

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: March 14, 2024

PREPARED BY: Carlos Flores, AICP, Principal Planner

REQUEST: INTRODUCTION OF AN ORDINANCE TO ADOPT A NOTICE OF EXEMPTION UNDER CEQA AND ADOPT A ZONING ORDINANCE AMENDMENT TO IMPLEMENT RESIDENTIAL AND MIXED-USE OBJECTIVE DESIGN STANDARDS

RECOMMENDATION:

Introduction of an Ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING THE PALM DESERT MUNICIPAL CODE TO ADD CHAPTER 25.42 – MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS AND AMENDING OTHER CHAPTERS OF THE ZONING ORDINANCE.”

BACKGROUND/ANALYSIS:

The City of Palm Desert’s (City) municipal code has relied on a discretionary process to regulate the design of residential and mixed-use development. Recently, the California Legislature has adopted new laws that impose requirements on local jurisdictions to implement zoning requirements that support the development of housing due to the ongoing housing supply shortage and affordability crisis (Gov. Code, § 65589.5, subd. (a)(2)(A)). These laws, including Senate Bill (“SB”) 35 (2017), SB 330 (Housing Crisis Act of 2020), and Assembly Bill 2011 among other bills have limited local jurisdictions’ ability to apply subjective design standards.

The Housing Crisis Act specifically provides that the City cannot impose or enforce subjective design standards adopted after January 1st, 2020. The Act also requires that local jurisdictions ministerially approve certain projects that comply with objective development standards and disfavor subjective standards. Generally, these laws apply to multifamily housing developments, mixed-use developments where more than 2/3rds of the total floor area are residential, and transitional and supportive housing.

On April 27, 2023, the Palm Desert City Council awarded a contract to John Kaliski Architects Inc. (JKA, Inc.) from Los Angeles, California to prepare objective design standards (ODS) for multifamily and mixed-use residential development. Early on, the ODS sought to utilize City planning design goals, objectives, and policies of the 2016 Palm Desert General Plan to build measurable design parameters that support design qualities sought by the community. The ODS would create minimum standards for new multifamily and mixed use residential projects to maintain the level of design quality expected from the community. These projects would not go through a discretionary process and instead would rely on ODS for design review. There have been several meetings with residents, developers, and other community stakeholder groups, and decision makers to invite additional feedback on design goals and process:

- **June 19, 2023 – Community Open House** - City Staff and the consultant held a community open house to gather input from interested residents and project applicants to invite feedback on the design review process and other important design-related issues based on recent housing developments since 2021.
- **June 20, 2023 – Planning Commission Study Session #1** - Palm Desert Planning Commission gathered input and feedback on important design issues and recent housing approvals since 2021 and reported comments received at the open house. [Link to meeting recording here.](#)
- **July 11, 2023 – Architectural Review Commission Study Session #1** – Meeting with the Architectural Review Commission to discuss previous study session, community feedback and invited comments on design and process. [Link to meeting materials and recording here.](#)
- **August 24, 2023 – City Council Study Session** – Meeting with the City Council to invite comments and feedback on a draft of the ODS document with discussions on building height measurement and landscaping. [Link to meeting materials and recording here.](#)
- **September 7, 2023 - Joint Study Session ARC and Planning Commission** – A joint meeting of the ARC and Planning Commission to discuss comments and feedback to date and review a preliminary draft of the ODS document. [Link to meeting materials and recording here.](#)
- **September 8, 2023 – Community Open House #2** – An open house to present and discuss the draft ODS document with interested members of the public and stakeholders.

JKA, Inc. produced an ODS Document, divided into multiple chapters addressing various elements of a residential project.

The proposed ordinance will add a new Chapter, Chapter 25.42, to the Zoning Ordinance. The section shall reference the ODS document, which may be amended by City Council action. The proposed ordinance will establish procedures for qualifying housing developments to receive an administrative approval for architecture through an Objective Design Review by the Director of Development Services. Table 1 summarizes the Ordinance changes proposed

Table 1 – ZOA Summary

Palm Desert Municipal Code (PDMC)	Ordinance Change
Chapter 25.42 Multifamily and Mixed Use Objective Design Standards	Creating new Chapter to establish: Purpose and intent, applicability, relationship to other standards, exceptions, review and decision, Appeals, and Post-Decision procedure
25.10.030 Allowed Land Uses and Permit Requirements	Reference ODS within land use table
25.10.040 Specific Use Standards	Reference ODS requirements for multifamily uses
25.16.030 Allowed Land Uses and Permit Requirements	Reference ODS within land use table
25.60.070 Approving Authority	Establish ODS approval authority and appeals
25.68.020 Design Review Required	Reference ODS
25.68.030 Exceptions to ARC Review	Establishment exemption from ARC for projects going through ODS

A detailed analysis of the project timeline, ODS document, and Ordinance Amendment is provided in the Planning Commission Staff Report Dated February 6, 2024, provided as Attachment #3 of this report.

To assess the impact of the ODS, staff will present an update on the impacts of the ODS to the City Council in March 2025 to identify options to refine the standards for streamlining, and identify challenges and successes associated with the standards. Any updates to state housing legislation may also require further amendments or additions to the ODS.

Legal Review:

This report has been reviewed by the City Attorney's office.

Appointed Body Recommendation:

At its February 6, 2024, regular meeting, the Planning Commission unanimously adopted Resolution No. 2852 recommending that the City Council adopt a notice of exemption in accordance with CEQA and approving the zoning ordinance amendment. As part of their recommendation of approval, the Planning Commission included the following substantive changes:

1. Require that a water amenity be mandatory instead of one of the options and define water amenity to be an active/usable feature with images that it is intended to be a splash pad or similar amenity, and not a passive water fountain.
2. Increase the size of the parking lot landscape islands to ensure the healthy growth of trees.
3. Allow for the clustering and offsetting of trees (creating an "oasis effect").

Summary of changes from Planning Commission to Council can be found in Attachment 3.

Environment Review:

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively "CEQA"), the adoption of the Ordinance implementing the objective design standards and the City of Palm Desert Objective Design Standards document do not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2) or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the adoption of the Ordinance implementing the objective design standards and the City of Palm Desert Objective Design Standards document did constitute a project under CEQA, the objective design standards documents fall within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." Therefore, the proposed objective design standards documents do not warrant further environmental review.

FINANCIAL IMPACT:

No financial impact as part of this project.

ATTACHMENTS:

1. Ordinance
2. Planning Commission Staff Report
3. Planning Commission Errata Sheet
4. Palm Desert Multifamily and Mixed-Use Objective Design Standards
5. Public Hearing Notice