

# **CITY OF PALM DESERT PLANNING COMMISSION STAFF REPORT**

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MEETING DATE: April 2, 2024

PREPARED BY: Nick Melloni, AICP, Principal Planner

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## **RECOMMENDATION:**

Adopt Planning Commission Resolution No. 2863 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/BACKGROUND:**

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”).

The amended standards were presented to the Palm Desert City Council at the March 14, 2024, regular meeting. The City Council approved 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 City Council modified the recommendation of the Planning Commission in their motion to approve first reading of the ordinance amendment. The modifications are substantial and were not considered by the Planning Commission during the February 6, 2024, hearing. Therefore, the Ordinance must be referred to the Planning Commission for report and recommendation in accordance with Government Code Section 65827. Adoption of the resolution will accept the modifications and recommend approval of the Ordinance. The item will return to the City Council for first reading at a future hearing.

#### **ANALYSIS:**

The modifications are consistent with policies of the Palm Desert General Plan and input received during the drafting of the ODS document.

#### **Public Notification**

In accordance with Government Code Section 65857, the Planning Commission is not required to hold a public hearing to consider the modifications to the original recommendation.

#### **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 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 document falls 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 document does 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 Resolution No. 2863, attached to this staff report.

**ATTACHMENTS:**

1. Draft Planning Commission Resolution No. 2863
2. Adopted Planning Commission Resolution No. 2852
3. Palm Desert Multifamily and Mixed-Use Objective Design Standards
4. Errata Sheet Summarizing Changes from March 14, 2024, Council Meeting