

CITY OF PALM DESERT MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS

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TABLE OF CONTENTS

[1.0 INTRODUCTION](#)

[1.1 What are Objective Design Standards?](#)

[1.2 Palm Desert Setting and Character](#)

[1.3 Multifamily and Mixed-Use ODS Goals and Objectives](#)

[1.4 Multifamily and Mixed-Use Housing in Palm Desert](#)

[1.5 How to Use the Standards](#)

[2.0 OBJECTIVE DESIGN STANDARDS \(ODS\)](#)

[2.1 Project Site Objective Design Standards](#)

[2.2 Landscape and Open Space Objective Design Standards](#)

[2.3 Building Architecture Objective Design Standards](#)

[2.4 Parking Objective Design Standards](#)

[3.0 ODS COMPLIANCE CHECKLISTS](#)

[3.1 City of Palm Desert Multifamily Compliance Checklist](#)

[3.2 City of Palm Desert Mixed-Use Compliance Checklist](#)

[4.0 GLOSSARY](#)

[A. APPENDICES](#)

[A.1 Outreach Phase I](#)

[A.2 Outreach Phase II](#)

[A.3 Outreach Phase III](#)

1.0 INTRODUCTION

1.1 What are Objective Design Standards?

Traditionally, the City of Palm Desert (City or Palm Desert) has used design guidelines with “shoulds” to shape new project designs. An example of a design guideline that follows this type of logic is, “long, unbroken facades and unarticulated box-like forms should be avoided.” Palm Desert traditionally relied on its Architectural Review Commission at regularly scheduled public meetings to interpret these design requirements and, as appropriate, approve projects that incorporated these requirements to ensure that the character and quality of new developments, including multifamily and mixed-use projects, met community design expectations.

Recent State of California legislation has been adopted to reduce obstacles to housing production and streamline the approval of projects that include multifamily housing - projects with buildings that contain three or more dwelling units, apartments, and mixed-use projects that include a residential component. Senate Bill 35 and Senate Bill 330, gone into effect in 2018 and 2020 respectively, have disallowed the use of “should” statements that require additional discretionary review, such as the review of an architectural review body, if the project otherwise meets all of the City’s zoning standards.

Since the adoption of this legislation, multifamily and mixed-use developments may now only be approved utilizing quantifiable, measurable, and objective design standards (ODS) or “shall” policies. For instance, a design standard that states “no facade shall exceed 36 feet in length without at least a two-foot planar offset that is a minimum of six feet in length” establishes a “yes” or “no” evaluative criteria for both the applicant or City of Palm Desert Staff (Staff) that respectively design or review a prospective project. Per State legislation, if a project with a multifamily or mixed-use residential component meets the criteria of the design standard, all other objective planning criteria are met, and the project does not otherwise trigger a discretionary review, for example a tract map review and approval, Staff must approve the project.

Given the requirements described above and that many projects are by-right and do not require discretionary actions, it is key that the design values and policies of a city be reflected in quantifiable design standards that are utilized by Staff to ministerially approve projects. The ODS of this policy align with Palm Desert’s design goals and establish a measurable and quantifiable basis for ministerial design approvals that help designers, applicants, and City reviewers ensure that new multifamily and mixed-use developments conserve and enhance this community’s setting and character.

1.2 Palm Desert Setting and Character

The City of Palm Desert (‘City’ or ‘Palm Desert’) is situated on a gently downward sloping, north-to-south geographic plane in the Coachella Valley. Set in a low north-western extension of the Sonoran Desert, the City’s climate is warm throughout the year and hottest from May through October. Days are typically clear and cloudless with bright sunshine. There is little rain but often strong winds, particularly from mid-March through mid-July. Strong prevailing winds typically blow in from west to east during the summer, and from north to south from mid-November through mid-February. The City enjoys views of

high mountains to the south, west, and north, with snow caps visible at the highest elevations during the winter months. While water-intensive lawns and non-native plants do well in the sunny environment, given increasing water scarcity and long-term predictions of drought, drought-tolerant and native fauna increasingly define newer landscapes.

The City's General Plan, adopted in 2016, defines and establishes many guiding themes regarding the design character of future development in this City's desert environment. Design-centric goals that shape this overarching planning policy document include:

- The protection and enhancement of natural surroundings.
- Accessibility and connectivity.
- Planning and designing at a moderate density and scale so that the pedestrian experience is the primary focus.

More specific General Plan design-oriented goals, such as high-quality landscaping, walkable block lengths, neighborhood transitions and scale, and shaded sidewalks are also addressed by the objective design standards (ODS) found within this policy.

1.3 Multifamily and Mixed-Use ODS Goals and Objectives

To achieve a best, safe, comfortable, and energy efficient fit between the natural desert circumstance of Palm Desert and its newer buildings, landscapes, and human environments, new multifamily and mixed-use projects shall be shaped by design standards that incorporate understandings of this community's unique environmental, geographic and climatic place factors.

The following objectives, based upon this environmental design goal, shape the development of new multifamily and mixed-use design standards.

1. Link new multifamily and mixed-use structures to the natural environment through optimized building design that conserves or opens onto mountain views from public open spaces and rights-of-way.
2. Create human-scale connectivity between new multifamily and mixed-use projects, the outdoor environment, and existing buildings and neighborhoods through project design that supports walkability, alternative transit uses including bicycles and transit stops, and safe, pedestrian-oriented sidewalks and pathways.
3. Design building environments with open space, landscape, and architecture that provides shade and protection from desert sun and prevailing winds.
4. Orient new multifamily and mixed-use structures to existing and new street frontages, sidewalks, and the prevailing settings of existing districts, neighborhoods, and buildings.

5. Utilize native and/or drought-tolerant landscape as an integral design component of new multifamily and mixed-use projects, particularly within passive and active recreational open spaces, along parkways, pathways and public sidewalks, at buffers abutting adjacent sites, and at parking areas.
6. Plant shade trees with each new multifamily and mixed use project to reduce the impact of urbanized heat islands, foster walkability, outdoor gathering, and comfort.
7. Reflect the local desert environment through use of architectural details that provide shelter from direct sunlight and prevailing winds, as well as use of materials and colors that are seen in local natural settings.

The multifamily and mixed-use design standards of this policy are based upon the above goal and objectives. Use of this policy's design standards by applicants as they plan and design projects will foster, new building by new building, a consistently applicable design quality related to General Plan policies, a greater desert-oriented integration of architecture with the City's desert setting, and increased project-by-project identity that enhances the value of Palm Desert's built environment.

1.4 Multifamily and Mixed-Use Housing in Palm Desert

The Palm Desert Municipal Code defines any project that includes three or more units as a multifamily development. Home to a range of multifamily housing types, from triplexes surrounding the downtown area to medium-density apartments and higher-intensity planned developments to the north of the City's core, future multifamily residential developments will best maintain a high-quality standard of design through use of massing and scale, architectural components, details, landscape, materials and colors that grow out of an appreciation of and fit with the Sonoran Desert surrounds.

The Multifamily Typology Transect (TBD) illustrates a range of housing types that fit the Palm Desert context, from the Downtown area with its infill parcels to larger undeveloped parcels. The transect begins with triplexes and increases incrementally to include quadplexes, attached townhomes, then courtyard, garden and tuck-under apartments, and finally higher-intensity residential multiplexes that are no taller than three stories. Any multifamily typology of higher density is not generally applicable in Palm Desert unless achieved through allowed housing bonuses that provide for affordable housing.

Mixed-use developments, while not a prevalent typology in Palm Desert, are allowed in multiple land uses per the City's General Plan, including all of the City's "Centers", the "Town Center Neighborhood", and the "Regional Retail District" designations. The Mixed-Use Typology Transect (TBD) defines a range of typical mixed-use building types that may be approved in Palm Desert starting with lower intensity live-work projects followed by horizontal and vertical mixed-use typologies. In Palm Desert, the tallest vertical mixed-use precedent shown is a five-story design only permitted at key intersections in the City Center/Downtown area.

1.5 How to Use the Standards

This document is a primary design reference and tool to use when designing new multifamily or mixed-use projects in Palm Desert. The design standards of this policy assist project applicants and their designer's understanding of the minimum design standards that shall be met. The ODS are described in Chapter 2 and are organized as follows:

- 2.1 Project Site Objective Design Standards, consisting of project orientation and frontage requirements.
- 2.2 Open Space Objective Design Standards, defining landscape requirements, open space amenities, and fencing and walls bordering project sites.
- 2.3 Building Architecture Objective Design Standards focusing on building form, roofscapes, architectural components, and exterior materials and colors.
- 2.4 Parking Design Standards, setting criteria for surface parking lots and parking garages.

The ODS shall apply to all zones in the Palm Desert Municipal Code that allow multifamily and mixed-use uses. All multifamily and mixed-use projects that are by-right developments shall be in compliance with these standards. Compliance with the standards will help ensure a streamlined and consistent review and approval process by Staff. The below steps should be followed at the start of designing new projects:

1. Review the Palm Desert General Plan to understand the goals and policies for new development.
2. Review the Palm Desert Municipal Code to determine the applicable zoning code land use requirements that will shape the site and building design.
3. Review Chapter 2 in this document, Objective Design Standards, to identify the applicable design standards for a multifamily or mixed-use project.
4. Throughout the design process utilize the applicable checklist in Chapter 3, Objective Design Standards Compliance Checklists, to ensure that all design criteria are met before submittal to the City for approval.

To determine compliance with the ODS, Staff will use the same checklists to consistently review the City's design standards in relation to by-right multifamily and mixed-use residential project applications. If a project application is determined to be in compliance with the objective design standards, Staff will approve or recommend approval of the project design. An approved project design will still be subject to all other applicable code requirements before a building permit may be issued.

Should a multifamily or mixed-use project not comply with one or more of the objective design standards, the project applicant may 1) receive an explanation from Staff regarding the non-compliance, revise the building design to be in compliance, and resubmit their application for approval, 2) choose a discretionary review process and meet with the Architectural Review Commission for project design approval, or 3) withdraw their application. Discretionary projects require approval from the Architectural Review Commission.

2.0 OBJECTIVE DESIGN STANDARDS (ODS)

2.1 Project Site Objective Design Standards

The following design standards shall be utilized for the site design of all new multifamily and mixed-use projects developed after November 1, 2023, as well as additions to projects that are on sites and that increase the onsite building area by more than 50 percent.

- 2.1.1. **Maximum Frontage Length without Break.** When buildings have public-facing street frontages longer than 450 feet in length, they shall be separated by a public or private street, alley, or right-of-way. In lieu of a public or private street, alley, or right-of-way, a minimum 30-foot wide and open-to-the-sky landscaped open space inclusive of pedestrian pathways and parkways may be provided.
- 2.1.2. **Project Orientation.** Except within Downtown Districts, multifamily and mixed-use projects shall be oriented toward and overlook public streets. To determine that a multifamily or mixed-use project overlooks the public street, such projects shall incorporate a minimum of three of the following project orientation components:

- a. A landscaped setback a minimum of 20 feet deep as measured from the frontage property line, or greater as determined by the setback requirements of the Zoning Code. The landscaped setback shall be generally parallel to the project frontage and incorporate shade trees, planted a maximum of 30 feet on center, within the first 20 feet of depth along the property frontage line.
- b. At least one open space that is a minimum of 20 feet in depth as measured perpendicular to the public street, the size of which is in relation to the project's total street frontage length per the table below:

Street Frontage (feet)	Minimum Open Space (square feet)
≤ 150 feet	600 SF
$151 \geq 450$ feet	1,500 SF
> 450 feet	20% of the total frontage length times 25 feet

- c. No fences, walls, and/or permanent planter boxes greater than 42 inches in height placed along a minimum of 20 percent of the total length of frontage along public streets and rights-of-way.
- d. At least one publicly-accessible pedestrian entrance to the project for each 450 feet of total frontage along public streets.
- e. At the ground level of buildings generally parallel to and located within ten feet of a public-street-facing frontage setback: street-facing and covered pedestrian entities,

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stoops, and/or a minimum eight-foot clear width and depth porches, open-to-the-air galleries, recesses, ramadas, and/or open arcades along a minimum of 20 percent of the total frontage that faces a public street.

2.1.3. **Project Orientation, Downtown Districts.** Notwithstanding 2.1.2 above, all new multifamily and mixed-use projects shall be oriented toward and overlook public sidewalks and/or rights-of-way. Project orientation shall incorporate a minimum of two of the following landscape and/or architectural components:

- a. At least one building entry and doorway per 150 feet of public street frontage. The building entry and door shall face the adjoining frontage and have an angle of 30 degrees or less from the frontage.
- b. Minimum eight-foot clear width and depth porches, open-to the air galleries, recesses, ramadas, and open arcades at the ground level along a minimum of 45 percent of the total street frontage, and/or a minimum four-foot clear depth awning, canopy, marque, or similar projecting overhang at each ground-floor building opening facing or visible from the public street frontage.
- c. An on-site walkway and landscaped setback, a minimum of 20 feet wide as measured from the front property line, that is generally parallel to the building frontage and incorporates shade trees that are planted a maximum of 30 feet on center.
- d. At least one open space that is a minimum of 20 feet in depth as measured perpendicular to the public street, the size of which is in relation to the project's total street frontage length per the table below:

Street Frontage (feet)	Minimum Open Space (square feet)
≤ 150 feet	600 SF
151 ≥ 450 feet	1,500 SF
> 450 feet	20% of the total frontage length times 25 feet

2.1.4. **Driveway access and sidewalks.** Vehicular driveways that access any public right-of-way shall be adjoined by sidewalks on at least one side of the vehicular access drive.

2.1.5. **Site Fences and Walls.** Along public streets and rights-of-way, adjoining fences and walls shall be constructed to meet the following standards.

- a. On lots fronting public streets that are equal to or less than 15,000 square feet in size, no fence, wall, or gate greater than 42 inches in height shall be placed within the required front yard setback.
- b. On lots fronting public streets that are greater than 15,000 SF in size and less than or equal to one acre in size, no fence, wall, or gate shall be placed within the frontage

setback along public streets. Fences, walls, and gates, placed to the rear of the frontage setback and greater than 42 inches in height, shall not exceed 60 percent of the total frontage length as measured along the setback line.

- c. On lots that are greater than one acre in size, no fence, wall, or gate greater than 42 inches in height shall be placed within the frontage setback along public streets. Fences, walls, and gates, placed to the rear of the frontage setback and greater than 42 inches in height, shall not exceed 80 percent of the total frontage length as measured along the setback line.
- d. For every 150 lineal feet of fence or wall, the material of the fence or wall shall change or the alignment and plane of the fence or wall shall change.
- e. Fences and walls adjoining public streets or rights-of-way shall be constructed of the following materials.
 - i. Brick
 - ii. Concrete
 - iii. Metal
 - iv. Stone, face stone, and/or veneer stone
 - v. Wood
 - vi. Any combination of the above

2.1.6. **Project finish grade, average.** The average finish grade of a new project shall not exceed the average grade of a site as existing upon the date of submission of a project application and as established by a topographic survey by a licensed surveyor. See also ODS 2.3.1, Building height measurement along public streets and ODS 2.3.2, Building height measurement adjoining a single-family designated lot.

2.1.7. **Project entries.** Multifamily and mixed-use projects shall meet the following entry requirements:

- a. At least one project entry shall be a publicly-visible door or gate that provides direct entry to a building or open space, open-to-the-air plaza, patio, or courtyard. This project entry shall be within 60 feet of the curb of a public street or public vehicular dropoff point.
- b. On sites with total public street frontages equal to or less than 150 feet in length, at least one project entry to an indoor or outdoor area, lobby, and/or dwelling unit(s) that is visible from the public street frontage shall be provided.
- c. On sites with total public street frontages greater than 150 feet in length and less than or equal to 450 feet in length, a minimum of two project entries leading to an indoor or outdoor area, lobby, and/or dwelling unit(s) that are visible from the public street frontage shall be provided.
- d. On sites with total public street frontages greater than 450 feet in length, a minimum of two project entries leading to an indoor or outdoor area, lobby, and/or dwelling unit(s)

that are visible from the public street frontage shall be provided for each 450 feet of total length up to a total length of 1,350 feet, after which there is no additional project entry requirement.

2.1.8. Project sidewalks and pathways.

- a. All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected by on-site sidewalks as-needed pathways that may include use of the public sidewalk. Where crossing public and private streets, access drives, drive aisles, alleys, and marked crosswalks shall link to all public streets adjoining a project.
- b. On-site sidewalks shall be at least five feet in unobstructed width.
- c. A minimum five-foot width parkway shall be provided along at least one side of all onsite sidewalks and pathways.
- d. When an onsite sidewalk or pathway is provided within a required public street frontage or setback that is 20 feet or greater in depth, a minimum five-foot width landscape parkway shall be provided along both sides of the sidewalk or pathway.
- e. Notwithstanding (d.) above, only one parkway is required at a project when at least one of the following architectural components is placed along 60 percent of the ground floor building frontage that adjoins a public street, required front yard, or public street frontage setback: stoops; minimum eight-foot clear depth porches; arcades, galleries, and ramadas; eight-foot minimum depth recesses; and 30-inch minimum depth overhangs, trellises, and/or awnings.

2.1.9. Curb cuts, vehicular. Project curb cuts shall be designed as follows:

- a. At sites with frontages greater than 50 feet in length and less than or equal to 150 feet in length, only one curb cut shall be permitted. At sites greater than 150 feet in length, no more than one curb cut shall be permitted for each 450 feet of street frontage.
- b. On sites where the public street frontage is less than 450 feet in length, the maximum width of a curb cut shall be no greater than 36 feet.
- c. Any site that requires more than a 36-foot curb cut shall divide the curb cut with a minimum five-foot width median such that no segment of the cut is more than 36 feet in width.
- d. Any curb cut that leads to a parking area with less than 25 spaces shall be no more than 24 feet in width.

2.1.10. Alleys. When alleys exist or are provided they shall be designed as follows:

- a. Projects abutting an alley shall provide all vehicular access, including service access, from the alley.

- b. Notwithstanding 2.1.8 above, if a new alley greater than 30 feet in width is provided, at least one minimum five foot landscaped parkway shall be provided along 70 percent of the total length of the alley, exclusive of the length of curb cuts for driveways, garages, required red curbs for fire access, and vehicular access aisles.

2.2 Landscape and Open Space Objective Design Standards

The following landscape and open space design standards shall be utilized for the design of landscape and open space at all new multifamily and mixed-use projects developed after XXXXXXXX, XX, XXXX, as well as additions to projects that increase the onsite building area by more than 50 percent. The intent of these landscape and open space design standards is to cultivate over time a pedestrian-oriented open space along the public-right-of-ways adjacent to multifamily and mixed-use developments with a visual and natural identity inspired by the surrounding native landscape of the California Sonoran Desert.

- 2.2.1. **Frontages.** All frontages adjoining public and private streets shall be landscaped.
- 2.2.2. **Setbacks.** All front yard, side yard, street-facing side yard, and rear yard setbacks shall be landscaped.
- 2.2.3. **Canopy trees at public street-adjoining frontages and front yards.** A minimum of one irrigated, 24-inch box tree shall be planted a maximum of 30 feet on center along frontages adjoining public streets.
- 2.2.4. **Canopy trees at front yards.** Where a front yard setback is required, a minimum of one irrigated, 24-inch box tree shall be planted for each 900 square feet of setback area, less the area of any driveways and sidewalks that cross and/or are within the front yard area.
- 2.2.5. **Canopy trees at surface parking lots.**
 - a. One canopy tree is required for every four uncovered parking spaces.
 - b. One canopy tree is required for every eight covered parking spaces.
 - c. Canopy trees at surface parking lots shall be uniformly distributed across the surface area of the lot.
- 2.2.6. **Canopy tree selection.** Along frontages adjoining public streets and public rights-of-way and yards where canopy trees are required, utilize a minimum of three species from the following list and /or approved list of drought resistant canopy trees with no more than 50 percent of all selected canopy trees comprising the same species.
 - a. 'Desert Museum' Palo Verde. *Parkinsonia (Cercidium)* x 'Desert Museum.'
 - b. Palo Brea. *Parkinsonia praecox*.

- c. Velvet Mesquite. *Prosopis velutina*.
 - d. Ironwood. *Oleña tesota*.
- 2.2.7. **Canopy tree shade on sidewalks.** Within required frontages and front yard setbacks with sidewalks and pathways, all canopy trees shall be planted to cast shade onto the sidewalk for a minimum of three hours a day during the months of June, July, and August within five years of planting.
- 2.2.8. **Specimen trees at frontage areas.** In addition to canopy trees, a minimum of one irrigated, 24-inch box specimen tree shall be planted for each 900 square feet of frontage adjoining a public street and/or right-of-way, less the area of driveways and sidewalks.
- 2.2.9. **Specimen tree selection.** Select a minimum of two species from the following and/or approved list of drought resistant specimen trees with no more than 50 percent of all specimen trees planted in required frontages adjoining public streets and public rights-of-way comprising the same species.
- a. Smoke Tree. *Psoralea argemone*.
 - b. Honey Mesquite. *Prosopis glandulosa*.
 - i. Must be a thornless cultivar inclusive of *Prosopis glandulosa* 'Maverick' or *Prosopis glandulosa* 'AZT.'
 - c. Other plant materials TBD
- 2.2.10. **Shrub and perennial groundcover at required frontages, public rights-of-way, and front yards.** For each continuous area of required frontage and/or required front yard area, a minimum of 50 percent of the surface area shall be covered by live plant material within five years of planting.
- 2.2.11. **Shrub and perennial groundcover selection.** Select a minimum of five species from the following and/or approved list of drought resistant shrub and perennial ground cover with no more than 30 percent of all live plant material in required frontage areas and/or front yards comprising the same species. A minimum of three of the selected species shall be woody plants.
- a. Shrub and perennial list TBD
- 2.2.12. **Use of thorned, serrated-edged, sharp-toothed, or sharp-edged plant materials.** Thorned, serrated-edged, sharp-toothed, or sharp-edged plant materials shall not be planted so as to grow within two feet of a sidewalk or pathway and five feet from a children's play area.

- 2.2.13. **Inorganic ground cover.** Within required frontages adjoining public streets and rights-of-way and front setbacks, all ground surfaces not covered in live plant material shall be covered with gravel, cobble, or boulders.
- a. Select a minimum of one type of gravel and one type of cobble with no more than fifty percent of all surfaces covered in inorganic ground cover comprising the same material.
 - b. Shrub and perennial groundcovers shall be planted next to and not within a bed of cobble.
 - c. Any inorganic material utilized within a required frontage adjoining a public street or right-of-way shall be of a color and value (light v. dark) that reflects more light than it absorbs.
- 2.2.14. **Boulders.** For each continuous area of parkway and landscaped setback, locate a minimum of one boulder for each five hundred square feet of landscaped setback area, less driveways and sidewalks.
- a. Boulders shall be spaced irregularly.
 - b. The bottom third of boulders shall be buried below grade.
- 2.2.15. **On-site lighting.** All exterior lighting shall be dark sky compliant and/or fully shielded and meet the following design standards.¹
- a. **Fully shielded.** Exterior lighting shall be fully shielded and arranged so that the source of the light can not be viewed directly.
 - b. **Uplighting.** Exterior uplighting is prohibited.
 - c. **Lighting angle below the horizon.** Exterior lighting shall restrain light from the source to a minimum 30 degrees below the horizontal plane of the light source.
 - d. **Pedestrian-oriented lighting.**
 - i. Pedestrian-oriented lighting shall be provided along all on-site sidewalks and pathways and exterior amenity spaces.
 - ii. On-site sidewalks, walkways, pathways, and paseos shall be illuminated to a minimum of 1 foot-candle to ensure safe nighttime conditions.
 - iii. Stand-alone exterior lighting fixtures shall be a minimum of three feet and a maximum of 14 feet in height.
 - iv. Light fixtures shall be placed along all on-site sidewalks and pathways at a spacing of no more than 30 lineal feet on center.

¹ See Section 24.16 of the Palm Desert Municipal Code for additional outdoor lighting requirements.

2.2.16. **Passive amenities.** Projects shall incorporate passive amenities from the list below and/or a City-approved list.

- a. At least one passive amenity for projects under 20 units.
- b. At least two passive amenities for projects between 20 to 50 units.
- c. At least three passive amenities for projects over 50 units.
- d. At least four passive amenities for projects over 100 units
- e. Passive amenities; an amenity may be used multiple times and each passive amenity provided counts as one amenity.
 - i. Bike Lockers, Secured
 - ii. Gazebo
 - iii. Picnic Shelter
 - iv. Play Area, Children's
 - v. Water feature
 - vi. Seating area(s) with benches and/or loose single chairs a minimum of 12 feet wide in one dimension and 144 square feet in area per the following requirements.
 1. At least one seating area for projects under 20 units.
 2. At least two seating areas for projects between 20 to 50 units.
 3. At least three seating areas for projects over 50 units.
 4. At least four seating areas for projects over 100 units
 - vii. Seating walls a minimum of eight feet in length per the following requirements.
 1. At least one seating wall for projects under 20 units.
 2. At least two seating walls for projects between 20 to 50 units.
 3. At least three seating walls for projects over 50 units.
 4. At least four seating walls for projects over 100 units
 - viii. Secured Package Lockers

2.2.17. **Active amenities.** Development projects shall incorporate active amenities as follows:

- a. At least one active amenity for projects with greater than 20 units and less than 50 units.
- b. At least two active amenities for projects with greater than 50 units and less than 100 units.
- c. For projects with 100 or more units, a minimum of three active amenities for the first 100 units, one additional amenity for projects greater than 100 units and less than 150 units, and for projects 150 units and larger, one additional active amenity for each additional 100 units.

- d. Active amenities shall be from the list below and/or a City-approved list. An active amenity may be used multiple times and each passive amenity provided counts as one amenity.
 - i. Barbeque
 - ii. Clubhouse and/or recreation room that opens onto an outdoor amenity area
 - iii. Community garden
 - iv. Court game facility exclusive of pickleball courts
 - v. Exercise area and/or par course
 - vi. Hot tub
 - vii. Jogging and/or par course
 - viii. Pet area and/or run and/or wash
 - ix. Play Area, Children's
 - x. Pools
 - xi. Spas

2.2.18. **Decorative art.** Development projects shall include decorative outdoor art elements visible from a public street or public right-of-way as follows.

- a. At least one decorative art element for projects with 20 or more units and less than 50 units.
- b. At least two decorative art elements for projects with 50 or more units and fewer than 100 units.
- c. For projects with 100 or more units, a minimum of three decorative art elements for the first 100 units, one additional decorative art element for projects greater than 100 units and less than 150 units, and for projects of 150 units and larger, one additional decorative art element for each additional 100 units.

2.3 Building Architecture Objective Design Standards

The following design standards shall be utilized for the design and architecture of new multifamily and mixed-use buildings, as well as additions to buildings that increase the existing building area by more than 50 percent.

- 2.3.1. **Building height measurement along public streets.** The maximum building height of a multifamily and mixed-use structure within 150 feet of the curb of a public street shall be established by a vertical measurement from the elevation of the finished grade at the edge of the right-of-way abutting the property line to the highest point of the structure, provided that a roof shall be measured to the highest point of the roof.

- 2.3.2. **Building height measurement adjoining a single-family designated lot.** The maximum building height of a multifamily and mixed use structure within 150 feet of a property line of a Mobile Home Residential District or Single-Family Residential District lot shall be established by a vertical measurement from the elevation of the finished grade along the property line of the single-family zoned property to the highest point of the structure, provided that a roof shall be measured to the highest point of the roof.
- 2.3.3. **Transitional height abutting single-family designated lot.** When a multifamily or mixed-use building is placed on a lot that abuts or is across an alley or right-of-way from a single-family zoned lot, the otherwise allowed building height shall be modulated by an inward leaning 45-degree angled plane inclined towards the multifamily or mixed-use building at a 45-degree angle as measured from a horizontal plane originating 24 feet above grade at the abutting property line.
- 2.3.4. **Maximum building height at public street-facing frontages.** In addition to the minimum horizontal setbacks otherwise required by the Municipal Code, and with the exception of parcels designated Downtown (D) District, Downtown Edge (DE) District, Downtown Core Overlay (D-O), Downtown Edge Transition Overlay (DE-O), and Civic/Open Space, building heights abutting public street frontages shall not exceed the following:

Distance from Street-Facing Setback (feet)	Multifamily Maximum Building Height (feet/stories)	Mixed-Use Building Height (feet/stories)
0-30 feet	24' / 2 Stories w/Flat Roof	24' w/Flat Roof
>30 feet	per Municipal Code	per Municipal Code

- 2.3.5. **Building wall, maximum length.** For both new structures and existing structures with an addition, no building wall shall exceed 425 feet in length.
- 2.3.6. **Building breaks, open to the sky.** When building walls exceed the maximum building length defined in 2.3.5 above, a minimum 30-foot open-to-the-sky separation shall be provided between resulting structures. These open-to-the-sky building breaks shall provide for landscaped public and private rights-of-way, courts, passageways, paseos, and/or other active and/or passive landscaped open spaces.
- 2.3.7. **Building modulation.** Buildings shall be broken into major and minor masses and/or feature architectural modulation utilizing at least two of the following:
- a. Utilization of minimum 6-foot clear width ground level arcades, open-to-the-air galleries, colonnades, porches, recesses, ramadas and trellis structures placed along a minimum of

80 percent of the ground floor length of two building faces. Within the Downtown (D) District, Downtown Core Overlay (D-O), and Downtown Edge Transition Overlay districts, the minimum clear width of ground level arcades, open-to-the-air galleries, colonnades, porches, recesses, ramadas and trellis structures shall be no less than 8-feet.

- b. For each 150-feet of building wall length incorporation of open-to-the-sky recesses in mass and bulk, or projections of mass and bulk, that are a minimum of 8 feet in length and 3 feet in depth.
- c. Use of minor building masses contrasted with major building masses where the wall area of the minor masses is a maximum of 40 percent of the total wall area.
- d. At the top floor of the building, a minimum 6-foot clear width setback from the floor immediately below along at least two sides of the building.
- e. Utilization of sun-screening elements including sunshades, awnings, canopies, windows, doors, and openings at south- and west-facing building walls.
- f. Covered and open to the air balconies where the area of the projections or recesses of the balconies constitute a minimum of 15 percent of the building walls.
- g. Roof overhangs or projections that provide a minimum of 8' of vertical shaded wall at noon on the summer solstice.
- h. Vertical and irrigated landscape within five feet of walls that achieves per specification a minimum 20 feet of height after five years of growth screening at least two walls and 30 percent of the perimeter of a structure.
- i. Utilization of two or more building wall materials where the first material constitutes a maximum of 30 percent of the building's total wall area less openings and is non-cementitious, and a second material constitutes no more than 70 percent of the total wall area less openings.
- j. Buildings where the building footprint immediately below the top floor constitutes no more than 80 percent of the building footprint immediately below.
- k. Inclusion of a tower element(s) that is no more than half the height of the floor-to-floor height of the tallest building story. The tower element shall be recessed or projected from the rest of the building mass by a minimum of two feet.

Two-story buildings not visible from a public street or public right-of-way are not required to meet the modulation requirements of this section.

2.3.8. Vehicle entrances. Where vehicle entries are incorporated into a building wall facing a public street, the facade shall incorporate two of the following three components:

- a. A vehicle entrance that is set back a minimum of 20 feet from the back of sidewalk or required setback, whichever is more.
- b. Where a person entrance is provided adjacent to the garage opening, a minimum five-foot wide sidewalk leading to the public street and sidewalk.

- c. At least one minimum five foot in width landscape area adjoining the vehicle access drive and leading from the public street to the garage entrance.

2.3.9. **Upper story floor area limit.** The gross area of the top story of buildings including exterior walls and roof projections and overhangs shall be a maximum of 80 percent of the floor immediately below, inclusive of required stair structures, mechanical and utility penthouses, elevator overrides, towers, and rooftop common area structures including trellises and overhangs.

2.3.10. **Roof types.** The following roof types shall be utilized:

- a. Butterfly roof
- b. Clearstory roof
- c. Conical roof
- d. Cross-hipped roof
- e. Curved/barrel vaulted roof
- f. Dome roof
- g. Flat roof
- h. Gable roof
- i. Hexagonal roof
- j. Hip and valley roof
- k. Intersecting gable roof
- l. Hip roof
- m. M-shaped roof
- n. Monitor roof
- o. Pyramid hip roof
- p. Sawtooth roof
- q. Skillion roof
- r. Shed roof
- s. Combination of any of the above

No other roof types or forms are permitted.

2.3.11. **Roof slopes.** The pitch of sloped roofs, other than conical roofs, curved or barrel roofs, or dome roofs shall be no less than 2:12 and no greater than 4:12.

2.3.12. **Sloped roof materials.** Sloped roofs shall utilize one of the following materials:

- a. Concrete or lightweight concrete tile.

- b. Metal that is non-reflective.
- c. Solar panel tiles, solar roof tiles, or solar shingles.
- d. Natural tone or slate tile.
- e. Terracotta tile or simulated terracotta tile.

2.3.13. Prohibited roof materials.

- a. Asphalt-shingle roofs.
- b. Glass roofs or skylights that comprise more than 10 percent of the total gross area of the floor below.
- c. Corrugated metal roofing.

2.3.14. Flat roof modulation, mixed-use buildings. Flat roofs shall be modulated a minimum of 42 inches vertically or a minimum of five feet in plan at least once every 50 feet. Alternatively, when the length of ground level arcades, colonnades, galleries, porches, ramadas, recesses, and/or overhangs, are a minimum of 80 percent of the total length of the perimeter length facing public streets, no flat roof modulation need be provided.

2.3.15. Flat roof modulation, multifamily buildings. Flat roofs shall be modulated a minimum of 42 inches vertically or a minimum of 18 inches in plan at least once every 36 feet. Alternatively, when the length of arcades, porches, ramadas, colonnades, recesses, balconies, and upper level terraces at the perimeter of the structure are a minimum of 60 percent of the total perimeter, no flat roof modulation need be provided.

2.3.16. Greenhouses. Greenhouses that are incorporated into a mixed-use or multifamily structure and whose total floor area is 10 percent or less of the total gross floor area of the building are exempt from the roof type, slope, modulation, and materials requirements of these design standards.

2.3.17. Building wall materials. A building shall utilize at least two of the following exterior wall materials:

- a. Cementitious or acrylic stucco or an exterior insulating and finish system with a cementitious finish.
- b. Two stucco textures. If a float finish is utilized for one of the stucco textures, the second stucco texture shall be a float or dash finish stucco and shall be utilized at a minimum of 10 percent of the total wall area.
- c. Two stucco colors with at least one of the stucco colors utilized at a minimum of 10 percent of the total wall area.
- d. Metal panels that are non-reflective.

- e. Natural stone or manufactured stone veneer at a minimum of 10 percent of the total wall area.
- f. Terra cotta tile and/or rain screens.
- g. Colored precision block, glazed block, face brick, face stone, split face block, shot blast block, or slump stone at a minimum of 10 percent of the total wall area.

2.3.18. **Wall material transitions.** Transitions between differing material and colors on the walls of a building facade shall utilize at least one of the following design methodologies.

- a. An inside corner where planes intersect.
- b. Utilization of a reveal, projecting band, and or planar offset to mark the transition between the base, middle, and top of the building.
- c. Use of a building detail, such as a cornice, belt course, roof projection or eave, and/or habitable or decorative projections.
- d. Utilization of recesses or projections at windows a minimum of 3 inches in depth at all windows and openings.
- e. An offset in plane where the material transition or color occurs with a minimum depth of five inches.

2.3.19. **Prohibited building wall materials.** 100 percent glass buildings are prohibited.

2.3.20. **Openings, multifamily buildings.** For multifamily buildings, the area of openings in walls above the first level, inclusive of doors and windows and exclusive of any floor-to-floor and floor-to-roof wall area shaded by porches, verandas, arcades, galleries, ramadas, trellises, open-to-the-air recesses, continuous brise-soleil and other open-to-the-air architectural screening elements, shall constitute a minimum of 15 percent and a maximum of 40 percent of the total wall area above the first level.

2.3.21. **Openings, mixed-use buildings.**

- a. Glazing at the ground level of walls that face a public street shall constitute a minimum of 60 percent of the total wall length and such glazing shall be a minimum of 8-feet in height.
- b. Notwithstanding (a.) above, no glazing shall be required at the ground floors of buildings fronted by a porch, veranda, arcade, gallery, ramada, projecting trellis, open-to-the-air recess, or permanent overhang that is a minimum of eight feet in clear depth along at least 80 percent of the length of any wall that faces a public street.
- c. At upper levels of mixed-use buildings, the total area of glazing shall be a minimum of 15 percent of the total wall area.

- d. The combined surface area of windows, doors, or other openings inclusive of continuous glass systems shall comprise no more than 60 percent of the total wall area of any individual mixed-use building face.

2.3.22. Ground-level transparency, multifamily buildings.

- a. Multifamily buildings facing public streets shall provide ground floor porches, ramadas, colonnades, or recesses that are a minimum of six feet in clear depth and seven feet in height along a minimum of 30 percent of the building length.
- b. Multifamily buildings shall provide a minimum 15 percent and a maximum of 30 percent transparent glazing and/or openings at building walls above the ground level as measured from the finish floor level to the underside of the floor or roof above.

2.3.23. Ground-level transparency, mixed-use buildings. The design of mixed-use building walls facing public streets shall either provide openings at arcades, galleries, colonnades, or recesses that are a minimum of 8-feet in clear depth and height along a minimum of 80 percent of the ground level, and/or provide glazing set back a minimum of one foot from the building face for a minimum of 40 percent of the ground level building wall area as measured from the finish floor level to the underside of the floor or roof above.

2.3.24. Ground-floor openings at parking garages and utility and mechanical areas except in the Downtown (D) District, Downtown Edge (DE) District, Downtown Core Overlay (D-O), and Downtown Edge Transition Overlay (DE-) land use designations. Openings at parking garages, utility and mechanical rooms adjoining public street frontages shall be screened from view by at least one of the following:

- a. Vertical landscape and/or climbing vines on metal screens, and/or wires that cover at least 60 percent of the openings of any parking deck, and/or mechanical or utility room opening.
- b. Use of decorative, non-reflective metal grills, glass, or panels with a minimum opacity of 50 percent that cover at least 60 percent of the openings of any parking deck, and/or mechanical or utility room opening.

2.3.25. Window details. Building windows and doors shall utilize at least two of the following:

- a. Three distinct sizes of windows.
- b. Shading devices including shutters, exterior blinds, awnings, brise-soleil, sun screens and/or decorative architectural details that create a distinct shadow line at a minimum 60 percent of openings.
- c. Recesses or projections a minimum of 3 inches in depth at a minimum of 60 percent of all openings.

- d. Trim around the opening that is no less than four inches in width and creates a projection or recess no less than two inches in depth.
- e. Use of metal-clad, thermally-broken metal or steel, and/or wood windows or doors at all openings.
- f. Exterior shades.

2.3.26. Windows, storage, utilities, and screening. Where windows open onto a utility or storage use or occupancy, the window opening shall be provided with interior or exterior screening including an interior or exterior shade, and/or decorative and/or obscuring glass.

2.3.27. Balcony design.

- a. Balconies shall be a minimum of six feet in clear depth.
- b. Balconies shall be recessed or shaded by balconies or roof projections immediately above and/or by minimum four-foot deep awnings, canopies, ramadas, recesses, and/or trellises.

2.3.28. Electrical Utilities. All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room.

2.3.29. Mechanical and electrical equipment screening. With the exception of ground-mounted transformers that shall meet the requirements of the utility provider, all mechanical equipment, including new and replacement equipment that is free-standing, and wall mounted equipment, shall be fully screened from all views by one of the following:

- a. Parapets and/or walls that are a minimum of one foot taller than the mechanical equipment.
- b. Louvers equipment boxes that are incorporated into a wall.
- c. Walls that are a minimum 50 percent opaque and that are set within landscape areas that in plan provide a landscape border a minimum 18 inches wide around the perimeter of at least two sides of the equipment pad.

Window mounted equipment is permitted at existing buildings that include an addition if not visible from any public street.

2.3.30. Facade colors.

- a. **Color palette.** Building exteriors shall utilize neutral and/or earth tone and/or or neutral or earth tone Sonoran Desert regional colors as published by third parties or the City of Palm Desert. To demonstrate compliance with this requirement, applicants shall include samples or printouts of selected exterior colors with their application, provide a key to

color use on elevation drawings, and provide third party material and/or color chart(s), brochure(s), web page(s) addresses, or other publication(s) materials that relate the proposed building color(s) to a neutral, earth tone, and/or neutral and/or earth tone Sonoran Desert color choice.

- b. **Accent colors.** A maximum of ten percent of the building facade area, including but not limited to walls, doors, window details, cornices, and belt courses, may be with accent colors not considered a neutral, earth tone, and/or Sonoran Desert color choice.
- c. **Prohibited Colors.** Except as an accent color or a window, trim, fence, or gate color, the use of black color on buildings is prohibited.

2.3.31. Water drainage devices.

- a. At mixed use buildings, gutters, downspouts, and other water drainage components, with the exception of required overflow devices, shall not be visible from the exterior of the building walls facing public streets.
- b. At multifamily buildings, gutters, downspouts, and other water drainage components shall shall not be visible from the exterior of the building walls facing public streets, or be painted or have the same same color as the color of the facade immediately adjoining, or if not painted, be an unpainted natural metal material.

2.3.32. Trash and Recycling Bins and Enclosures.

- a. On sites less than or equal to 7,500 SF in size, trash and recycling bins and enclosures shall be designated, open-to-the-sky trash enclosures shall be permitted, but no trash and recycling bin or enclosure shall be placed in required setbacks or visible from a public street.
- b. On sites greater than 7,500 SF in size, trash and recycling bins shall be placed within fully enclosed structures which may be open to the sky. Trash enclosures on these sites may not be visible from a public street, may project into a required side or rear yard setback, but may not be placed within 5'-0" of a property line or within a setback adjacent to a public street or single-family designated lot.
- c. On sites greater than 22,500 SF, trash and recycling bins shall be designated, fully enclosed, may be open to the sky, and may not be placed within required setbacks or visible from a public street.

2.3.33. Architectural continuity. A development project with multiple buildings shall maintain architectural consistency at all building and accessory building facades or implement at least three of the following architectural components consistently throughout all buildings and accessory buildings in the project:

- a. Consistent use of roof forms and if sloped, roof materials and coloring at all buildings and accessory buildings.
- b. Consistent use of building overhangs, recesses, and architectural projections including porches, arcades, ramadas, galleries and building screening that create shade at south, east, and west facing facades.
- c. Consistent use of facade materials at all buildings and accessory buildings.
- d. Consistent use of color at all buildings and accessory buildings.
- e. Consistent use of proportions and details at 60 percent of building openings.
- f. Consistent use of sun shading architectural components at all buildings visible from a public street.

2.3.34. Inclusion of Palm Desert Architectural and Landscape Components. In consideration of the desert landscape, buildings shall incorporate at least four of the following design components:

- a. Buildings oriented on an east-west axis such that the wall area of both the east and west facades is not more than 60 percent of the area of the area of south facing walls.
- b. Site walls, building massing, and landscape windbreaks that protect project open spaces from west to east prevailing summer winds.
- c. Site walls, building massing, and landscape windbreaks that protect project open spaces from north to south prevailing winds that occur from mid-November through mid-February.
- d. Covered open-to-the-air arcades, colonnades, galleries, or other permanent coverings or projections that provide shade at all building walls visible from public streets.
- e. Overhangs or recesses at building entries that are a minimum of four feet in clear depth.
- f. Minimum 18-inch deep roof eaves.
- g. Use of natural stone or veneer stone at a minimum of 10 percent of the total building wall area.
- h. Use of recessed windows at a minimum 60 percent of openings.
- i. Use of shade trees at varying distances apart, but in no case more than 30' on center, to shade the length of east, south, and west facing building walls visible from a public street.
- j. Use of native plants at all frontages adjoining public streets.
- k. With the exception of projects in the Downtown (D) District, Downtown Edge (DE) District, Downtown Core Overlay (D-O), and Downtown Edge Transition Overlay (DE-O) districts, provision of public street frontages that are minimum 20 percent greater than the otherwise required frontage, front yard, and street-facing side yard requirements.

2.4 Parking Objective Design Standards

The following design standards shall be utilized for the parking design at new multifamily and mixed-use projects, as well as additions to projects that increase the onsite building area by more than 50 percent.

2.4.1. Surface parking design.

- a. Surface parking shall not be located between primary building frontages and the public street.
- b. No surface parking shall be placed within a required public street frontage setback. Within the Downtown (D) District, Downtown Edge (DE) District, Downtown Core Overlay (D-O), and Downtown Edge Transition Overlay (DE-O) districts, where a required public street frontage setback is not required, surface parking shall be set back from the frontage property line by a minimum 10-foot in depth irrigated and landscaped buffer inclusive of shade trees a maximum of 30 feet on center.
- c. All surface parking lots shall be hidden from the public right-of-way using one of the following techniques:
 - i. Locating all surface parking lots behind buildings. Where more than one building is placed on a lot and the buildings screen the surface parking, no separation between buildings screening the surface parking may be more than 30 feet wide.
 - ii. Locating all surface parking lots behind a fence or wall that complies with Site ODS 2.1.5.
 - iii. Locating all surface parking lots behind a landscape buffer a minimum of ten feet in depth that creates a vegetation screen through the use of bushes, hedges, and trees.
- d. **End parking stalls.** All end parking stalls shall be adjacent to landscape planters that are a minimum of four feet in width. End parking stalls shall be increased in City-required width by minimum of 18 inches.

2.4.2. **Parking space building separation.** Parking spaces shall be separated from buildings by a minimum five-foot wide pedestrian sidewalk and a minimum five-foot wide landscape strip, as measured from curb face.

2.4.3. **Surface parking pathways.** The following criteria applies to surface parking lots with more than 50 parking spaces:

- a. A minimum of one publicly-accessible pathway or sidewalk that provides access across the lot to a public sidewalk is required for each 200 feet of surface parking lot frontage along a public street.
- b. Enhanced or textured paving or striping shall be included where pedestrian crossing occurs in parking areas.

2.4.4. **Mechanical parking.**

- a. Open-to-the-air mechanical parking spaces shall not be placed within 20 feet of a public street frontage.
- b. Open-to-the-air mechanical parking spaces placed 20 feet or more and less than or equal to 150 feet from a street frontage shall be minimally screened from the view of the public street by walls that are equal to or more than 15 percent open or transparent and no more than 40 percent open or transparent.
- c. The design of fully enclosed buildings or structures that contain mechanical parking shall meet the Building Architecture Objective Design Standards of Section 2.3.

2.4.5. **Parking shelters.**

- a. No parking shelter shall be placed within a required setback.
- b. When visible from a public right-of-way, parking shelters shall utilize the same colors and roof materials as the main buildings of a site.
- c. No individual parking shelter shall exceed 65 feet in length.

2.4.6. **Parking garages.**

- a. Parking garages and those portions of buildings that incorporate a parking garage occupancy shall be architecturally treated and meet the building architecture design standards of Section 2.3.
- b. Any vehicular entry gate to a parking structure shall provide a minimum of 20 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.
- c. **Openings at parking garages and utility and mechanical areas at the Downtown (D) District, Downtown Edge (DE) District, Downtown Core Overlay (D-O), and Downtown Edge Transition Overlay (DE-) land use designations.** Parking garages shall be architecturally treated with windows that cover at least 60 percent of the openings of any parking deck, and/or mechanical or utility room opening.

2.4.7. **Bicycle parking.**

- a. Required bicycle racks for short-term parking shall be located within 50 feet of at least one public entrance to a multifamily or mixed-use building.
- b. Required long-term bicycle parking must be covered and secured and shall be located within 150 feet of at least one entrance to multifamily or mixed-use building.

3.0 ODS COMPLIANCE CHECKLISTS

3.1 City of Palm Desert Multifamily Compliance Checklist

To be developed upon confirmation of standards in Section 2.0.

3.2 City of Palm Desert Mixed-Use Compliance Checklist

To be developed upon confirmation of standards in Section 2.0.

4.0 GLOSSARY

Accessory building or structure. Any subordinate building or structure located on the building site, detached from or attached to the principle structure, the use and architectural style of which is customarily related to that of a main building.

Amenities, Active. Active amenities shall be outdoors and include the following;

- Barbeque
- Clubhouse and/or recreation room that opens onto an outdoor amenity area
- Community garden
- Court game facility exclusive of pickleball
- Exercise area and/or par course
- Hot tub
- Jogging and/or par course
- Pet area and/or run and/or wash
- Play Area, Children's
- Pools
- Spas

Amenities, Passive. Passive amenities shall be outdoors and include the following;

- Bike Lockers, Secured
- Gazebo
- Picnic Shelter
- Seating area a minimum of 12 feet wide in one dimension and 144 square feet in area.
- Seating walls
- Secured Package Lockers

Arcade. A pedestrian walkway defined by columns, pilasters, or short-length open-to-the-outside walls supporting a roof that provides shelter along its length.

Boulder(s). Using ISO 14688-1:2017, boulders are defined as stones and rocks that are approximately eight inches and larger in size.

Building Frontage. The building elevation that fronts on a public street, alley, driveway, parking area, pedestrian plaza, courtyard, or arcade.

Canopy Tree. An evergreen or semi-deciduous tree planted for the purposes of providing shade, reducing glare, and heat build up. These trees shall have a minimum 30-foot diameter canopy potential.

Cobble(s). Using ISO 14688-1:2017, cobble is defined as pebbles, stones, and rocks that are approximately two and one-half to eight inches in size.

Dark-Sky Lighting. Outdoor lighting that is designed to prevent light pollution by directing light towards the ground.²

Decomposed granite. Rock of granitic origin that has weathered and fractured into smaller pieces of weak rock. This rock crumbles into a mixture of igneous silt, sand, and gravel with some clay. The clay acts as a binder allowing the combination to support use.³

Earth Tone Color. An earth tone color is a warm and muted or dull shade of brown, green, gray, or beige.

Elevation, Building. The flat side or external face of a building.

Facing a Public Street or Right-of-Way. A building wall, element, or component shall be considered to be facing a public street or right-of-way when a plane tangent to the wall, element, or component is no greater than 30 degrees in inclination from a line drawn tangent to the public street or right-of-way.

Fence. A freestanding structure of brick, stone, face stone, veneer stone, wood, or any combination thereof resting on or partially buried in the ground level, and used for confinement, privacy, protection, screening, or partition purposes.

Grade, average. The average elevation of the finished ground surface surrounding a building.

Gravel. Using ISO 14688-1:2017, gravel is defined as fine, medium, and coarse rock material. Fine gravel is typically one tenth of an inch to a quarter inch in size. Medium gravel is typically a quarter inch to three quarters of an inch in size. Coarse gravel is typically three quarters of an inch to two and one half inches in size.

Mass/Massing. The comprehensive bulk or three-dimensional form of a building or portion of a building as viewed from the exterior.

Mixed-Use Building. A permanent building that allows for a mix of uses, typically commercial and residential.

Modulation, Facade Plane. Adjustment and breaking of a facade plane(s) to realize variations in massing, scale, materials, color, and/or proportion, to introduce a sense of variety and major and minor building plane rhythms.

Multifamily Building. A permanent building containing three or more dwelling units.

Natural Metal Material. Natural metals include unpainted aluminum, copper, stainless steel, titanium, and zinc and natural metal finishes utilizing the same materials.

² <https://www.lampsplus.com/ideas-and-advice/a-guide-to-dark-sky-outdoor-lighting/#:~:text=Outdoor%20Lights,to%20your%20home%20lighting%20scheme.>

³ https://en.wikipedia.org/wiki/Decomposed_granite

Neutral Color. A Palm Desert neutral color is a white, gray, or brown. Neutral colors include off-white, light to dark gray, and light to dark brown colors.

Objective design standards. A toolbox of a broad range of design approaches that assists project proponents and their design teams in reaching compliance with the desired character of the City of Palm Desert.

Openings. Windows and doors set within building planes.

Open to the sky. An uncovered outdoor area exclusive of any encroachments below 12 feet in height.

Parkway. A landscape strip adjoining a sidewalk or pathway.

Project. A multifamily or mixed-use building(s) planned and designed for a particular site, requiring City approval for construction.

Setback. The distance between the building line and the property line or a distance between one building plane and a second building plane.

Street frontage, public-facing. The linear distance of a site boundary that is generally parallel to a public street.

Roof slope. The incline of a roof, expressed as a ratio of the roof's vertical rise to the horizontal run. Other than conical roofs, curved roofs, barrel roofs, or dome roofs, roof slope shall be no less than 2:12 and no greater than 4:12.

Specimen Tree. A tree chosen as the focal point in a landscape design, typically due to its distinct shape, texture, color, or other feature that distinguishes it from other trees and shrubs in the landscape design.⁴

Street, public. A vehicular right-of-way in which the public has a right of use.

Wall. A continuous, upright, and planar structure that encloses, protects, and/or divides a site.⁵

Wall Area. The total vertical area, in square feet,

⁴ <https://www.thespruce.com/what-is-a-specimen-tree-5214547>

⁵ [https://www.thefreedictionary.com/wall#:~:text=\(w%C3%B4l\),exterior%20siding%20of%20a%20building.](https://www.thefreedictionary.com/wall#:~:text=(w%C3%B4l),exterior%20siding%20of%20a%20building.)

A. APPENDICES

To be developed as part of the Public Hearing Draft (after the completion of all outreach).

A.1 Outreach Phase I

A.1.1 PHASE I SUMMARY

A.1.2 PHASE I PRESENTATIONS AND MATERIALS

A.2 Outreach Phase II

A.2.1 PHASE II SUMMARY

A.2.2 PHASE II PRESENTATIONS AND MATERIALS

A.3 Outreach Phase III

A.3.1 PHASE III SUMMARY

A.3.2 PHASE III PRESENTATIONS AND MATERIALS



BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

City of Palm Desert Housing Workshop

By: Matt Cody, Of Counsel, Best Best & Krieger LLP

Agenda

1. Process for Reviewing Applications
2. Limitations on Project Review (HAA, SB 330 and SB 35)
3. Accessory Dwelling Units
4. Urban Lot Splits (SB 9)
5. Density Bonus
6. Post-Entitlement Permits



DISCLAIMER: *This presentation is for informational use only. The interpretation and application of specific laws may depend on unique facts and should be addressed on an individualized basis.*

Background and Context

- Statewide housing crisis
- Extensive changes to state law in response to the housing crisis
- Increased oversight from state agencies
- Judicial decisions recognizing state authority to restrict local control
- Heightened public awareness

Preliminary Application (SB 330)

1. Local form or, if no local form, may use HCD form
2. Complete application results in vested rights that limit the ability to impose new ordinances, policies, or development standards
 - a. Application requirements: location, existing uses, site plan, proposed uses, parking, environmental and hazard information, among others
 - b. Applicant to disclose "[a]ny historic or cultural resources known to exist on the property"
 - c. Tribal cultural resource can be listed on national, state, tribal or local historic register list on or after preliminary application date
3. Developer required to submit full application within 180 days

Housing Accountability Act (HAA)

1. General requirements for approval of housing development projects that comply with objective general plan, zoning and subdivision standards
2. Process for development applications (different from SB 330 preliminary applications)
 - a. Is application **complete**? Determine if application is complete **within 30 days** of submission. Failure to give written notice of incompleteness within 30 days results in application being deemed complete.
 - b. Is the project **consistent, compliant or in conformity** with applicable plans, programs, policies, ordinances, or standards?
 - i. No new subjective standards after January 1, 2020
 - ii. Failure to give **written notice of inconsistency/non-compliance/non-conformity** by the statutory deadline results in the project being deemed consistent, compliant and in conformity with local requirements.
 - A. For projects with 150 units or fewer, within 30 days of the date the application is determined to be complete
 - B. For projects with more than 150 units, within 60 days of the date the application is determined to be complete
 - c. Limits an agency to five hearings on a project application

HAA (continued)

If a project meets the objective general plan, zoning, subdivision and design standards, the local agency may:

1. Enforce objective standards, and impose conditions of approval that do not require a project be developed at a lower density.
2. To disapprove, or approve at a lower density, the HAA requires written findings of specific, adverse impact on public health or safety unless the project is disapproved or conditioned at a lower density.

HAA (continued)

HAA further limits disapproval of affordable housing projects that meet certain affordability thresholds

1. Special conditions on disapproval apply to projects that meet the following:
 - a. (A) 20% of the total units for lower income households (80% AMI), or
 - b. (B) 100% of the units for moderate income households (120% AMI)
2. Projects submitted under these provisions should be reviewed on an individual basis to determine the limits on local control. Relevant factors may include:
 - a. Progress towards meeting RHNA goals
 - b. Whether the jurisdiction has adopted a substantially compliant housing element
 - c. Whether the project would have a specific, adverse impact on public health or safety, and whether those impacts could be mitigated without rendering development unaffordable
 - d. Whether land is zoned for agricultural or resource preservation purposes, or whether there is adequate water or waste water to serve the project
 - e. Other requirements under federal or state law

Ministerial Approvals

- Streamlined ministerial approval of qualifying multifamily affordable-housing (SB 35)
- ADUs and JADUs
- Urban lot splits and two-unit projects in R1 (SB 9)
- More and bigger density bonuses
- AB 2011/SB 6 (2022) – Eligible housing projects on commercial properties

Senate Bill 35

1. Streamlined ministerial approval process for multi-family affordable housing projects when a locality has failed to provide its share of “regional housing needs, by income category.”
2. Process initiated by "notice of intent"
 - a) Similar to preliminary application, but intended to begin process of tribal consultation
 - b) Local government to give notice to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent; 30 days to receive responses; begin scoping and consultation process within 30 days
3. Full application can be submitted after completion of the tribal consultation phase
4. Deadline to approve or disapprove
 - i. Within 90 days of submittal of the development application if 150 units or fewer
 - ii. Within 180 days of submittal of the development application if more than 150 units

SB 35: Eligible Projects

- Multi-family (2 or more units)
- Site criteria: legal parcel within jurisdiction; urban area development; general plan or zoning designation allows residential or mixed use development
- Affordability housing requirement
 - 10% of units below 80% of area median income (AMI)
 - Different % of units in SF Bay Area; or
 - 50% below 80% of AMI
 - 55 years for rental/45 years for owned
 - Follow local inclusionary ordinance
- Labor requirements for prevailing wage or skilled and trained work force if project is more than 10 units

SB 35: Eligible Projects (continued)

- Meet “objective” land use requirements
- Consistent with objective zoning, subdivision and design review standards in place when application or NOI submitted
- “Objective” = Uniformly verifiable by reference to an external and uniform benchmark or criterion. No personal or subjective judgment.
- Can only apply objective standards that are both “available and knowable” by both the development applicant and the public official prior to application submittal.”
 - Examples: Height, setbacks, lot coverage, % open space, density, FAR, etc.

SB 35: Exclusions

- Coastal Zone, Prime Farmland, Wetlands, Hazardous Waste Site
- FEMA Flood Hazard area (exceptions) or floodway or delineated fault zone;
- Very high fire hazard severity zone unless building standards met;
- Protected species habitat or conservation area;
- Zoned for non-residential (unless GP allows residential);
- Site has been occupied by tenants within the last ten years (even if it has already been demolished);
- Site subject to affordability deed or other restrictions or rent control would be demolished;
- Site would require demolition of a historic structure (national, state or local register);

SB 35 Exclusions (continued)

- Project requires subdivision of land unless receives tax credit financing or pays prevailing wages (even if <10 units) (Gov't Code § 65913.4(a)(9)); or
- Site is subject to Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act or the Special Occupancy Act.
- Tribal resources:
 - Tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project;
 - If no enforceable agreement for methods, measures, and conditions to protect tribal cultural resource that could be affected
 - Parties do not agree on whether a potential tribal cultural resource would be affected

SB 35: Case Law

- *Ruegg & Ellsworth v. City of Berkeley* (2021) 63 Cal. App. 5th 277, 290, reh'g denied (May 19, 2021), review denied (July 28, 2021)
- What is a "**historic structure**" under the exemption?
 - Shellmound is an important historical site/resource but not a structure.
 - Tribal cultural resources are addressed during new tribal consultation and tribe can insist on traditional discretionary review
 - Demolition of a historic structure is not permitted through SB 35
 - Even though it was a local landmark, did not violate home rule doctrine
 - The statute applies to charter cities and occupies an area of statewide concern

Senate Bill 9: Ministerial approvals for projects on parcels zoned for single-family residential

- Requires ministerial approval of application to allow up to four units on a SFR parcel
- Project may include
 - Two-unit housing development on a single-family residential parcel
 - Urban lot split – subdivision of an existing single-family residential parcel into two parcels
- Limited to properties zoned as single-family residential and within an urbanized area or cluster
- Within limits of state law, local agency may apply:
 - Objective development standards, e.g., building height and setbacks (but SB 9 sets maximum rear and side set back at 4')
 - Objective subdivision standards, e.g., minimum lot depth
 - Objective design standards (e.g., roof pitch, eave protections, façade materials)

SB 9: Exclusions

- Historic districts and properties:
 - Properties located in a historic district
 - Property included on the State Historic Resources Inventory
 - Property within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance
- Demolition of affordable housing, rent-controlled housing, or housing withdrawn from the market in the last 15 years or tenant-occupied in the past 3 years.
- Prime farmland, wetlands, within a Very High Fire Hazard Severity Zone (unless mitigation measures apply), hazardous waste site
- Earthquake fault zone (unless compliance with seismic protections)
- Special flood hazard areas
- Land identified for conservation pursuant to existing plan or conservation easement
- Site is protected species habitat

SB 9: Special Requirements

- **Owner Occupancy Affidavit**: Local agency must require applicant sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. (Exemptions for Community Land Trust and qualified non-profit corporations.)
- **Prohibit Short Term Rentals**: Local agency must require that rental of any unit created under SB 9 is for a term longer than 30 days.

SB 9: Special Requirements (continued)

- **Limited authority to deny**: Local agency's building official must find that project would have a specific, adverse impact on public health and safety or the physical environment, and there is no feasible, satisfactory mitigation.
- **Annual Report to HCD**: Include the number of SB 9 lot split applications in annual housing element report.

Accessory Dwelling Units

- California's laws on accessory dwelling units ("ADU") and junior accessory dwelling units ("JADU") have been amended and updated many times in recent years. Most recently, in 2022, SB 897 made further amendments and repealed the automatic sunset on provisions of Government Code section 65852.2 and 65852.22, which generally impose limits on local authority to regulate ADUs and JADUs.
- Ministerial review:
 - Ministerial approval within 60 days of a complete application if the proposed ADU or JADU meets specified criteria regarding access, setbacks, size and height limitations;
 - Ministerial review is based on compliance with objective standards
 - Denial requires written notice with detailed reasons for denial to applicant
- Objective standards:
 - Local agency may impose "objective standards" on accessory dwelling units that "include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size."
 - Limitations on parking standards, e.g., within ½ mile walking distance of public transit or if located within an architecturally and historically significant historic district.

ADUs (continued)

- State law includes a schedule of impact fees based on the size of the ADU
- Minimum of 30 days on ADU rentals (i.e., no short term rentals);
- A five-year amnesty period during which owner of an ADU that violates a building standard may correct the violation, if the correction is not immediately necessary to protect public health and safety;
- Construction of an ADU on a property does not trigger a requirement for fire sprinklers in the proposed or existing primary dwelling;
- Local agency cannot require, as a condition for ministerial approval, correction of a violation on the primary dwelling unit, provided that correcting the violation is not necessary to protect health and safety.
- HCD review of each local ADU ordinance; and,
- A local agency may count an ADU for purposes of identifying adequate sites for its housing element.

Density Bonus Law

- Projects that provide affordable housing or senior housing and meet established criteria are entitled to:
 - A density bonus to allow development that exceeds maximum density in local code
 - Concessions or incentives: (1) a reduction in development standards, (2) approval of mixed use zoning, or (3) other regulatory incentives or concessions that reduce affordable housing costs
 - Waivers: Reduction of development standards that would physically preclude construction of the development at the allowed density

Density Bonus Law (continued)

- AB 2334 (2022)
 - Base density to be calculated by dwelling units per acre
 - If local zoning does not establish dwelling units per acre, then developer may propose base density based on realistic development capacity using existing objective standards (e.g., floor to area ratio, site coverage, height limits)
 - Expanded eligibility for no maximum controls on density for 100% affordable projects within "very low vehicle travel area" (removed requirement to be within ½ mile of transit stop)
- Parking Standards
 - 1 space/unit for 1BR units, 1.5 space/unit for 2BR units, 0.5 space/unit if within ½ mile of major transit stop
 - AB 2334: No parking standards for certain developments restricted to 100% lower-income households
- City burden to establish basis for denial of density bonus request

Post-Entitlement Permits

- AB 2234 (2022) established deadlines and ministerial approval process for "nondiscretionary" permits that are "filed after the entitlement process has been completed"
- Applies to: building permits, permits for minor or standard off-site improvements, demolition permits, and permits for minor or standard excavation and grading
- 15 business days to determine if application is complete
- Once application is complete: (A) 30 business days to approve or disapprove if project has 25 or fewer units, or (B) 60 business days to approve or disapprove if project has more than 25 units
- Requires online permit application system. If no online permitting system, then application may be submitted via email

SB 6 & AB 2011 (2022)

- AB 2011 creates a pathway for ministerial approval for affordable housing projects on specified properties zoned commercial. Projects must meet specific requirements in providing 100% affordable housing, or mixed-income housing development.
- SB 6 allows for housing projects to be permitted on specified properties zoned commercial, but project must meet certain requirements, such as paying prevailing wage and using a skilled and trained workforce
- Cities may exempt parcels based on written findings regarding "no net loss"

Urgency Ordinances

- Many jurisdictions adopted urgency ordinances in response to changes to state law
- Palm Desert adopted
 - Urgency Ordinance No. 1373 regarding SB 9
 - Urgency Ordinance No. 1389 regarding Accessory Dwelling Units

Next steps

- Review and, if necessary, adopt policies and procedures for receiving applications and completing project review (SB 330 applications, SB 35 checklist, SB 9 lot splits, ADUs)
- Consider adoption of ordinances implementing state law, including adoption of permanent ordinances in place of the previously adopted Urgency Ordinances



Questions?

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