

ORDINANCE NO. ####

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT OF THE PALM DESERT MUNICIPAL CODE TO ADD CHAPTER 25.42 – MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS, AMENDING OTHER CHAPTERS OF TITLE 25 TO IMPLEMENT CITY-WIDE MULTIFAMILY AND MIXED-USE RESIDENTIAL OBJECTIVE DESIGN STANDARDS AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CASE NO. ZOA24-0001

WHEREAS, Government Code Section 65800 et seq. provides for the amendment of any and all adopted City of Palm Desert (“City”) zoning laws, ordinances, rules and regulations; and

WHEREAS, on September 29, 2017, in an effort to address the State’s ongoing housing crisis, Governor Newsom signed Senate Bill 35 (Wiener) into law, which amended Government Code Sections 65400 and 65582.1, and added Section 65913.4, requiring cities and counties to streamline their review and approval of eligible housing projects; and

WHEREAS, on October 9, 2019, in an effort to address the State’s ongoing housing crisis, Governor Newsom signed Senate Bill 330 (Skinner) into law, which amended Government Code Section 65589.5 and 65941.1 of the Government Code, relating to housing limiting a jurisdiction’s ability to deny a housing project when it complies with all objective general plan and zoning standards; and

WHEREAS, on September 28, 2022, in an effort to address the State’s ongoing housing crisis, Governor Newsom signed Assembly Bill 2011 (Wicks) into law, which amended Government Code Section 65400 and 65585, and added 65912.100-101 requiring jurisdictions to subject certain multifamily housing projects in commercial districts to a ministerial, streamlined approval process if the development satisfies specified objective planning standards; and

WHEREAS, the City of Palm Desert will amend the Palm Desert Municipal Code to provide regulations for Multifamily and Mixed-Use Objective Design standards to ensure quality, economically feasible, and sustainable design under the streamlined review and approval processes required by state law; including Senate Bill (“SB”) 35, SB 330, and Assembly Bill (“AB”) 2011; and

WHEREAS, the City has complied with the requirements of the Local Planning and Zoning Law (Government Code section 65100 et seq.), and the City’s applicable ordinances and resolutions with respect to approval of amendments to Title 25 of the Palm Desert Municipal Code (“Zoning Ordinance”); and

WHEREAS, in an effort to comply with Housing Streamlining Laws and anticipated removal of the discretionary design and site review process for certain housing projects,

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an amendment to the City's Zoning Ordinance regulating and implementing Objective Design Standards is proposed and attached hereto as Exhibit "A" of this Ordinance and the *Palm Desert Multifamily and Mixed-Use Objective Design Standards* are attached hereto as "Exhibit B"; and

WHEREAS, the ZOA modified the Palm Desert Municipal Code (PDMC) Title 25 (Zoning) to change and update land uses and definitions; and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and the City of Palm Desert's ("City's") Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, the Project has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2019-41, in that the Director of Development Services has determined that the Project will not have a foreseeable significant impact on the environment and that the Project is eligible for an exemption exempt Section 15061(b)(3) General Rule of the CEQA Guidelines; therefore, no further environmental review is necessary at this time; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did schedule a public hearing on January 16, 2024, to consider the requestion, which was cancelled due to a lack of quorum; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on February 6, 2024, hold a duly noticed public hearing to consider the project and unanimously voted to adopt Planning Commission Resolution No. 2852 recommending the City Council approve the project with modifications; and

WHEREAS, the City Council of the City of Palm Desert, California, did on March 14, 2024, hold a duly noticed public hearing to consider the recommendation of Planning Commission Resolution No. 2852; and

WHEREAS, at said public hearing, the City Council requested modifications of the *Palm Desert Multifamily and Mixed-Use Objective Design Standards* Document which included several substantial modifications to several standards contained in said Document which constitute a modification of the Planning Commission recommendation; and

WHEREAS, pursuant to Government Code Section 65837 any modification of the proposed ordinance or amendment by the City Council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on April 2, 2024, hold a public meeting to consider the modified ordinance, which includes the City Council revisions of the *Palm Desert Multifamily and Mixed-Use Objective Design*

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Standards Document and adopted Planning Commission Resolution No. 2863 recommending the City Council approve the project with modification; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 11th day of April 2024, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request; and

WHEREAS, at the said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, the City Council did find the following facts and reasons, which are outlined in the staff report, exist to justify approval of said request:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that:

- A. The City of Palm Desert, California ("City"), a municipal corporation duly organized under the constitution and laws of the State of California; and
- B. The Planning and Zoning Law authorizes cities to establish by ordinance the regulations for land use and development.

SECTION 2. Amendment. The Planning Commission of the City of Palm Desert recommends that the City Council of the City of Palm Desert, California, approve and adopt the PDMC amendment to Title 25 as shown in Exhibit "A" and *Palm Desert Multifamily and Mixed-Use Objective Design Standards* shown in Exhibit "B" which is attached hereto and incorporated herewith.

SECTION 3. CEQA. 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 Multifamily and Mixed-Use Objective Design Standards 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 Multifamily and Mixed-Use 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. This determination reflects the independent judgement and analysis of the City as the lead agency for the Amendment.

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SECTION 4. CEQA. The application has complied with the requirements of the “City of Palm Desert Procedure for Implementation of CEQA” Resolution No. 2019-41, in that the City Council finds that the Project is an exemption from CEQA per Section 15061(b)(3) of the CEQA guidelines as the Project is a determination on whether a use that is not listed shall be deemed a conditional use. No direct, foreseeable impact on the environment can be identified at this time.

SECTION 5. Severability. If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 6. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.to the Commission shall attest and certify to the passage and adoption thereof.

ADOPTED ON April 11, 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Ordinance No. ##### is a full, true, and correct copy, and was introduced at a regular meeting of the City Council of the City of Palm Desert on April 11, 2024, and adopted at a regular meeting of the City Council held on April 25, 2024, by the following vote:

AYES:

NOES:

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ABSENT:
ABSTAIN:
RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK

“EXHIBIT A”
ZONING ORDINANCE AMENDMENT

SECTION 1. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Chapter 25.42 is hereby added as follows.

Chapter 25.42

MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS

Sections:

25.42.010 – Purpose and intent

25.42.020 – Applicability

25.42.030 – Relationship to other standards and requirements

25.42.040 – Exceptions

25.42.050 – Review and decision

25.42.060 – Appeals

25.42.070 – Post-decision procedure

25.42.010 - Purpose and intent

This chapter is intended to establish and apply objective design standards to new multi-family residential and mixed- use development projects within the City of Palm Desert where state law limits the City’s enforcement of design standards to objective standards or where state law or the Palm Desert Municipal Code requires a ministerial approval process, except for those projects described in Section 25.42.040. The purpose of this chapter is to:

1. Create high-quality, enforceable objective design standards.
2. Streamline the review and approval process for qualifying residential and mixed-use projects.
3. Ensure greater certainty for applicants, decision makers, residents, and the public.
4. Enhance the existing character and to maintain compatibility with other established uses within the City as new development and property improvements occur.
5. Continue to ensure the highest level of design quality while allowing for appropriate flexibility to create variation as needed.
6. Create objective design standards that involve no personal or subjective judgement, verifiable by reference to an external and uniform benchmark or criterion.
7. Facilitate the implementation of the Palm Desert General Plan.
8. Update standards on a timely basis to respond to new legislative actions.

25.42.020 - Applicability

1. The provisions of this chapter shall apply to all new multi-family residential and mixed-use development projects located within the following zoning districts:
 - A. Mixed Residential District (R-2).
 - B. Multifamily Residential District (R-3).
 - C. Planned Residential District (PR).
 - D. Office Professional (OP).
 - E. Planned Commercial (PC).
 - F. Specialty Commercial Center (PC-1).
 - G. District Commercial Center (PC-2).
 - H. Regional Commercial Center (PC-3).
 - I. Resort Commercial Center (PC-4).
2. The provisions of this chapter shall apply where state law or the Palm Desert Municipal Code requires a ministerial approval process.
3. The City of Palm Desert Objective Design Standards are hereby adopted and incorporated by reference herein, and as adopted by City the City Council and amended from time to time.

25.42.030 - Relationship to other standards and requirements

The City of Palm Desert intends this chapter to establish reasonable, uniform and comprehensive standards and procedures for multi-family residential and mixed housing development within applicable areas, consistent with and to the extent permitted under federal and California State law. The standards and procedures contained in this chapter are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, comprehensive housing development with the city's local values, which include, without limitation, the aesthetic character of the City, its neighborhoods and community.

The provisions of this chapter are intended to supersede other chapters and design guidelines, except as noted below:

1. Standards for Applicable Zoning District. The Objective Design Standards supplement and are in addition to the development standards for the applicable zoning district in which a proposed project is located.
2. Subdivision Regulations. Title 26 establishes regulations for the subdivision of land throughout the City of Palm Desert. Where conflict exists between the Objective Design Standards and the provisions of Title 26, the Objective Design Standard shall govern.
3. Relation to Other Regulations. Where a conflict occurs between the requirements of the Objective Design Standards and other city requirements, the more restrictive provisions shall apply.
4. The Objective Design Standards provide language, diagrams, sketches, and graphics to assist developers and the pub in understanding the standards and how they shall be applied to qualifying residential projects.

25.42.40 Exceptions

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- A. Projects seeking to deviate or to not comply with the objective design standards are required to obtain Design Review approval by the Architectural Review Commission pursuant to the requirements of Chapter 25.68, prior to obtaining approval by the Planning Commission.
- B. Exempt Housing Projects. The provisions of this chapter are not applicable to:
1. Single-family detached homes.
 2. Single-family detached homes as part of a major subdivision.
 3. Duplex homes.
 4. Accessory dwelling units pursuant to Section 25.34.030.
 5. Two-unit projects pursuant to Section 25.34.080.
 6. Renovations, additions, or expansions of existing residential buildings.
 - i. Where an addition or expansion of existing residential multi-family and mixed use residential is greater than 50%, of the existing floor area, the site plan shall comply with the Objective Design Standards for landscaping.
 7. Mixed-use projects with less than two-thirds of the building square footage dedicated to housing.
 8. Housing developed within Specific Plans which have adopted objective design standards as a part of the Specific Plan. If the specific plan silent regarding a standard, the ODS shall govern.

25.42.50 Review and decision procedure

1. The Director shall be the review authority for any Objective Design Review approval for projects subject to the objective design standards. Land use approval of any entitlement required in conjunction of the Objective Design Review shall be made by the review authority identified in Chapter 25.60 – Procedures.
2. The applicant shall submit all materials required by the Director, including any materials required by checklists created for the review process.
3. The Director shall evaluate the application based on the project's conformance with the objective development and design standards.
4. In approving an Objective Design Review subject to objective design standards, the Director may impose conditions of approval as deemed necessary to:
 - a. Ensure that the proposal conforms to the general plan and other applicable plans, or policies adopted by the City Council and or additional discretionary approvals.
 - b. Ensure that the proposal meets the requirements of the zoning district where the proposal is located, as well as any other applicable provisions of the Development Code; and
 - c. Comply with the objective design standards as adopted within, or by reference in Section 25.42.

25.42.060 – Appeals

The Design Review for Residential projects utilizing objective design standards are evaluated under a ministerial review process for conformance with this section. The review authority may restrict or deny a proposed residential design if they determine that the design is not consistent with the objective design standards. The appeal will be heard by the Planning

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Commission and shall be subject to a review by the Architectural Review Commission consistent with the Design Review process and the requirements of Chapter 25.68.

25.42.070 Post-decision procedures

The procedures and requirements relating to appeals, project revisions, issuance of a building permit, effective dates, lapse of approval, extensions, and revocations located in Chapter 25.60 – Procedures shall apply following the decision on an application for an Objective Design Review. To the extent any state law limits the total number of public hearings that may be held on a project, including appeals, the Planning Commission shall have the discretion, to refer the appeal directly to the Council for a decision.

SECTION 2. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.10.030 is hereby amended as follows:

25.10.030 Allowed Land Uses and Permit Requirements

Table 25.10-1 “Use Matrix for Residential Districts” below identifies land uses and corresponding permit requirements for residential districts and all other provisions of this title. Descriptions/definitions of the land uses can be found in Chapter [25.99](#) (Definitions). The Special Use Provisions column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with a representative symbol by use classification listing: “P” symbolizes uses permitted by right, “A” symbolizes uses that require approval of an administrative use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted. Uses that are not listed are not permitted. However, the Commission may make a use determination as outlined in Section [25.72.020](#) (Use Determinations).

Table 25.10-1: Use Matrix for Residential Districts

	Residential Zoning District							
	(P=Permitted; A=Administrative Use Permit; L=Large Family Day Care Use Permit; C=Conditional Use Permit; N=Not Permitted)							
	RE	R-1	R-2	R-3	R-1M	HPR	PR	Special Use Provisions
Residential Uses								
Assisted living	N	C	C	C	N	N	C	
Accessory dwelling unit	P	P	P	P	P	N	P	25.34.030
Condominium	N	N	C	C	N	N	C	25.42
Dwelling, duplex	N	N	P	P	N	N	N	
Dwelling, multifamily	N	N	P	P	N	N	C	25.10.040.A /25.42
Dwelling, second	P	P	P	P	N	P	P	25.34.030
Dwelling, single-family	P	P	P	N	N	P	P	
Farmworker housing	N	N	N	N	N	N	N	
Group home	P	P	P	N	N	P	P	25.10.040.B
Guest dwelling	P	P	P	N	N	P	P	
Home-based business	P	P	P	P	P	P	P	25.34.020
Junior accessory dwelling unit	P	P	P	P	P	N	P	25.34.030

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	Residential Zoning District							
	(P=Permitted; A=Administrative Use Permit; L=Large Family Day Care Use Permit; C=Conditional Use Permit; N=Not Permitted)							
	RE	R-1	R-2	R-3	R-1M	HPR	PR	Special Use Provisions
Manufactured home parks	N	N	N	N	C	N	N	
Planned unit development, residential	N	N	C	C	N	C	C	25.10.040.C
Transitional and supportive housing	see Note 1							25.42
Agriculture-Related Uses								
Apiary	P	P	P	N	N	P	P	25.34.170
Botanical conservatory	A	N	N	N	N	N	N	
Crops and horticulture, limited	A	N	N	N	N	N	N	
Domestic animals	P	P	P	P	P	P	P	
Garden, private	P	P	P	P	P	P	P	
Greenhouse, commercial	C	N	N	N	N	N	N	
Greenhouse, private	P	P	P	A	A	P	P	
Horticulture, private	P	P	P	P	P	P	P	
Kennel	C	N	N	N	N	N	C	25.10.040.D
Livestock raising, noncommercial	C	N	N	N	N	N	N	
Nursery	C	N	N	N	N	N	N	
Orchard	A	N	N	N	N	N	N	
Stable, boarding	A	N	N	N	N	N	N	25.10.040.E
Stable, private	A	N	N	N	N	N	N	25.10.040.E
Recreation, Resource Preservation, Open Space, and Public Assembly Uses								
Cemetery	N	N	N	N	N	N	C	
Community facility	N	N	N	N	N	N	C	
Club, private	N	N	C	C	N	N	C	
Crematory	N	N	N	N	N	N	N	
Day care, large family	P	P	P	P	P	P	P	
Day care, small family	P	P	P	P	P	P	P	
Institution, educational ²	C	C	C	C	C	N	C	
Institution, general ²	N	N	N	C	N	N	C	
Institution, religious	C	C	C	C	N	N	C	
Public park	P	P	P	P	P	P	P	
Recreational use, commercial	N	N	N	N	N	N	C	25.10.040.G
Recreational vehicle park	N	N	N	N	C	N	C	
Recreation facility, commercial	N	N	N	N	N	N	N	
Recreation facility, incidental	C	C	C	C	C	N	C	25.10.040.H
Recreation facility, private	P	N	N	P	P	N	P	
Recreation facility, public	C	C	C	C	C	N	C	
Utility, Transportation, Public Facility, and Communication Uses								
Electric substation	N	N	N	N	N	N	N	
Fire station	C	C	C	C	N	N	C	
Public service facility	C	C	C	C	C	N	N	
Public utility	C	C	C	C	C	N	N	
Utility facility	N	N	N	N	N	N	C	
Retail, Service, and Office Uses								
Bed and breakfast	C	N	N	C	N	N	N	
Commercial parking lot	N	C	N	C	N	N	N	25.10.040.I
Condominium hotel, converted	N	N	C	C	N	N	C	
Hospital	N	N	C	C	N	N	C	
Hotel	N	N	N	C	N	N	C	25.10.040.J
Neighborhood government office	N	N	C	C	N	N	N	25.10.040.K
Office parking lot	N	C	C	C	N	N	N	25.10.040.L
Professional office	N	N	C	C	N	N	N	25.10.040.M
Resort hotel	N	N	N	C	N	N	C	25.10.040.J
Timeshares	N	N	N	N	N	N	C	

Residential Zoning District							
(P=Permitted; A=Administrative Use Permit; L=Large Family Day Care Use Permit; C=Conditional Use Permit; N=Not Permitted)							
RE	R-1	R-2	R-3	R-1M	HPR	PR	Special Use Provisions
Temporary Uses				See Section 25.34.080			

Notes:

1. Transitional and supportive housing shall be subject to only those restrictions that apply to other residential uses of the same type in the same zone.
2. Trade schools are not permitted.

Section 3 – Section 25.10.050

SECTION 3. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.10.040 is hereby amended as follows:

25.10.040 Specific Use Standards

A. **Multifamily.** Multifamily dwelling units are permitted within the R-2 district up to a maximum of 10 dwelling units per acre, or as indicated on the zoning map. Multifamily dwelling units are permitted within the R-3 district at densities between 7 and 40 dwelling units per acre, or as indicated on the zoning map. All new multifamily uses, mixed-use residential, and attached condominiums must comply with the requirements of 25.42 – Objective Design Standards.

SECTION 4. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.16.030 is hereby amended as follows:

25.16.030 Allowed Land Uses and Permit Requirements

Table 25.16-1 (Use Matrix for Commercial and Industrial Districts) identifies allowed uses and corresponding permit requirements for commercial and industrial districts and all other provisions of this title. Descriptions/definitions of the land uses can be found in Chapter [25.99](#) (Definitions). The “Special Use Provisions” column in the table identifies the specific chapter or section where additional regulations for the specific use type are located within this title.

Use regulations in the table are shown with representative symbols by use classification listing: “P” symbolizes uses permitted by right, “A” symbolizes uses that require approval of an administrative use permit, “C” symbolizes uses that require approval of a

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conditional use permit, and “N” symbolizes uses that are not permitted. Uses that are not listed are not permitted. However, the Commission may make a use determination as outlined in Section [25.72.020](#) (Use Determinations).

Table 25.16-1: Use Matrix for Commercial and Industrial Districts

	Commercial/Industrial District						
	(P=Permitted; A=Administrative Use Permit; C=Conditional Use Permit; N=Not Permitted)						
	OP	PC-1	PC-2	PC-3	PC-4	SI	Special Use Provisions
Residential Uses							
Caretaker housing	N	N	N	N	N	P	25.16.040.A
Condominium	C	C	C	N	C	C	25.16.040.B / 25.42
Dwelling, duplex	C	C	C	C	C	C	25.16.040.B
Dwelling, multifamily	C	C	C	C	C	C	25.16.040.B / 25.42
Dwelling, single-family	C	C	C	N	C	C	25.16.040.B
Group home	C	C	N	N	C	C	25.16.040.B / 25.42
Single-room occupancies	N	N	N	N	N	C	
Homeless shelter	N	N	N	N	N	P	
Recreation, Resource Preservation, Open Space, and Public Assembly Uses							
Amusement facility, indoors	N	N	C	C	C	N	
Amusement facility, outdoors	N	N	N	C	C	N	
Community facility	N	N	N	N	N	P	
Day care center	N	A	A	A	A	N	
Emergency shelters	N	P	N	N	N	P	
Entertainment facility, indoor	N	N	N	P	P	N	
Entertainment facility, outdoor	N	N	N	P	P	N	
Institution, educational	C	C	C	N	N	C	
Institution, general	C	N	C	N	N	C	
Institution, religious	C	N	C	N	N	C	
Open space (developed or natural)	N	P	P	N	P	N	
Recreation facility, commercial	N	N	P	P	P	N	
Recreation facility, private	N	N	N	P	P	N	
Theater/auditorium	N	N	P	P	N	N	
Utility, Transportation, Public Facility, and Communication Uses							
Commercial communication tower	C	C	C	C	C	C	25.16.040.C
Commercial parking lot	C	N	N	N	N	N	
Public utility installation	N	N	N	N	N	P	
Public facility (utility or service)	N	N	N	N	N	P	
Utility facility	N	N	C	N	N	P	
Retail, Service, and Office Uses							
Accessory massage establishment	P	N	P	P	P	N	25.34.160
Adult entertainment	N	N	N	N	N	C	25.16.040.D
Ancillary commercial	A	P	P	P	N	A	25.16.040.E
Art gallery	A	P	P	P	P	C	
Art studio	A	P	P	P	P	C	
Bed and breakfast	N	A	A	A	A	N	
Business support services	N	N	N	N	P	P	
Cannabis retail	N	C	C	C	C	N	25.34.120
Cannabis testing and research laboratory	C	N	N	N	N	C	25.34.120
Convention and visitors bureau	N	N	P	N	P	N	

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	Commercial/Industrial District						
	(P=Permitted; A=Administrative Use Permit; C=Conditional Use Permit; N=Not Permitted)						
	OP	PC-1	PC-2	PC-3	PC-4	SI	Special Use Provisions
Drugstore	N	P	P	P	N	N	
Financial institution	C	P	P	P	N	N	
Grocery store	N	P	P	P	N	N	25.16.040.F
Health club, gyms or studios	N	A	P	P	P	A	
Hotel	N	A	A	A	P	N	25.34.070
Independent stand-alone massage	N	N	P	P	N	N	25.34.160
Liquor store	N	P	P	P	N	N	
Liquor, beverage and food items shop	N	P	P	P	P	N	
Medical, clinic	P	N	P	P	N	N	
Medical, office	P	P	P	P	N	N	
Medical, hospital	N	N	N	N	N	C	
Medical, laboratory	P	N	N	N	N	P	
Medical office, accessory	N	N	N	N	N	P	25.16.040.G
Medical, research facility	P	P	N	N	N	C	
Mortuary	N	N	N	N	N	P	
Office, professional	P	N	P	P	P	P	
Office, local government	P	N	N	N	N	P	
Office, travel agency	P	P	P	P	P	N	
Outdoor sales	N	N	A	A	A	A	
Personal services	N	P	P	P	P	N	
Restaurant	A	A	A	A	P	A	25.16.040.E / H
Retail	N	P	P	P	P	N	
Retail, bulky items	N	N	N	P	P	N	
Spa	N	N	P	P	P	N	
Time-share project	N	N	N	C	C	N	
Veterinary clinics/animal hospitals	A	N	A	A	N	A	
Pet boarding	N	A	A	A	N	A	
Automobile and Vehicle Uses							
Automotive rental agency	N	N	N	N	P	P	
Automotive gasoline station	N	N	C	C	N	C	25.34.090
Automotive service facility	N	N	C	C	N	P	25.34.090
Automotive sales new and used (outdoor/indoor)	N	N	N	N	N	C (outdoor) A (indoor)	
Automotive sales of accessory parts and supplies	N	N	N	P	P	N	
Vehicle storage facility	N	N	N	N	N	P	25.16.040.I
Industrial, Manufacturing, and Processing Uses							
Cannabis cultivation	N	N	N	N	N	C	25.34.120
Cannabis delivery	N	N	N	N	N	C	25.34.120
Cannabis distribution	N	N	N	N	N	C	25.34.120
Cannabis manufacturing	N	N	N	N	N	C	25.34.120
Industrial planned unit development	N	N	N	N	N	P	
Light industrial and research and development	N	N	N	N	N	P	
Maintenance facility	N	N	N	N	N	P	
Pest control facility	N	N	N	N	N	P	
Preparation of foodstuffs	N	N	N	N	N	P	
Production of home and office decor accessories	N	N	N	N	N	P	

Commercial/Industrial District							
(P=Permitted; A=Administrative Use Permit; C=Conditional Use Permit; N=Not Permitted)							
	OP	PC-1	PC-2	PC-3	PC-4	SI	Special Use Provisions
Warehouse or storage facility	N	N	N	N	N	P	
Temporary Uses	See Section 25.34.080						

1 The establishment may be permitted with an administrative use permit but may be elevated to a conditional use permit at the discretion of the ZA based on: parking, traffic, or other impacts.

SECTION 5. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.16.040(B) is hereby amended as follows:

B. Residential (mixed use). ~~Residential uses may be established and maintained to be compatible with the permitted or the approved conditional uses in the vicinity.~~ Residential uses may be conditionally approved in a mixed-use development subject to a conditional use permit to review for compatibility with existing use in the vicinity. All new multifamily or mixed-use developments shall be subject to Chapter 25.42.

SECTION 6. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.60.070 is hereby amended as follows:

25.60.070 Approving Authority

A. Designated approving authority. The approving authority as designated in Table 25.60-1 (Approving Authority for Land Use Permits/Entitlements) shall approve, conditionally approve, or deny the proposed land use or development permit or entitlement in accordance with the requirements of this title. Table 25.60-1 identifies recommending (R), final (F), and appeal (A) authorities for each permit or entitlement. In acting on a permit, the approving authority shall make all required findings.

Table 25.60-1: Approving Authority for Land Use Permits/Entitlements

Type of Entitlement, Permit, or Decision	ZA	Director	ARC	PC	CC
Residential remodels and additions	F	A		A	F
Certificates of use and occupancy		F		A	A
Temporary use permits		F		A	A
Home-based business permits		F		A	A
Large family day care use permits	F			F	RR
Adjustments	F	A		F	RR
Administrative use permits	F			F	RR
Reasonable accommodation	F	A		F	RR
Design Review s		R	F		A
<u>Objective Design Review</u>		<u>F</u>	<u>R</u>	<u>A</u> ²	<u>A</u>

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Sign design review		R	F		A
Zoning decision		F		A	A
Use determinations		R		F	A
Precise plans		R	R ¹	F	A
Development plans		R	R ¹	F	A
Conditional use permits		R	R ¹	F	A
Condominium conversion permits		R		F	A
Variances		R	R ¹	F	A
Planned community developments		R	R ¹	R	F
Amendments—Zoning ordinance		R		R	F
Amendments—Zoning map		R		R	F
Prezoning for annexed areas		R		R	F
Development agreements		R		R	F
General Plan updates		R		R	F

Director=Director of Community Development, ZA=Zoning Administrator, ARC=Architectural Review Commission, PC=Planning Commission, CC=City Council, R=Review Body, F=Final Decision (unless appealed), A=Appeal Body, and RR=Request Review only.

Footnote:

1. A final determination is made by the ARC for design-related decisions as specified in Chapter [25.68](#) (Decisions by the Architectural Review Commission).

2. All appeals of the Director's Determination shall be made to the Planning Commission and shall be subject to a discretionary review by the ARC subject to Section 25.68.040 Findings of the ARC, in addition to other appeal findings required by this Title.

SECTION 7. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.68.020 is hereby amended as follows:

25.68.020 Design Review Required

A. **Purpose and applicability.** Design review allows for specified projects to be reviewed by the ARC to ensure that design objectives of Palm Desert as specified in the General Plan are achieved. Design review is required, as follows:

1. Prior to permit issuance. No plan, elevation for buildings or structures, or alterations shall be approved and no permit shall be issued for any building, structure, sign, or other development of property or appurtenances or alterations thereto, except in single-family residential districts and developments subject to Objective Design Standards requirements of Chapter 25.42, without review and approval by the ARC.

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2. The ARC shall review all plans submitted with applications for moving buildings within or into the City. Photographs shall be included with the application showing all elevations, the structure proposed to be moved, the proposed site, and the buildings adjacent to the proposed site. The ARC shall determine whether the building proposed to be moved will fit harmoniously into the neighborhood wherein it is to be located. It may approve, approve with conditions, or disapprove the issuance of a permit to move such building.

3. The ARC shall review all plans for new two-story residential dwellings and second story additions within the R-2 Zoning District as required by Table 25.10-3 (Residential Zoning District Development Standards) to ensure second stories are compatible with surrounding homes including massing, materials, and considers privacy of adjacent neighbors.

B. The ARC design review shall include the following:

1. The mass and bulk of the design should be reasonably compatible with the predominant neighborhood pattern. New construction should not be disproportionately larger than, or out of scale with, the neighborhood pattern in terms of building forms, roof pitches, eave heights, ridge heights, and entry feature heights.

2. Placement of windows and doors should have minimal impact to the neighboring property.

3. Line of sight analysis shall be provided.

4. To mitigate privacy impacts of new two-story homes and additions, tree and/or shrub planting is required.

a. Applicability. These requirements shall apply to new two-story homes, two-story additions, and/or new windows on existing two-story homes that increase privacy impacts on neighboring residents.

5. Planting plan. Proposals for new two-story homes, two-story additions, and/or new windows on existing two-story homes shall be accompanied by a planting plan which identifies the location, species and canopy diameter of existing and proposed trees or shrubs to meet the requirements. (Ord. 1383 § 2, 2022; Ord. 1259 § 1, 2013)

SECTION 8. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.68.030 is hereby amended as follows:

25.68.030 Exceptions to ARC Review

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A. **Minor modifications.** When in the opinion of the ZA, the approval of an application for a minor or insignificant permit does not defeat the purposes and objectives of this chapter, they may grant the permit without submitting the matter to the ARC for its approval, notwithstanding any other provisions of this chapter.

B. **Staff's review of a single-family residence.** Department staff shall review applications for the issuance of a building permit for a dwelling in the single-family and residential estate zones. The staff, on its own initiative, may forward such a request to the ARC for action. (Ord. 1393 § 28, 2023; Ord. 1259 § 1, 2013)

C. Multifamily and Mixed-Use Objective Design Standards. New developments which are subject to Multifamily and Mixed-Use Objective Design Standards shall comply with the review and decision procedure requirements of Chapter 25.42.

SECTION 9. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.72.030(E) is hereby amended as follows:

E. **Review criteria.** Any such precise plan of design may be rejected, approved, modified and approved, or approved subject to conditions. Any such precise plan of design after approval may be amended, in the same manner as a precise plan of design is first approved under this chapter. The following criteria apply:

1. In the approval or rejection of a precise plan of design, consideration shall be given and restrictions shall be imposed to the extent necessary, in view of the size and shape of the parcel and the present and proposed zoning and use of the subject property and the surrounding property, to permit the same degree of enjoyment of the subject property, but subject to the same degree of protection of adjoining properties, as would be accorded in normal circumstances by the standard restrictions imposed by this chapter. The standard restrictions imposed in the various zones by this chapter are intended as minimum restrictions necessary in normal circumstances to prevent substantial depreciation of property values in the vicinity and unreasonable interference with the use and enjoyment of property in the vicinity by the occupants thereof for lawful purposes, and for the protection of the public peace, health, safety, and general welfare. "Normal circumstances" are intended to refer to the case of a permitted case upon a lot of a normal size and shape surrounded by property in the same zone as the lot in question.

2. If the proposed precise plan of design would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would endanger the public peace, health, safety, or general welfare, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove said objections.

3. If required, the design review approval by the ARC (Section [25.68.020](#), Design Review Required), or Objective Design Review approval by the Director (Section [25.42 Multifamily and Mixed-Use Objective Design Standards](#)) must be obtained prior to the precise plan review by the Commission.

ORDINANCE NO. #####

SECTION 9. Amendment to Palm Desert Municipal Code. Palm Desert Municipal Code Section 25.99.020 is hereby amended to add the following definitions

Objective Design Standards. The most recently adopted Multifamily and Mixed-Use Objective Design Standards document approved by the City Council.

Mixed-Use. A mixing of uses in a development project either with in a vertical manner with residential over commercial, retail, office, or institutional uses, or a mixing of uses in a development project or with neighboring structures.