

PLANNING COMMISSION RESOLUTION NO. 2868

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT CALIFORNIA, APPROVING A PRECISE PLAN AND CONDITIONAL USE PERMIT TO DEVELOP A 40-UNIT MULTIFAMILY APARTMENT DEVELOPMENT ON A SITE LOCATED AT ASSESSOR'S PARCEL NUMBER 622-370-014, AND FINDING THAT THE PROJECT IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.  
CASE NO. PP24-0001 / CUP24-0003

WHEREAS, Chelsea Investment ("Applicant"), submitted applications for a Precise Plan ("PP") and Conditional Use Permit ("CUP") to develop a two-story multi-family residential apartment building containing up to 40 dwelling units, and site improvements including, but not limited to, outdoor recreation areas, landscaping, off-street parking, and other related off-site improvements ("Project Site") on a vacant 1.84-acre site located at APN 622-370-014 ("Project Site"); and

WHEREAS, the Project site has a General Plan Land Use Designation of Public Facility/Institutional District per the City of Palm Desert 2040 General Plan adopted by the Palm Desert City Council on November 10, 2016; and

WHEREAS, the Project site has a zoning designation of Public/Institutional ("P") and is within the Housing Overlay District ("HOD"); and

WHEREAS, the proposed project conforms to the applicable development standards including maximum building heights codified in the City's Zoning Ordinance for the Public/Institutional zoning district; and

WHEREAS, on September 29, 2022, the Palm Desert City Council adopted the 2021-2029 Housing Element for the 6<sup>th</sup> Cycle ("6<sup>th</sup> Cycle Housing Element") of the Regional Housing Needs Allocation ("RHNA"); and

WHEREAS, said 6<sup>th</sup> Cycle Housing Element has been certified by the California Department of Housing and Community Development ("HCD") identifies the Project site as site "KK" in the vacant site inventory and allocates the site to provide 36 units of affordable housing; and

WHEREAS, the Applicant proposes to provide 39 units within the Project at affordable levels for income-qualified households, with one (1) non-income restricted unit for an on-site manager and will enter into a Housing Agreement with the Palm Desert Housing Authority; 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

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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 finds that the Project will not have a foreseeable significant impact on the environment and that the Project can be found exempt from further environmental review per Article 19, Section 15332 In-fill Development Projects (Class 32); and

WHEREAS, the Architectural Review Commission (ARC) of the City of Palm Desert, California, did on April 23<sup>rd</sup>, 2024, approve a design review for the Project; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on May 21<sup>st</sup>, 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 Planning Commission did find the following facts and reasons, which are outlined in the staff report, exist to justify approval of said request:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Palm Desert, California, as follows:

SECTION 1. Recitals. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Findings on Precise Plan. As required by Palm Desert Municipal Code "PDMC" Section 25.72.030 (E), the Planning Commission makes the following findings to approve the PP:

1. *Consideration is given and restrictions are imposed to the extent necessary, given 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 Chapter 25.72.030. The project, as conditioned, meets all the requirements of the underlying zoning and overlay designation and provides this project the with same allowances that its surrounding properties would be governed by.*
2. *The proposed precise plan is not found to substantially depreciate property values in the vicinity nor would the plan 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, as conditioned.*
3. *The Architectural Review Commission approved a design review on April 23, 2024.*

SECTION 3. Findings on Conditional Use Permit. As required by PDMC Section 25.72.050(F), the Planning Commission makes the following findings to approve the CUP:

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1. The proposed location of the conditional use is in accord with the objectives of this title and the purpose of the district in which the site is located.

*The proposed location of the conditional use is in accord with the objectives of the Palm Desert Zoning Ordinance and the purpose of the Public/Institutional Zoning District (P) and the Housing Overlay District (HOD). The purpose of the Public Institutions (P) zoning district is to provide areas suitable for the development of educational, religious, and non-profit facilities. The P zoning district permits buildings up to two stories and allows residential uses supported by the government. The site is owned by the Palm Desert Housing Authority and will be sold to the applicant upon satisfaction of certain conditions. Additionally, the HOD permits uses that area also allowed in the Planned Residential (PR) and Mixed Residential (R-2) zoning districts which allow multi-family residential as a conditionally permitted land use. The proposed multi-family residential use is compatible with this intent with approval of a Conditional Use Permit*

2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

*The location and conditions of the proposed multi-family residential poses no detrimental effects to the public health, safety, or welfare, nor will it be materially injurious to properties or improvements in the vicinity. The project will be designed to meet access, utilities, setbacks, lot coverage, building height, land use, and parking requirements. The proposed location and development of this project at this site will be monitored and cared for by an on-site manager. The proposed project is located on a vacant infill site surrounded by residential land uses on three sides and an existing institutional facility to the north. Project traffic generation is not anticipated to create hazards or congestion. The proposal is setback from adjacent properties buffered by landscape space and consistent with applicable development standards so that it will not unreasonably interfere with the use and enjoyment of existing or proposed development in the area. As designed, and as conditioned, the project will not be detrimental to the public health, safety, or welfare.*

3. The proposed conditional use will comply with each of the applicable provisions of this title, except for approved variances or adjustments.

*The proposed development conforms with legally adopted development standards for the Public/Facilities zoning district and the Housing Overlay District. The project provides a total of 49 off-street parking spaces which is less than the City's I requirements for parking, however per State Density bonus law (Government Code Section 65915 et. sec.) this parking ratio must be approved.*

4. The proposed conditional use complies with the goals, objectives, and policies of the City's General Plan

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*According to the diagram shown in Figure 3.1 Land Use Designations of the City of Palm Desert General Plan Land Use Element, the Project Site is designated Public Facility/Institutional Uses. This designation generally allows a range of government facilities and supportive uses, which may include residential land uses. The Project Site is also identified in the City's General Plan Housing Element adopted for the 6th Cycle of the Regional Housing Needs Assessment (RHNA) and certified by the California Department of Housing and Community Development ("HCD") on vacant land inventory sites table (Table III-47) as site "KK". This site is identified to provide a potential of 36 affordable units and supported Policy 1, Program 1.A of the City's Housing Element. The Project Site is located within the Public/Institutional (P) zoning district within the Housing Overlay District (HOD). Development standards for the P zoning district are codified under Palm Desert Municipal Code Chapter 25.22.030. Alternatively, the project may utilize the standards of the Housing Overlay District, which allows the development of uses permitted in the Planned Residential (PR) or Mixed Residential (R-2) zoning district subject to "flexible" standards that ensure efficient site planned and neighborhood compatibility. Multi-family apartments are allowed in the PR and R-2 zone and therefore the use can operate on the subject site without being Government-supported, -funded, and/or -operated only. The proposed project will develop a 1.84-acre site into a forty (40) unit multifamily residential building with 49-onsite parking spaces and open space and landscaping. The unit will be two stories tall and total approximately 39,453 square feet including an approximately 1,543-square-foot community lounge on the ground floor. The units will be restricted to lower-income households for a 55-year term pursuant to a housing agreement with the City of Palm Desert. The proposed project is compatible with the development pattern within the surrounding area which consists of transitions between commercial, single-family, and multi-family uses. The proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this title and the General Plan of the City. The proposal is also consistent with the General Plan Housing Element which identifies the site for development as affordable housing.*

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 Planning Commission finds that the Project is exempt from CEQA per Section 15332 of the State CEQA guidelines based on the substantial evidence of the record as presented in the Project staff report. Additionally, the Project is not subject to any of the exceptions for categorical exemptions identified in CEQA Guidelines Section 15300.2:

- a) This exception applies to Classes 3, 4, 5, 6, and 11. This exception does not apply to a Class 32 exemption and therefore does not apply to the proposed project. Furthermore, the Project Site is not located in a particularly sensitive environment and is located in an urban infill location and is surrounded by existing urban uses.
- b) There is no substantial evidence on the record that the project would create a cumulative impact. There is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. As a result, there is no evidence of

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significant cumulative impacts from successive projects of the same type in the same place, over time. Therefore, this exception does not apply to the project.

- c) No unusual circumstances exist for the proposed project, project site, or immediate vicinity. The project is proposing to develop a two-story 40-unit apartment community. The project is consistent with the General Plan land use designation and zoning ordinance designation, and certified housing element. The Project is located in a developed urban neighborhood and is directly surrounded by urban uses in all directions, including existing multi-family housing. Therefore, no fair argument or substantial evidence exists to suggest the project would create a significant impact, nor can it be readily perceived that the project would create a significant impact. Therefore, this exception does not apply to the proposed project.
- d) *The nearest designated scenic highway is Highway 74 located approximately two-and-one-half (2.5) miles to the south of the Project Site. Due to the existing topography and developed land use pattern, the Project Site is not visible from Highway 74. The project would have no impact on an officially designated scenic highway. Therefore, this exception does not apply to the project.*
- e) According to the Department of Toxic Substance Control's database of hazardous waste sites, EnviroStor, neither the Project Site nor any properties in the vicinity have been identified as hazardous waste sites. Thus, the Project Site has not been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this exception does not apply to the project.
- f) The project site has not been identified as a historic resource by local or state agencies, nor has the project site been determined to be eligible for listing in the National Register of Historic Places or California Register of Historical Resources. Therefore, the Project would not adversely affect historic resources on the Project Site or in the vicinity.

SECTION 5. Project Approval. The Planning Commission hereby approves Case No. PP24-0001, CUP24-0003 subject to the conditions of exhibit A of this resolution.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City's office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Richard D. Cannone, AICP, the Secretary to the Palm Desert Planning Commission, is the custodian of the record of proceedings.

SECTION 7. Execution of Resolution. The Chairperson of the Planning Commission signs this Resolution, and the Secretary to the Commission shall attest and certify to the passage and adoption thereof.

ADOPTED ON May 21, 2024.

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JOSEPH PRADETTO

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CHAIRPERSON

ATTEST:

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RICHARD D. CANNONE, AICP  
SECRETARY

I, Richard D. Cannone, AICP, Secretary of the City of Palm Desert Planning Commission, hereby certify that Resolution No. 2868 is a full, true, and correct copy, and was duly adopted at a regular meeting of the Planning Commission of the City of Palm Desert on May 21, 2024, by the following vote:

AYES:  
NOES:  
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 May \_\_\_\_, 2024.

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RICHARD D. CANNONE, AICP  
SECRETARY

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**EXHIBIT A**

**CONDITIONS OF APPROVAL  
CASE NO. PP24-0001 / CUP24-0003**

**PLANNING DIVISION:**

1. The development of the property shall conform substantially with exhibits on file with the Development Services Department, except as modified by the following conditions. Any variation from the approved plans must be reviewed and approved by the Planning Division prior to the building permit issuance and may require review and approval by the Architectural Review Commission, Planning Commission, and/or City Council.
2. The development of the property described herein shall be subject to the restrictions and limitations set forth herein, which are in addition to the approved development standards listed in the PDMC and state and federal statutes now in force, or which hereafter may be in force.
3. The PP shall expire if construction of the said Project shall not commence within 24 months from the date of final approval unless an extension of time is granted by the Palm Desert Planning Commission; otherwise, said approval shall become null, void, and of no effect whatsoever.
4. This CUP shall lapse and become void 24 months following the effective date of the use permit, unless prior to the expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or as otherwise specified by Title 25 of the Palm Desert Municipal Code (PDMC). If the CUP expires, the applicant must file a new application which shall be processed in accordance with the requirements of Title 25 of the Palm Desert Municipal Code.
5. Prior to the expiration of the permit, the applicant may request a one (1) year time extension by filing a written request with the Development Services Department for consideration by the Planning Commission. Any request for an extension shall be noticed and be considered at a public hearing held before the original approval body.
6. The Applicant shall develop and operate the use in compliance with the approved exhibits on file with the Department of Development Services, except as modified by conditions herein. Any variation or modification from the approved exhibits, and/or violations of these conditions of approval may be subject to enforcement action.

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7. In the event there is a need for clarification of the Conditions of Approval, the Director of Development Services may have the authority to clarify the intent of these Conditions of Approval without going to a public hearing. Minor revisions or modifications may be approved by the Director pursuant to the requirements of PDMC Section 25.72.050(I).
8. The approved PP shall only be modified with written City approval per PDMC Chapter 25.72.030. Any proposed changes to this PP will require an amendment to the application, which may result in a new public hearing.
9. The CUP approval may be suspended and/or revoked for cause in accordance with Title 25 of the Palm Desert Municipal Code.
10. The applicant shall pay all applicable fees in effect at the time of building permit issuance.
11. The Applicant agrees that in the event of any administrative, legal, or equitable action instituted by a third party challenging the validity of any of the procedures leading to the adoption of these project approvals for the Project, or the project approvals themselves, the Developer and City each shall have the right, in their sole discretion, to elect whether to defend such action. The developer, at its sole expense, shall defend, indemnify, and hold harmless the City (including its agents, officers, and employees) from any such action, claim, or proceeding with counsel chosen by the City, subject to the Developer's approval of counsel, which shall not be unreasonably denied, and at the Developer's sole expense. If the City is aware of such an action or proceeding, it shall promptly notify the Developer and cooperate in the defense. The Developer, upon such notification, shall deposit with City sufficient funds in the judgment of the City Finance Director to cover the expense of defending such action without any offset or claim against said deposit to assure that the City expends no City funds. If both Parties elect to defend, the Parties hereby agree to affirmatively cooperate in defending said action and to execute a joint defense and confidentiality agreement to share and protect the information under the joint defense privilege recognized under applicable law. As part of the cooperation in defending an action, City and Developer shall coordinate their defense to make the most efficient use of legal counsel and to share and protect information. Developer and City shall each have sole discretion to terminate its defense at any time. The City shall not settle any third-party litigation of project approvals without the Developer's consent, which consent shall not be unreasonably withheld, conditioned, or delayed unless the Developer materially breaches this indemnification requirement.
12. The Applicant shall execute a written acknowledgment to the Planning Division stating acceptance of and compliance with all the Conditions of Approval of Resolution No. 2868 and that the plans submitted are in compliance with the



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Conditions of Approval. No modifications shall be made to said plans without written approval from the appropriate decision-making body.

13. The Applicant shall comply with all applicable local, state, and federal laws and regulations.
14. The use and operation shall comply with Palm Desert Municipal Code (PDMC) Chapter 9.24 for Noise Control Requirements.
15. All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Development Services Department.
16. Prior to the issuance of a building permit for the construction of any use or structure contemplated by this approval, the Applicant shall first obtain permits and/or clearance from the following agencies:
  - Coachella Valley Water District (CVWD)
  - City of Palm Desert Public Works Department
  - Riverside County Fire Department
  - City of Palm Desert Land Development Division
  - City of Palm Desert Planning Division
  - City of Palm Desert Building and Safety DivisionEvidence of said permit or clearance from the above agencies shall be presented to the Building & Safety Division at the time of issuance of a building permit for the use contemplated herewith.
17. This Project is subject to the Art in Public Places requirements in Chapter 4.10 of the PDMC.
18. Final lighting plans shall be submitted per PDMC Section 24.16 for any landscape, architectural, street, or other lighting types within the Project area. All exterior lighting sources shall be fully shielded and directed downwards and is subject to approval by the Development Services Department. Luminaries with total lamp lumens above 16,000 lumens shall not be used. Prior to the building permit issuance, the Applicant shall submit plans for outdoor lighting as required by PDMC Section 24.16.030 and include glare ratings and color temperature for all exterior light fixtures.
19. Access to trash enclosure and service areas shall be placed so as not to conflict with parking areas. Said placement shall be approved by the applicable waste company and the Development Services Department and shall include any waste programs required by law.
20. Prior to the building permit issuance, the Applicant shall submit a landscape construction application for approval by the Development Services Department and

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Coachella Valley Water District. Final landscape and irrigation documents shall be prepared by a landscape architect registered with the State of California and shall be submitted to the Development Services Department and the CVWD for review and approval. All sheets shall be signed by the landscape architect and shall include the license number and the expiration date. The landscape plan shall conform to the preliminary landscape plans prepared as part of this application and shall include dense plantings of live landscape material. All plants shall be a minimum of five (5) gallons in size, and all trees shall be a minimum 24-inch box in size.

- a. The Applicant shall submit final landscape construction plans to the Palm Desert Development Services Department for review and acceptance prior to submittal to CVWD.
21. All Project irrigation systems shall function properly, and landscaping shall be maintained in a healthy and thriving condition. The maintenance of landscaping and the irrigation system shall be permanently provided for all areas of the Project site, as well as walkways and the portion of public right-of-way abutting the Project site (parkways). Furthermore, the plans shall identify responsibility for the continued maintenance.
22. Prior to the issuance of the Certificate of Occupancy, the Project landscape architect shall submit written certification to the Planning Division that the landscaping and irrigation have been installed per the approved landscape plan.
23. All exterior and all appurtenances thereto shall be screened from public view by walls or roof screens that are architecturally treated to be match the materials and scale of the building. The final construction plans shall include appropriate drawings demonstrating how such equipment is to be screened from view.
24. All roof drainage systems and devices shall be designed such that they are fully screened from view from all public streets. Drainage devices, including but not limited to down-spouts, shall not be located on any street-facing building elevation or area that is clearly visible from the public right-of-way. Drainage devices shall be fully integrated into the building structure and located within the exterior walls of the structure.
25. All ground-mounted utility structures including, but not limited to, transformers, HVAC equipment, and backflow prevention valves shall be located out of direct view from any public street or adequately screened using landscaping and/or permanent screening devices.
26. Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions shall be included in the development construction drawings.
27. All roof access ladders shall be located on the inside of the building and shall be screened by rooftop parapets.

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28. All parking spaces shall be clearly marked with white or yellow paint or other easily distinguished material. Except as required by state and ADA requirements, all markings shall be a minimum four-inch (4") wide double ("hairpin" style) stripe designed to provide 18 inches measured between the outside lines.
29. Prior to permit issuance, the Applicant shall submit plans for the final design of all site walls subject to review and approval by the Palm Desert Development Services Department.
30. The Applicant shall construct the pedestrian circulation network as shown on the approved preliminary exhibits. The pedestrian connections shall, at a minimum comply with building requirements for width and access.
31. The Applicant shall provide payment for filing fees for the Notice of Exemption within five (5) days of the Planning Commission approval of this project.
32. Prior to the issuance of a building permit, the Applicant shall enter into a Housing Agreement (HA) with the City agreeing to make 39 of the units within the Project affordable providing all units to extremely low, very low, and low-income households. The one remaining unit shall not be subject to restriction and will be used for an on-site manager unit. The HA will create such conditions, covenants, restrictions, liens, and charges in favor of the City upon and subject to which the Project shall be occupied, leased, and rented. The provisions of the HA shall run with title to each and every portion of the Apartment Site and the Project and shall inure to and pass with each and every portion thereof and shall apply to and bind any successors-in-interest of Owner for a minimum period of 55 years from the date on which the City issues the Certificate of Occupancy for the Project. The HA shall be signed and completed by both the City and the Applicant prior to issuance of a Building Permit.
33. Prior to the issuance of a grading permit, the Applicant shall submit a plan for the design and operation of the automatic access gate proposed on the primary vehicular access located at 73255 Country Club Drive (Assessor's Parcel Number 622-370-013). The design must provide access to residents of the apartment development, and provide sufficient vehicular turnaround area subject to review by the City Engineer and approval by Director of Development Services. The applicant shall provide proof of approval from the property owner(s) and Riverside County Fire Marshal
34. The Applicant and/or any successor in interest shall comply with all applicable local, state, and federal laws and regulations.
35. A copy of the herein-listed Conditions of Approval shall be included in the construction documentation package for the Project, which shall be continuously maintained on-site during Project construction.

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36. All exterior signage shall comply with Chapter 25.56 of the PDMC.

37. Prior to any work within the public right-of-way, the Applicant shall obtain an encroachment permit from the City's Public Works Department.

### **LAND DEVELOPMENT DIVISION**

#### ***General***

38. The following plans are hereby referenced: Site & Conceptual Grading Plan, prepared by Egan Civil, Inc.; dated May 8, 2024.

39. It is assumed that easements shown on the preliminary grading exhibit are shown correctly and include all the easements that encumber the subject property. A current preliminary title report for the site will be required to be submitted during technical plan review. The Applicant shall secure approval from all, if any, easement holders for all grading and improvements, which are proposed over the respective easement or provide evidence that the easement has been relocated, quitclaimed, vacated, abandoned, easement holder cannot be found, or is otherwise of no effect. Should such approvals or alternate actions regarding the easements not be provided and approved by the City, the Applicant may be required to amend or revise the proposed site configuration as may be necessary.

40. It is understood that the conceptual exhibits correctly show acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate flows. If final design requires that the Applicant amend or revise these exhibits it must have approval by the City Engineer.

#### ***Prior to Permit Issuance***

41. Prior to issuance of a grading permit for the development, the Applicant shall pay all appropriate signalization fees in accordance with the City's Resolution No. 79-17 and 79-55.

42. Prior to issuance of a grading permit, the Applicant shall pay all appropriate drainage fees in accordance with the City's Municipal Code Section 26.49 and Palm Desert Ordinance No. 653.

43. Prior to issuance of a grading permit, the Applicant shall pay all appropriate park fees in accordance with the City's Municipal Code Section 26.48.060.

44. The Applicant shall comply with Palm Desert Ordinance No. 843, Section 24.20 Stormwater Management and Discharge Ordinance.

45. All utility extensions within the site shall be placed underground unless otherwise specified or allowed by the respective utility purveyor.

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46. Prior to issuance of a grading permit for the site, the applicant shall provide an executed access easement to the City.
47. Prior to issuance of a grading permit, the Applicant shall prepare a final grading plan for the site. No grading or other improvements shall be permitted until a final grading plan has been approved by the City Engineer. Grading plans and all grading shall conform to the approved Conceptual Grading Plan, the California Building Code, PDMC Title 27 Grading, and all other relevant laws, rules, and regulations governing grading in the City of Palm Desert. Final plans shall show and identify all proposed onsite improvements in accordance with the approved preliminary site plan exhibit.
  - a. The grading plan shall provide for acceptance and proper discharge of all off-site drainage flowing through the site. Should the quantities exceed the street capacity, the Applicant shall provide adequate drainage facilities and/or appropriate easements as approved by the City Engineer.
  - b. A cross lot drainage agreement or drainage easement may be necessary if not currently in place. Final grading plans shall show record information on plans.
48. Prior to or concurrent with the precise grading plans, the Applicant shall provide a Pedestrian Accessibility Route Plan generally aligned with path shown in referenced conceptual exhibit. The plan shall clearly label and indicate the path location (running slope and cross slopes) for required accessible path of travel from building entrance to public pedestrian infrastructure. Facilities shall be designed in compliance with the accessibility standards in the California Building Code (current) and Americans with Disability Act (ADA) regulations.
  - a. Construction of the path shown on referenced conceptual exhibit requires approval of adjacent property owner for construction operations and access easement/agreement; prior to grading permit issuance the applicant shall secure the required consents and agreements. The ultimate alignment and width of the easement shall be reviewed and approved by the City. Additionally, the path seems to be proposed within other existing easements; applicant shall secure the appropriate authorizations prior to permit issuance for the work.
  - b. All private improvements shall be kept within private property. Non-standard encroachments into proposed public right-of-way will not be permitted, unless clearly identified on these conditions of approval.
49. Prior to approval of the grading plan, the Applicant shall prepare a detailed final hydrology and hydraulics report for approval of the City Engineer. The report shall

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encompass the entire project area and comply with all relevant laws, rules, and regulations governing the City of Palm Desert.

- a. Site is required to handle the first flush for a 100-year, 24-hour event. Final report shall show the site is designed to meet requirement.
  - b. Design shall incorporate emergency overflow outlet in the event the drainage improvements exceed full capacity.
  - c. Applicant is required to verify existing infrastructure is sized to handle additional flows coming from the proposed development.
  - d. The conceptual report shows intent to drain into existing inlet west of the proposed driveway to later discharge into the City-owned storm drain along the west side of the parcel. Applicant needs to verify maintenance responsibility of the existing infrastructure, drainage into private inlet will require coordination and written authorization for new discharge. Proof of ownership and/or ownership consent will be required prior to approval of final report.
50. Prior to approval of the grading plan, the Applicant shall prepare a final Water Quality Management Plan (WQMP) for approval of the City Engineer.
- a. Low Impact Development (“LID”) Best Management Practices (“BMPs”) shall be designed in accordance with the Riverside County Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development, dated June 2014. Sizing of the proposed underground chambers will be verified during final report review, grading plans shall clearly identify emergency overflow outlet and runoff mitigation for system failure.
  - b. All post-construction BMPs shall be designed based on the City of Palm Desert’s maximum infiltration criteria of 1 inch/hour.
  - c. Any onsite and offsite BMPs shall be designed and sized per the findings of the Final Geotechnical Report and Final WQMP. Any changes to the proposed BMP sizing, design, and type; and impacts to the referenced exhibits, may require additional approvals.
  - d. Prior to the issuance of a grading permit, the Applicant shall submit a signed and notarized WQMP Operations and Maintenance Agreement to the City. The agreement shall include provisions for the maintenance and operation of all onsite water quality BMP facilities by the property owner.
51. All drainage and storm drain improvements shall be designed per PDMC Title 24, Riverside County Flood Control and Water Conservation District’s standards for

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the Drainage Element of the Palm Desert General Plan, and all other relevant laws, rules, and regulations governing grading in the City of Palm Desert.

52. Prior to approval of the grading plans, the Applicant shall provide the City Engineer with evidence that a Notice of Intent (NOI) has been filed with the State Water Resources Control Board. Such Evidence shall consist of a copy of the NOI stamped by the State Water Resources Control Board or the Regional Water Quality Control Board, or a letter from either agency stating that the NOI has been filed and their WDID number is depicted on the grading plan before approval.
53. Prior to the issuance of a grading permit, the Applicant shall submit a PM10 application for review and approval. The Applicant shall comply with all provisions of PDMC Section 24.12 regarding Fugitive Dust Control.
54. Where grading involves import or export, the Applicant shall obtain relevant permits, from the Public Works Department where the material is coming from or going to, including import/export quantities and hauling route.
55. Prior to issuance of grading permit and in compliance with the City of Palm Desert Municipal Code Chapter 27.24, the Applicant shall enter into an agreement and post financial security guarantee for all grading work related to this project.
56. Prior to issuance of grading permit, the Applicant shall submit for review and approval of the City Engineer a final Geotechnical Report that includes project-specific recommendations.
57. Prior to grading permit, the Applicant shall identify and obtain approval for a secondary access to the site. Secondary access shall be provided in a location and form consistent with Fire Department requirements and approved by the City Engineer. Acquiring the necessary permission(s), if any, from impacted private ownership(s) will be the sole responsibility of the applicant and proof shall be presented to the City prior to the release of permits as noted in the approval documents for the project.
58. Prior to the building certificate of occupancy, the Applicant shall field verify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP. BMPs shall be inspected by City staff.
59. Upon completion of grading work, the Project's Engineer of Record shall certify to the completion of grading in substantial conformance with the approved grading plans and the recommendations of the geotechnical report approved for this Project.
60. Improvements shown on the conceptual exhibit are subject to these conditions of approval and the Applicant providing adequate provisions for continued and perpetual their maintenance by the owner. Prior to building permit sign-off, the

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Applicant shall submit for review and approval of the City copy of development's Covenants, Conditions, & Restrictions (CC&Rs) or other equivalent responsible mechanism as approved by the City Engineer and the City Attorney. Improvements to be maintained include, but are not limited to, common areas, gates, parking and drive aisles pavement and surfaces, onsite BMPs, and drainage infrastructure.

### **BUILDING AND SAFETY DIVISION**

61. Prior to the building certificate of occupancy, the Applicant is responsible for the completion of construction of all improvements for which plans are required.
62. This project shall comply with the latest adopted edition of the following codes:
  - a. California Building Code and its appendices and standards.
  - b. California Residential Code and its appendices and standards.
  - c. California Plumbing Code and its appendices and standards.
  - d. California Mechanical Code and its appendices and standards.
  - e. California Electrical Code.
  - f. California Energy Code.
  - g. California Green Building Standards Code.
  - h. Title 24, California Code of Regulations.
  - i. California Fire Code and its appendices and standards.
63. The Applicant shall coordinate directly with:

Riverside County Fire Marshal's Office  
CAL FIRE/Riverside County Fire Department  
Main: (760) 863-8886  
77933 Las Montañas Road, Suite 201  
Palm Desert, CA 92211
64. All trash enclosures are required to be accessible. Provide an accessible path of travel to the trash enclosure. Trash enclosures shall comply with the minimum requirements established by Section 8.12 of the PDMC.
65. All contractors and subcontractors shall have a current City of Palm Desert Business License before permit issuance per PDMC, Title 5.
66. All contractors and/or owner-builders must submit a valid Certificate of Workers' Compensation Insurance coverage before the issuance of a building permit per California Labor Code, Section 3700.
67. Address numerals shall comply with Palm Desert Ordinance No. 1351 (PDMC Section 15.28). Compliance with Ordinance 1351 regarding street address location, dimension, a stroke of line, distance from the street, height from grade,



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height from the street, etc., shall be shown on all architectural building elevations in detail. Any possible obstructions, shadows, lighting, landscaping, backgrounds, or other reasons that may render the building address unreadable shall be addressed during the plan review process. The Applicant may request a copy of Ordinance 1351 or PDMC Section 15.28 from the Building and Safety Division counter staff.

### RIVERSIDE COUNTY OFFICE OF THE FIRE MARSHAL

68. Fire Protection Water Supplies/Fire Flow - Minimum fire flow for the construction of all buildings is required per CFC Appendix B. Prior to building permit issuance for new construction, the applicant shall provide documentation to show there exists a water system capable of delivering the required fire flow. Specific design features may increase or decrease the required fire flow.
- a. Will Serve Letters from the responsible water purveyor are required prior to a map recordation.
69. Fire Protection Water Supplies/Hydrants - The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with CFC Appendix C and NFPA 24. Fire hydrants shall be located no more than 400 feet from all portions of the exterior of the building along an approved route on a fire apparatus access road, unless otherwise approved by the fire department. In areas where new water mains are extended along streets and hydrants are not needed for protection of structures, standard fire hydrants shall be provided at spacing not to exceed 1,000 feet along streets for transportation hazards. Fire hydrants shall be at least 40 feet from the building it is serving. A fire hydrant shall be located within 20 to 100 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are 4" x 2 1/2" x 2 1/2" (super hydrant). Reference CFC as amended and NFPA 24.
70. Maintain Fire Department Access - Fire apparatus access roads shall be provided to within 150 feet of all exterior portions of buildings, unless otherwise approved by the Fire Department. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet. Dead-end fire apparatus access roads more than 150 feet shall be provided with an approved turn around. The minimum required turning radius of a fire apparatus access road is 38 feet outside radius and 14 feet inside radius. The construction of the fire apparatus access roads shall be all weather and capable of sustaining 75,000 lbs. Unless otherwise approved, the grade of a fire apparatus access road shall not exceed 16 percent and the cross slope shall not exceed 2.5 percent. The angles of approach and departure for fire apparatus access roads shall be a maximum of 6 percent grade change for 25 feet of approach/departure. Reference CFC as amended and Riverside County Fire Department Standards.

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- a. Fire Lane marking: Identification and marking of fire lanes, including curb details and signage, shall comply with all Riverside County Fire Department Standards.
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71. Fire Department Access Turn Around – On-parcel dead-end fire apparatus access roads exceeding 150 feet in length shall provide a bulb turnaround at the terminus measuring a minimum of 38 feet outside radius and 14 feet inside radius. Parallel parking around the perimeter of the bulb is acceptable provided the bulb outside turning radius is increased by 8 feet. In-lieu of a bulb, a hammerhead type turnaround is acceptable where the top of the “T” dimension is 120 feet with the stem in the center. Additional turnaround designs may be acceptable as approved by the Fire Department. Reference CFC as amended and Riverside County Fire Department Policies and Standards.
  72. Secondary Access – Unless otherwise approved by the Fire Department, dead end fire apparatus access roads shall not exceed 1,320 feet. Secondary egress/access fire apparatus access roads shall provide independent egress/access from/to the area or as otherwise approved by the Fire Department. Secondary egress/access fire apparatus access roads shall be as remote as possible from the primary fire apparatus access road to reduce the possibility that both routes will be obstructed by a single emergency. Additional fire apparatus access roads based on the potential for impairment by vehicle congestion, condition of terrain, climatic conditions, anticipated magnitude of a potential incident, or other factors that could limit access may be required by the Fire Department. Reference CFC as amended and Riverside County Fire Department Policies and Standards.
  73. Fire Department Building Construction Plan Review - Submittal of construction plans to the Fire Department will be required. Final fire and life safety conditions will be addressed when the Fire Department reviews the plans. These conditions will be based on California Fire Code, California Building Code (CBC), and related codes/standards adopted at the time of construction plan submittal. Reference CFC as amended.
  74. Residential Fire Sprinklers: Residential fire sprinklers are required in all one and two-family dwellings per the California Residential Code (CRC). Plans must be submitted to the Office of the Fire Marshal for review and be approved prior to installation. Reference CRC.
  75. Fire Alarm and Detection System - A water flow monitoring system and/or fire alarm system may be required as determined at time of building construction plan review. Reference CFC as amended.

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76. Fire and Life Safety Requirements - Final fire and life safety conditions will be addressed when the Fire Department reviews any subsequent submittals. These conditions will be based on California Fire Code (CFC), California Building Code (CBC), and related codes/standards adopted and amended at the time of construction plan submittal.
77. Phased Construction Access and Water Supply: If construction is phased, an approved phasing plan shall be approved by the Fire Department. Each phase shall provide approved access and water supply for fire protection prior to any construction. Reference CFC as amended.
78. Traffic Calming Devices - Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Fire Code Official. Reference CFC as amended.
79. Unlimited Area Building - Based upon the building construction type and requirements of the California Building Code (CBC), 60 feet of open space (with some reductions permitted) may be required around the building. Consult with your architect for additional information. Reference CBC.
80. Gate Access - All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. These gates shall be provided with access to gate equipment or another method to open the gate if there is a power failure. (Manual gates shall not be locked unless a Knox padlock or Knox Box containing the key to the lock is installed in an approved location on the approach side of the gate). A pedestrian gate, if used to provide access, shall be a minimum 3 feet wide and provided with a Knox Box/Padlock if locked. Reference CFC as amended.
81. Fire Department Access Doors – If high piled storage will be utilized in the building, Fire Department Access Doors may be required every 150 feet along all portions of the interior of the building that are along the fire apparatus access road. Reference CFC as amended.
82. Water Plans - If fire hydrants are required to be installed, applicant/developer shall furnish the water system fire hydrant plans to the Fire Department for review and approval prior to building permit issuance. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval. Reference CFC as amended.

**END OF CONDITIONS**