CITY OF PALM DESERT
STAFF REPORT

MEETING DATE: April 11, 2024

PREPARED BY: Nick Melloni, AICP, Principal Planner

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

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, AND MAKING A FINDING OF EXEMPTION UNDER CEQA"

BACKGROUND/ANALYSIS:

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 (ZOA). As part of their recommendation of approval, the Planning Commission included the following substantive changes to the Residential and Mixed-Use Residential Objective Design Standards document (ODS):

1. Amend ODS 3.9.4 to require that an active 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. Amend ODS 5.1.4 to increase the size of the parking lot landscape islands to ensure the healthy growth of trees.

3. Amend the diagram for ODS 3.3.1 to allow for the clustering and offsetting of trees (creating an "oasis effect").

At its March 14, 2024, regular meeting the Palm Desert City Council, regular meeting. The City Council voted to approve the ZOA with amendments to the ODS document including the following substantive changes:

1. Adding a standard to ODS 3.4 / 3.5 that any invasive, noxious, and nuisance plant species and any plant species designated by the weed control regulations in the Federal Noxious Weed Control and Eradication Act of 2004 and identified on a regional district noxious plant species control list, and in Chapter 24.04 of the Palm Desert Municipal Code ("PDMC") shall be prohibited.

2. Amending ODS 4.2.1 to revise language so that no building wall shall exceed 250 feet in length.

3. Amending ODS 4.2.2 (building breaks), revise language so that a minimum 40-foot open-to-the-sky building breaks shall be provided between resulting structures.

4. Amending ODS 4.3.1 so that a minimum of four out of the 11 options for building modulation must be utilized to be in compliance with the standard.

5. Removing ODS 5.5.1 (and updating the numbering of the following standards) so that there isn't language which prohibits surface parking lots in the frontage setback or between buildings and the public street. If someone were to place a surface parking lot in this area, they would have to comply with ODS 5.1.2, which already mandates either providing a fence or wall (5.1.2b) or a 10-foot landscape buffer (5.1.2.c).

6. Other text modifications and clarifications are summarized in the attached errata sheet.

The full scope of modifications is detailed in the errata sheet dated March 29, 2024. The modifications were substantial and were not considered by the Planning Commission during the February 6, 2024, hearing. Therefore, in accordance with Government Code Section 65827, the revised ordinance was required to return to the Planning Commission for re-consideration.

Appointed Body Recommendation:
At its April 2, 2024, regular meeting the Planning Commission considered the recommended changes and adopted Resolution 2863 recommending approval of the revised Objective Design Standards document with the comment that the language added for ODS 3.3.5 to "Consider irrigation practices that better emulate natural conditions or move irrigation lines incrementally over time to encourage "Desert Museum" Palo Verde roots to grow more robustly and better prevent this species from falling over." Become standard for all trees. The draft resolution is attached for reference.

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

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 impacts as part of this project. The project is funded entirely by a Local Early Action Planning (LEAP) grant provided by the California Department of Housing and Community Development (HCD) totaling $150,000. Adoption of the ordinance and document will allow the City to seek reimbursement of the project cost through the LEAP grant.

ATTACHMENTS:

1. Draft Ordinance
2. April 2, 2024 - Planning Commission Staff Report
3. Draft Planning Commission Resolution No. 2863
4. March 29, 2024 - Planning Commission Errata Sheet
5. March 2024 Palm Desert Multifamily and Mixed-Use Objective Design Standards Document
6. Public Hearing Notice