



**CITY OF PALM DESERT**  
CITY MANAGER'S OFFICE  
INTEROFFICE MEMORANDUM

Date: March 14, 2024  
To: Honorable Mayor and Councilmembers  
From: Nick Melloni, Principal Planner  
Richard Cannone, Development Services Director  
Anthony J. Mejia, City Clerk  
**Subject: City Council Meeting of March 14, 2024**

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Below you will find questions received from the Mayor or Councilmembers and answers provided by City staff regarding tonight's City Council meeting:

**ITEM 15b: INTRODUCTION OF AN ORDINANCE TO ADOPT A NOTICE OF EXEMPTION UNDER CEQA AND APPROVE CHANGE OF ZONE 24-0001 TO CHANGE ZONING DESIGNATION OF THE PROPERTIES LOCATED AT 73600 ALESSANDRO DRIVE FROM DOWNTOWN EDGE TRANSITION OVERLAY (DE-O) TO DOWNTOWN EDGE (DE)**

**Q1: Page 377, Section 1.4, Multifamily and Mixed-Use Housing: Why are duplexes NOT considered multifamily?**

A1: The City's definition of multi-family dwelling is a permanent building containing 3 or more dwellings. Duplexes are buildings containing 2 dwellings and are defined separately. This is found in the zoning definitions under [Palm Desert Municipal Code Section 25.99](#).

**Q2: Page 395, Section 3.9, Passive and Active Amenities: What tools does the City have to ensure that required amenities such as active water features, such as pools and spas, remain operational?**

A2: The amenities are a code requirement and must be maintained the same as any other component of the development. Any violation could result in a code enforcement action if not corrected in a reasonable timeframe.

**Q3: What tools does the City have to ensure that developments install and maintain all required planting of trees, etc.?**

A3: A certificate of completion is required prior to final project sign off and within the last year Planning has implemented a new landscape inspection program. Additionally, we have also collected bonds or cash in lieu deposits to ensure landscaping is installed and maintained. Long term maintenance is governed by a combination of project conditions of approval, and adherence to Palm Desert Municipal Code Chapter 24.04 and Section 25.52.060 Landscape Maintenance Requirements.

**Q4: Page 395, Section 3.9, Passive and Active Amenities: Passive amenities includes a category for projects with 100 units or greater and active amenities includes categories for 100-149 units and 150 units or more. Has staff considered creating consistent categories for both passive and active amenities? Has staff considered requiring at least four of the listed amenities for 51-99 units, 6 amenities for 100-149 units, and all amenities for over 150 units?**

A4: Staff along with our consultant has reexamined these standards and recommends Table 3.9.3 be revised to the following:

<b>Number of Dwelling Units (DUs)</b>	<b>Number of Required Active Amenities</b>
Fewer than 20 DUs	2
Between 20 and 50 DUs	3
Between 51 and 99 DUs	4
Between 100 and 149 DUs	5
150 DUs and Greater	6 Amenities plus One additional active amenity for each additional 50 units.

**Q5: Page 396, Section 3.9.4, Types of Active Amenities: What is “par course”?**

A5: It is a fitness track, or fitness circuit, which has a walking or jogging path with stations with equipment for calisthenics (as sit-ups or pull-ups).

**Q6: Page 399, Section 4.2.1, Building Length: Are there any buildings that are 425 feet long now? Section 4.2.2, Building Breaks: A minimum if 30-feet wide open to the sky separations between resulting structures seems tight. Has staff considered requiring a minimum of 50 feet? Note that Section 2.1.1 (Page 382) also addresses frontages of 450 feet in length.**

A6: The intent of the 425' building length is to have buildings which relate to the 450' maximum block length which promotes walkability. Generally, multi-family developments approved and developed within Palm Desert have ranged from 100' to 300' in length; these are generally comprised of multiple walk-up style apartments. The length of building increments along street frontages can be reduced/adjusted based on council preference. It is important to note that part of the intent is to address a variety of housing types.

The intent of the minimum 30' building separation was to create a reasonable minimum. Additionally, the intent was also to create a space which would be usable as a landscaped open space with a pedestrian path, or a drive aisle only with pedestrian path rather than wider areas which could be used for parking areas.

Standard 2.1.1 on Page 382 is addressing block length and providing pedestrian and vehicle access, which is for the length of a block. Standard 4.2.1 in comparison is regarding the length of a building.

**Q7: Page 399, Section 4.2.1, Building Length: Are there sufficient guidelines to avoid the “canyonization” effect and mandate some design that will create some interest, modulation, and step-backs from the street?**

A7: The requirements of Chapter 4 are intended to address modulation and massing of the building. Standard 4.3 establishes requirements for building modulation that break up building masses by selecting two of the options. As discussed in Response 3, the number of modulation details can be increased based on Council feedback and direction. Standard 4.4.3 requires the floor area of the uppermost story be limited to a maximum of 80 percent of the floor area immediately below; this requirement will require modulation of the upper level to be reduced. There are some limitations to requiring specific setback increases due to state law.

**Q8: Page 400, Section 4.3.1, Building Modulation: The ODS requires the inclusion of at least two building modulation elements. Have staff considered requiring at least four of the listed elements?**

A8: Staff along with our consultant have reexamined this requirement and the total elements can be increased to 4 out of 11 standards.

**Q9: Page 414, Section 5.1, Surface Parking Design: Has staff considered the following: Instead of allowing front parking with open space for residents in the back, the building would be moved forward with asphalt in the back and no open space for residents. In some situations, locating parking in the front allows moving buildings to the back to enhance distance from lower density residences across the street.**

A9: This design standard is based on a policy of the general plan which requires strategies for design that ensure parking areas do not dominate street frontages and are screened from public views whenever possible (Land Use Policy 2.1). To address this concern Staff recommends the following:

Include an alternate option to screen parking whereby the parking area + drive lane is screened from view of a public street by use of a landscaped area/berm and/or combination of solid walls and landscaping with the building setback further from the street to allow some room for parking area and a drive lane. Staff and the consultant would need to establish specific details for how this would occur. If this route is the direction, we would recommend council direct staff to prepare the standard and incorporate it into the ODS document.

**Q10: Page 414, Section 5.1.1, Surface Parking Placement: Has staff considered that parking in front of a building could be an asset to the architecture, be screened, and help avoid the ‘building canyon on a sidewalk’ effect?**

A10: See response to question 9 above.

**Q11: Page 414, Section 5.1.2, Surface Parking Visibility: Are there cases where landscaping can adequately provide the required screening? Section 5.1.2.C mentions landscaping, is that sufficient?**

A11: 5.1.2.c is one of the allowable options for parking screening which would allow screening to consist of a minimum 10-foot-deep vegetation screen using shrubs and trees. Landscape is commonly used to screen parking areas within Palm Desert and other jurisdictions. One concern for this method is the property owner’s future maintenance obligations to ensure the landscaping is kept in a thriving and healthy condition so that screening is sufficient over time. Landscape maintenance is a condition of project approval and existing property maintenance standards.

**Q12: Page 389, Section 3, Landscape & Open Space: This section does not address palm trees? Is it possible for Palm Desert to avoid the robustas and their resulting maintenance, wind-driven, and time-induced dangers and messes they create?**

A12: *Washingtonia robusta*, more commonly known as the Mexican fan palm, is a prohibited landscape species in accordance with Palm Desert Municipal Code Chapter 24.04.060. This tree species is prohibited in new landscaping and would be prohibited in all developments subject to the ODS. Staff can add an explicit prohibition of all Invasive, noxious, and nuisance plant species in landscape plans to the document.

**Q13: Page 393, Section 3.8, On-Site Lighting: Do types of lighting, e.g., LED, fluorescent, solar-powered, etc., need to be mentioned?**

A13: Referencing the type of lighting is not necessary. There are references to Palm Desert Municipal Code Chapter 24.16 – Outdoor Lighting which references many of these lighting types (LED, compact fluorescent, and high-pressure sodium). These standards are intended to augment the general outdoor lighting standards with specific requirements for pedestrian oriented lighting within multi-family and residential mixed-use developments.

**Q14: Page 409, Section 4.11, Building Facade Colors: Is there a way to avoid brightly colored buildings? When is it considered art?**

A14: Yes, standards would require the earth tone colors, or limited accent colors in accordance with these standards. Alternative colors which do not comply would be prohibited generally or subject to discretionary review. If a mural were proposed, it would potentially be subject to review by the Cultural Arts Committee (if proposed as public art). Staff is not concerned that a developer would propose to paint a multi-family dwelling as a mural without calling it public art.

**Q15: Page 428, Section 3.5, Shrubs and Perennials: This section references back to ODS 3.14, but that section cannot be found. Is it a typo?**

A15: It is a typo; it should reference the table found on page 20 of the standards. A table reference will be added to the checklist.

**Q16: If the City does not allow front yard sod, is this covered? What happens regarding artificial turf?**

A16: CVWD has established a prohibition on non-functional turf space. Artificial turf would not be allowed as a landscape ground cover. A proposal for artificial turf would require an exception and discretionary design review. This prohibition would not prevent use of artificial turf in an open space amenity. Generally, it is not recommended as an alternative to other ground covers in an open space application, unless the open space is shaded, due to the heat island effect.