the requirement conflicts with any other applicable federal or state laws, rules, or regulations.

SECTION 6. Chapter 8.32 of the Palm Springs Municipal Code is hereby deleted in its entirety.

SECTION 7. The definition of "solar energy system" in Section 8.100.020 of the Palm Springs Municipal Code is hereby amended to read:

"Solar energy system" shall have the meaning assigned to it in Section 801.5 of the California Civil Code:

SECTION 8. Section 93.16.05 of the Palm Springs Zoning Code is hereby amended to read:

93.16.05 Height, Visibility and Setback Requirements.

Solar energy systems shall be subject to the following requirements and allowances:

A. 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.

B. The setback of ground-mounted solar energy systems accessory to a single- or multi-family dwelling principal use or accessory to a principal use in non-residential zoning districts is subject to the following additional standards to mitigate the specific, adverse impact upon the public health and safety:

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

2. 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.

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

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. The proposed Ordinance 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 11. 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.

ADOPTED THIS __TH DAY OF _____, 2022.

LISA MIDDLETON
MAYOR

ATTEST:

MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

CERTIFICATION

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

I, MONIQUE M. LOMELI, Interim City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on _____, 2022, and adopted at a regular meeting of the City Council held on _____, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this ____day of _____, 2022.

MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK