

CITY OF PALM DESERT PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 6, 2024

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RECOMMENDATION:

Adopt Planning Commission Resolution No. 2852 to:

1. Recommend the City Council approve a Zoning Ordinance Amendment amending Title 25 of the Palm Desert Municipal Code (PDMC) by adding Chapter 25.42 – Objective Design Standards and amending other sections of Title 25 of the Palm Desert Municipal Code, to enact the Residential and Mixed-Use Residential Objective Design Standards document.
2. Find the project is exempt from further California Environmental Quality Act (CEQA) review pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15378, and/or 15061(b)(3).

EXECUTIVE SUMMARY:

The Planning Commission is being requested to consider a recommendation to the Palm Desert City Council of a City-initiated proposal to establish Objective Design Standards (“ODS”) applicable to certain residential and mixed-use developments and make necessary amendments to the Palm Desert Municipal Code (“PDMC”). The proposal would establish a document outlining the City’s specific ODS requirements and amend Title 25 (“Zoning Ordinance”) of the PDMC by adding Chapter 25.42 – Objective Design Standards and amending other necessary chapters, attached as Exhibit A, to incorporate the requirements of the ODS document, by reference. The ODS requirements would be in addition to, or supplement, any existing development standards of the Palm Desert Municipal Code and adopt the Residential and Mixed-use Objective Design Standards, attached as Exhibit B, of the draft resolution. The intent of adopting the ODS is to comply with state law while ensuring quality, economically feasible, and sustainable design under streamlined review and approval processes for qualifying housing projects.

BACKGROUND/ANALYSIS:

Historically, 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. The Architectural Review Commission (ARC), Planning Commission, and City Council, at regularly scheduled public meetings have worked to design requirements that meet community design expectations, as deemed appropriate to new multifamily and mixed-use development projects. In recent years, 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, such as those imposed through an architectural review process or other discretionary reviews and hearings, for certain qualifying housing projects.

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. Objective design standards generally refer to “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.” California Government Code, Section 65913.4. Generally, these laws apply to multifamily housing developments, mixed-use developments where more than 2/3rds of the total floor area is 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 for multifamily and mixed-use residential development. The adoption of ODS will ensure the City can establish minimum design standards to maintain quality design with creative, economically feasible, and sustainable standards. Specifically, the City seeks to establish the ODS document to apply to residential housing development projects.

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. Additionally, 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.

The above meetings provided feedback to staff and the City’s consultant, on all chapters within the ODS – Project Site, Landscape and Open Space, Building Architecture, Parking, and Compliance Checklists. This feedback assisted the Project Team in identifying the key design elements to be addressed in the ODS document. The feedback also assisted in selecting the most appropriate tools and approaches (i.e., counts and measures, ratios and calculations, lists, etc.) to be utilized in the ODS document to ensure an overall, high-quality building design. That direction along with discussions at the subcommittee have been incorporated and carried forward into the draft presented for the ODS.

Project Description:

As mentioned above, state law limits the City’s enforcement of design standards to only objective design standards for new qualifying residential and mixed-use development projects or where state law or the City Code requires a ministerial approval process. Qualifying projects include multi-family housing developments (three residential units or greater), mixed-use where more than 2/3rds of the project square footage is residential, and transitional and supportive housing.

ODS Document

The ODS is divided into multiple chapters addressing various elements of a residential project design as outlined below.

Chapter 1 – Introduction

This section of the standards introduces the intent of the standards, the goals and objectives, and the applicability of the standards. Generally, the standards will apply to the following developments as identified by California Government Code Section 65556.5:

- Multi-family housing developments.
- Residential Mixed-Use Housing developments with a minimum of two-thirds of ($\frac{2}{3}$) the square footage designated for residential use.
- Supportive and transitional housing development.

Additionally, these standards will only be applicable to certain zoning designations within the City of Palm Desert as follows:

- Mixed Residential District (R-2).
- Multifamily Residential District (R-3).
- Planned Residential District (PR).
- Office Professional (OP).
- Planned Commercial (PC).
- Specialty Commercial Center (PC-1).
- District Commercial Center (PC-2).
- Regional Commercial Center (PC-3).

- Resort Commercial Center (PC-4)

It must be noted that the standards will not apply to any existing specific plan which already has objective standards. Also, per the direction of the City Council, the standards shall not apply to any of the Downtown zoning districts within the Highway 111 Development Code as indicated by draft section 1.5 of the ODS.

This Chapter also identifies that projects that do not comply with any of the objective standards will be subject to a discretionary review process, which must be decided upon by the Planning Commission or City Council.

Chapter 2 – This Chapter of the ODS establishes primary design standards for general site planning including the project frontage along streets, building orientation, site walls, entries, pedestrian and vehicular circulation, and alleys (where applicable).

- Project frontages along a public street require a break between building frontages, generally.
- Project orientation requires that building frontages be oriented towards and overlook the public street and incorporate open space street frontages.
- Project fences and walls are limited in height along street frontages and within front setbacks with requirements for design modulation including changes in material, offsets, or height with materials specified.
- Requirements are in place for project entries based on street frontage.
- Establishes requirements for pedestrian circulation and connectivity between private and public sidewalks.

Chapter 3 – This Chapter provides landscaping and open space standards including, generally:

- That all frontages and setback areas shall be landscaped.
- Dimensions for landscaping islands.
- Requires providing of shade trees along public street frontages with spacing requirements.
- Identifies specific tree, and shrub species to utilize based on compatibility with the desert environment.
- Establishes hardscape, groundcover, and landscape lighting requirements.
- Establishes minimum standards for private on-site open space amenities based on the number of units in a development. This requirement augments existing zoning requirements which provide for a minimum area per unit or minimum percentage area of open space based on site area by specifying amenities within the required open space area.

Chapter 4 – This Chapter addresses requirements for building architecture and other applicable standards including, but not limited to:

- Building height measurement. Establishes building height measurement adjacent to public streets, and/or single-family residential. These changes are proposed to address the issues regarding perceptions of building height adjacent to single-family development and directly respond to concerns raised by residents during the open house and previous project approvals.

- Building length – establishes building length maximums before a “break” or modulation is provided.
- Establishes building roof shapes, lopes, materials, parapet undulation, and returns.
- Building materials – requires certain building materials, and variations between material types, and transitions.
- Building utility screening from the public right-of-way.
- Building balconies and stairwells, minimum size, design and screening.

Chapter 5 – This Chapter establishes supplemental parking design standards.

- Placement – restricts parking from being placed within a required public street frontage, setback, or between the primary building frontages and street.
- Surface lot – requires surface parking lots to be located away from streets and at the side or rear of a property.
- Parking lot shade trees – establishes additional standards for parking lot shading.

Chapter 6 – This Chapter provides a checklist of compliance to be utilized by project applicants to certify that a project complies with all development standards. Staff will review this form in the development review process.

Chapter 7 – Glossary – Provides definitions for certain terms used in the ODS document.

Ordinance Amendment

The proposed ordinance will add a new Chapter, Chapter 25.42, to the Zoning Ordinance, which will address the purpose and intent, applicability, relationship to other standards and plans, and exceptions, review and decision, appeals and post-decision procedures for the ODS. 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, which is appealable to the Planning Commission. This Objective Design Review approval would be required in conjunction with any other land use approvals required by the Zoning Ordinance and per the existing procedures set by Chapter 25.60 – Procedures. The standards will also apply to any project that is eligible for streamlining pursuant to Senate Bill 35.

The proposed language will also make minor amendments to the following chapters of the Zoning Ordinance:

- PDMC 25.10 – Residential Districts
- PDMC 25.16 – Commercial Districts
- PDMC 25.60 - Procedures
- PDMC 25.68 – Decisions by the Architectural Review Commission
- PDMC 25.72 – Decision by the Planning Commission
- PDMC 25.99 - Definitions

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.

Public Input:

Public Notification

Public noticing was conducted for the February 6, 2024, Planning Commission meeting per the requirements of PDMC Section 25.60.060 and Government Code Sections 65090 to 65094. A public hearing notice was published a minimum of 10 days before the hearing date on Friday, January 26, 2024, in *The Desert Sun* newspaper.

Environmental Assessment/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 2023 City of Concord 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

Legal Review:

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

Findings of Approval:

Findings can be made in support of the project under the City’s Municipal Code. Findings in support of this project are contained in Planning Commission 2852, attached to this staff report.

ATTACHMENTS:

1. Draft Planning Commission Resolution No. 2852
2. Palm Desert Multifamily and Mixed-Use Objective Design Standards
3. Public Hearing Notice