

PLANNING COMMISSION RESOLUTION NO. 2859

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A REVISION TO APPROVED PAD ELEVATIONS FOR TENTATIVE TRACT MAP 38434 TO ACCOMMODATE A 332 SINGLE-FAMILY HOME RESIDENTIAL DEVELOPMENT ON A 93.56-ACRE PROJECT SITE SOUTH OF GERALD FORD DRIVE AND WEST OF PORTOLA ROAD WITHIN THE REFUGE SPECIFIC PLAN AREA (APNS: 694-310-009 & 694-31-011)
CASE NOS. TTM 38434 (TTM23-0002)

WHEREAS, the City Council of the City of Palm Desert, California, did on the 17th day of November 2022, adopt Resolution No. 2022-93, adopting a Mitigated Negative Declaration (MND) of Environmental Impact pursuant to the California Environmental Quality Act (CEQA), and approving the Refuge Specific Plan; and

WHEREAS, the City Council of the City of Palm Desert, did on the 17th day of November 2022, hold a duly noticed public hearing and adopt City Council Resolution No. 2022-94 to approve Tentative Tract Map (TTM) 38434 to subdivide 93.56 acres into individual parcels, including one (1) lot for condominium purposes, 339 single-family residential lots, and lots for public streets, private streets, and open space areas within the Refuge Specific Plan (“Specific Plan”); and

WHEREAS, Pulte Homes (“Applicant”), submitted a TTM Revision application to revise Tentative Tract Map 38434 to subdivide 93.56 acres into individual parcels, including one (1) lot for condominium purposes, 332 single-family residential lots, and lots for public streets, private streets, and open space areas (“Project”) within the Specific Plan; and

WHEREAS, the Project site has a land use designation of Town Center Neighborhood (TCN) in the General Plan adopted on November 10, 2016, and zoning designation of Refuge Specific Plan adopted on November 17, 2022; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 5th day of September 2023, hold a duly noticed public hearing and adopted Planning Commission Resolution No. 2841, with conditions of approval, to approve the request by the Applicant for a revision to TTM 38434; and

WHEREAS, Planning Commission Resolution No. 2841 approved pad elevations for the development based on a Preliminary Grading Plan dated August 17, 2023; and

WHEREAS, the Applicant submitted an application for a Rough Grading permit which proposed revisions to the aforementioned approved pad elevations, approved by Planning Commission Resolution No. 2841; and

WHEREAS, the Project can be found consistent with the previously adopted Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act (CEQA) and corresponding Mitigation Monitoring Report Program, adopted via Council Resolution No. 2022-93; and

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WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 5th day of March 2024, hold a duly noticed public hearing to consider the request by the Applicant for a revision to the approved pad elevations for TTM 38434; 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; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

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 Tentative Tract Map. Under PDMC Section 26.20.100(C), the findings for the tentative map are the following:

1. That the density of the proposed subdivision is consistent with applicable general and specific plans.

The map has been found to be consistent with the density, lot development standards, and land uses of the Specific Plan and the General Plan Land Use Designation for the Town Center Neighborhood. No changes to density are proposed as part of this action.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design and improvement of the subdivision is consistent with the applicable Specific Plan requirements for lot standards, the circulation, and distribution of land uses. No changes to design or improvement are proposed as part of this action.

3. That the site is physically suitable for the type of development.

The site is physically suitable for the mix of single-family and multi-family housing development. The site has suitable access, grading, drainage, and zoning to allow the development.

4. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the density of development. The allowable density for the site has been evaluated by the General Plan. The Applicant has prepared the appropriate technical studies to assess that the site is physically suitable to

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develop. The MND for the Specific Plan identifies required mitigation. No changes to density are proposed as part of this action.

- 5. That the design of the subdivision or the improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The design of the subdivision and improvements will not cause damage or substantially injure wildlife habitat. The subject property is in an urbanized area of Palm Desert and is adjacent to major roadways, including Gerald Ford Drive. The site is vacant and surrounded by residential development to the west and commercial development to the east. A biological assessment of the site was prepared for the Specific Plan and did not identify suitable habitats for wildlife that could be damaged or affected as a result of the development of the Project. Ground-disturbing activities for the development of the Project shall comply with the Migratory Bird Treaty Act, as well as preparation of a burrowing owl survey prior to ground-disturbing activities and prior to the removal of vegetation or tree removal shall ensure no habitat is damaged.

- 6. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision is not likely to cause serious health problems. The Project is not located within a hazardous area that would be subject to flooding, liquefaction, landslides, fault zones, or other natural hazards. The Project does not generate adverse effects that would cause public health problems. Ground-disturbing activities are conditioned to prepare plans to control fugitive dust. The access locations to the subdivision have been evaluated in accordance with the Specific Plan and will not adversely affect public health.

SECTION 3. Project Approval. The Planning Commission approval for a revision to the approved pad elevations for Tentative Tract Map 38434, subject to the Conditions of Approval attached hereto as Exhibit "A" and subject to the pad elevation matrix attached hereto as Exhibit "B".

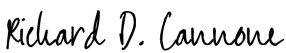
ADOPTED ON March 5, 2024

DocuSigned by:

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 JOSEPH PRADETTO
 CHAIRPERSON

ATTEST:

DocuSigned by:

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 RICHARD D. CANNONE, AICP
 SECRETARY

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I, Richard D. Cannone, AICP, Secretary of the City of Palm Desert, hereby certify that Resolution No. 2859 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 March 5, 2024, by the following vote:

AYES: DELUNA, GREENWOOD, GREGORY, PRADETTO
NOES: NONE
ABSENT: HOLT
ABSTAIN: NONE
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on March _19_, 2024.

DocuSigned by:
Richard D. Cannone
37DB692259454EC...
RICHARD D. CANNONE, AICP
SECRETARY

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**EXHIBIT A
CONDITIONS OF APPROVAL
CASE NO. TTM 38434**

PLANNING DIVISION:

1. The development of the property shall conform substantially with exhibits on file with the Development Services Department, as modified by the following conditions.
2. The approved pad elevations for this project shall remain consistent with the pad elevations identified on Exhibit B of this resolution, as shown on the Rough Grading plan dated 2-12-2024, prepared by MSA Consulting, as part of Rough Grading permit RG23-0005.
3. 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 or not to defend such action. 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 in order 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 in order 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.
4. All conditions of approval included in Planning Commission Resolution No. 2841 shall be adhered to as part of this approval and project.

END OF CONDITIONS OF APPROVAL

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Exhibit B
Approved Pad Elevations Matrix

Tentative Tract Map Lot Number	Tentative Tract Map Lot Pad Elevations	Final Tract Map Lot Number	Final Tract Map Lot Pad Elevations	Difference FTM-TTM	Final Tract Number
1	294.4	1	294.5	0.1	38434-1 (Phase 1)
2	294.2	2	294.2	0.0	38434-1 (Phase 1)
3	293.9	3	294.0	0.1	38434-1 (Phase 1)
4	293.7	4	293.7	0.0	38434-1 (Phase 1)
5	293.4	5	293.4	0.0	38434-1 (Phase 1)
6	294.0	6	293.4	-0.6	38434-1 (Phase 1)
7	293.8	7	293.7	-0.1	38434-1 (Phase 1)
8	293.6	8	294.0	0.4	38434-1 (Phase 1)
9	294.1	9	293.4	-0.7	38434-1 (Phase 1)
10	294.3	10	293.8	-0.5	38434-1 (Phase 1)
11	294.5	11	294.2	-0.3	38434-1 (Phase 1)
12	294.8	1	294.6	-0.2	38434 (Phase 2)
13	295.0	2	294.8	-0.2	38434 (Phase 2)
14	295.3	3	295.1	-0.2	38434 (Phase 2)
15	295.5	4	295.3	-0.2	38434 (Phase 2)
16	295.8	5	295.6	-0.2	38434 (Phase 2)
17	296.0	6	295.9	-0.1	38434 (Phase 2)
18	296.2	7	296.2	0.0	38434 (Phase 2)
19	296.5	8	296.3	-0.2	38434 (Phase 2)
20	297.0	9	296.5	-0.5	38434 (Phase 2)
21	297.2	10	296.9	-0.3	38434 (Phase 2)
22	297.5	11	297.2	-0.3	38434 (Phase 2)
23	297.7	12	297.5	-0.2	38434 (Phase 2)
24	297.9	13	297.8	-0.1	38434 (Phase 2)
25	298.2	14	298.1	-0.1	38434 (Phase 2)
26	298.4	15	298.4	0.0	38434 (Phase 2)
27	298.7	16	298.7	0.0	38434 (Phase 2)
28	298.9	17	298.9	0.0	38434 (Phase 2)
29	299.1	18	298.7	-0.4	38434 (Phase 2)
30	299.3	19	298.8	-0.5	38434 (Phase 2)
31	299.7	20	299.2	-0.5	38434 (Phase 2)
32	299.9	21	299.4	-0.5	38434 (Phase 2)
33	300.1	22	299.6	-0.5	38434 (Phase 2)
34	300.4	23	300.0	-0.4	38434 (Phase 2)
35	300.6	24	300.4	-0.2	38434 (Phase 2)

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36	300.8	25	300.8	0.0	38434 (Phase 2)
37	301.1	26	300.8	-0.3	38434 (Phase 2)
38	301.5	27	301.3	-0.2	38434 (Phase 2)
39	301.8	28	301.6	-0.2	38434 (Phase 2)
40	302.0	29	301.9	-0.1	38434 (Phase 2)
41	302.3	30	302.2	-0.1	38434 (Phase 2)
42	302.5	31	302.5	0.0	38434 (Phase 2)
43	302.7	32	302.8	0.1	38434 (Phase 2)
44	303.0	33	303.1	0.1	38434 (Phase 2)
45	303.2	34	303.4	0.2	38434 (Phase 2)
46	304.0	35	303.7	-0.3	38434 (Phase 2)
47	304.0	36	303.7	-0.3	38434 (Phase 2)
48	303.8	37	303.4	-0.4	38434 (Phase 2)
49	303.5	38	303.1	-0.4	38434 (Phase 2)
50	303.2	39	302.8	-0.4	38434 (Phase 2)
51	303.7	40	303.2	-0.5	38434 (Phase 2)
52	303.9	41	303.9	0.0	38434 (Phase 2)
53	303.7	42	304.0	0.3	38434 (Phase 2)
54	303.6	43	303.7	0.1	38434 (Phase 2)
55	304.6	44	304.1	-0.5	38434 (Phase 2)
56	304.6	45	304.8	0.2	38434 (Phase 2)
57	305.0	46	304.5	-0.5	38434 (Phase 2)
58	306.1	47	305.6	-0.5	38434 (Phase 2)
59	306.5	48	306.2	-0.3	38434 (Phase 2)
60	307.0	49	306.8	-0.2	38434 (Phase 2)
61	307.5	50	307.4	-0.1	38434 (Phase 2)
62	308.0	51	307.9	-0.1	38434 (Phase 2)
63	308.5	52	308.3	-0.2	38434 (Phase 2)
64	308.5	53	308.3	-0.2	38434 (Phase 2)
65	308.0	54	307.9	-0.1	38434 (Phase 2)
66	308.0	33	307.6	-0.4	38434-1 (Phase 1)
67	308.2	34	307.9	-0.3	38434-1 (Phase 1)
68	307.9	35	307.7	-0.2	38434-1 (Phase 1)
69	307.7	36	307.4	-0.3	38434-1 (Phase 1)
70	308.8	37	308.5	-0.3	38434-1 (Phase 1)
71	309.8	38	309.5	-0.3	38434-1 (Phase 1)
72	310.8	39	310.3	-0.5	38434-1 (Phase 1)
73	311.7	40	311.7	0.0	38434-1 (Phase 1)
74	312.7	41	313.3	0.6	38434-1 (Phase 1)
75	313.6	42	314.3	0.7	38434-1 (Phase 1)
76	314.4	43	314.7	0.3	38434-1 (Phase 1)

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77	315.1	44	315.2	0.1	38434-1 (Phase 1)
78	315.4	45	315.7	0.3	38434-1 (Phase 1)
79	316.2	46	316.1	-0.1	38434-1 (Phase 1)
80	316.9	47	316.7	-0.2	38434-1 (Phase 1)
81	317.7	48	317.6	-0.1	38434-1 (Phase 1)
82	318.5	49	318.4	-0.1	38434-1 (Phase 1)
83	318.0	50	319.4	1.4	38434-1 (Phase 1)
84	319.7	51	319.9	0.2	38434-1 (Phase 1)
85	317.2	52	317.9	0.7	38434-1 (Phase 1)
86	316.2	53	317.0	0.8	38434-1 (Phase 1)
87	315.0	54	315.9	0.9	38434-1 (Phase 1)
88	313.8	55	314.9	1.1	38434-1 (Phase 1)
89	312.6	56	313.9	1.3	38434-1 (Phase 1)
90	311.3	57	312.6	1.3	38434-1 (Phase 1)
91	310.6	58	311.3	0.7	38434-1 (Phase 1)
92	310.5	59	310.0	-0.5	38434-1 (Phase 1)
93	311.2	60	312.5	1.3	38434-1 (Phase 1)
94	312.4	61	313.8	1.4	38434-1 (Phase 1)
95	313.7	62	314.9	1.2	38434-1 (Phase 1)
96	314.9	63	315.8	0.9	38434-1 (Phase 1)
97	316.1	64	316.7	0.6	38434-1 (Phase 1)
98	317.2	65	317.5	0.3	38434-1 (Phase 1)
99	314.2	66	315.0	0.8	38434-1 (Phase 1)
100	313.3	67	314.0	0.7	38434-1 (Phase 1)
101	312.2	68	313.0	0.8	38434-1 (Phase 1)
102	311.1	69	311.9	0.8	38434-1 (Phase 1)
103	310.0	70	311.0	1.0	38434-1 (Phase 1)
104	309.0	71	310.0	1.0	38434-1 (Phase 1)
105	305.8	72	307.1	1.3	38434-1 (Phase 1)
106	304.8	73	306.0	1.2	38434-1 (Phase 1)
107	303.8	74	304.9	1.1	38434-1 (Phase 1)
108	302.7	75	303.7	1.0	38434-1 (Phase 1)
109	301.6	76	302.5	0.9	38434-1 (Phase 1)
110	300.5	77	301.3	0.8	38434-1 (Phase 1)
111	299.4	78	300.2	0.8	38434-1 (Phase 1)
112	298.3	79	299.0	0.7	38434-1 (Phase 1)
113	297.2	80	297.9	0.7	38434-1 (Phase 1)
114	296.2	81	296.8	0.6	38434-1 (Phase 1)
115	295.1	82	295.7	0.6	38434-1 (Phase 1)
116	294.0	83	294.6	0.6	38434-1 (Phase 1)
117	292.9	84	293.6	0.7	38434-1 (Phase 1)

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118	295.9	85	295.9	0.0	38434-1 (Phase 1)
119	297.0	86	296.6	-0.4	38434-1 (Phase 1)
120	298.1	87	298.8	0.7	38434-1 (Phase 1)
121	299.2	88	299.9	0.7	38434-1 (Phase 1)
122	300.3	89	301.1	0.8	38434-1 (Phase 1)
123	301.4	90	302.3	0.9	38434-1 (Phase 1)
124	302.4	91	303.4	1.0	38434-1 (Phase 1)
125	303.5	92	304.6	1.1	38434-1 (Phase 1)
126	304.6	93	305.8	1.2	38434-1 (Phase 1)
127	305.7	94	307.0	1.3	38434-1 (Phase 1)
128	306.8	95	308.1	1.3	38434-1 (Phase 1)
129	307.9	96	309.1	1.2	38434-1 (Phase 1)
130	309.0	97	310.0	1.0	38434-1 (Phase 1)
131	310.0	98	311.0	1.0	38434-1 (Phase 1)
132	311.1	99	311.9	0.8	38434-1 (Phase 1)
133	312.2	100	313.0	0.8	38434-1 (Phase 1)
134	313.3	101	314.0	0.7	38434-1 (Phase 1)
135	314.2	102	314.8	0.6	38434-1 (Phase 1)
136	312.4	103	311.6	-0.8	38434-1 (Phase 1)
137	308.8	104	309.1	0.3	38434-1 (Phase 1)
138	308.8	105	308.2	-0.6	38434-1 (Phase 1)
139	306.0	106	307.3	1.3	38434-1 (Phase 1)
140	304.7	107	306.1	1.4	38434-1 (Phase 1)
141	303.6	108	304.8	1.2	38434-1 (Phase 1)
142	302.5	109	303.6	1.1	38434-1 (Phase 1)
143	301.4	110	302.3	0.9	38434-1 (Phase 1)
144	300.3	111	301.1	0.8	38434-1 (Phase 1)
145	299.3	112	299.8	0.5	38434-1 (Phase 1)
146	298.2	113	298.6	0.4	38434-1 (Phase 1)
147	297.1	114	297.4	0.3	38434-1 (Phase 1)
148	296.0	115	296.3	0.3	38434-1 (Phase 1)
149	295.0	116	295.2	0.2	38434-1 (Phase 1)
150	305.7	117	306.1	0.4	38434-1 (Phase 1)
151	305.9	118	305.8	-0.1	38434-1 (Phase 1)
152	306.1	119	305.6	-0.5	38434-1 (Phase 1)
153	306.4	120	305.9	-0.5	38434-1 (Phase 1)
154	306.6	121	306.1	-0.5	38434-1 (Phase 1)
155	306.8	122	306.3	-0.5	38434-1 (Phase 1)
156	307.0	123	306.7	-0.3	38434-1 (Phase 1)
157	307.0	124	306.8	-0.2	38434-1 (Phase 1)
158	306.4	125	306.3	-0.1	38434-1 (Phase 1)

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159	305.8	126	305.9	0.1	38434-1 (Phase 1)
160	305.3	127	305.7	0.4	38434-1 (Phase 1)
161	304.9	128	305.0	0.1	38434-1 (Phase 1)
162	304.3	129	304.7	0.4	38434-1 (Phase 1)
163	303.8	130	304.1	0.3	38434-1 (Phase 1)
164	303.2	131	303.5	0.3	38434-1 (Phase 1)
165	302.7	132	302.8	0.1	38434-1 (Phase 1)
166	302.1	133	302.3	0.2	38434-1 (Phase 1)
167	301.5	134	302.0	0.5	38434-1 (Phase 1)
168	301.0	135	301.7	0.7	38434-1 (Phase 1)
169	303.1	23	303.8	0.7	38434-1 (Phase 1)
170	303.6	24	304.3	0.7	38434-1 (Phase 1)
171	304.1	25	304.7	0.6	38434-1 (Phase 1)
172	305.5	26	305.1	-0.4	38434-1 (Phase 1)
173	305.5	27	305.5	0.0	38434-1 (Phase 1)
174	305.5	28	305.8	0.3	38434-1 (Phase 1)
175	306.0	29	306.0	0.0	38434-1 (Phase 1)
176	306.3	30	306.3	0.0	38434-1 (Phase 1)
177	306.7	31	306.6	-0.1	38434-1 (Phase 1)
178	307.0	32	307.1	0.1	38434-1 (Phase 1)
179	307.0	55	307.2	0.2	38434 (Phase 2)
180	306.7	56	306.5	-0.2	38434 (Phase 2)
181	306.3	57	306.0	-0.3	38434 (Phase 2)
182	306.0	58	305.5	-0.5	38434 (Phase 2)
183	305.7	59	305.2	-0.5	38434 (Phase 2)
184	305.5	60	305.0	-0.5	38434 (Phase 2)
185	305.8	76	305.3	-0.5	38434 (Phase 2)
186	306.0	77	305.5	-0.5	38434 (Phase 2)
187	306.3	78	305.8	-0.5	38434 (Phase 2)
188	306.5	79	306.0	-0.5	38434 (Phase 2)
189	306.7	80	306.3	-0.4	38434 (Phase 2)
190	307.0	81	306.5	-0.5	38434 (Phase 2)
191	305.1	82	304.6	-0.5	38434 (Phase 2)
192	304.2	83	303.7	-0.5	38434 (Phase 2)
193	303.7	84	303.2	-0.5	38434 (Phase 2)
194	303.1	85	303.0	-0.1	38434 (Phase 2)
195	302.5	86	302.2	-0.3	38434 (Phase 2)
196	302.0	87	301.8	-0.2	38434 (Phase 2)
197	301.6	88	301.5	-0.1	38434 (Phase 2)
198	301.6	104	301.5	-0.1	38434 (Phase 2)
199	302.2	105	302.0	-0.2	38434 (Phase 2)

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200	302.6	106	302.2	-0.4	38434 (Phase 2)
201	303.0	107	302.5	-0.5	38434 (Phase 2)
202	303.4	108	302.9	-0.5	38434 (Phase 2)
203	303.8	109	303.3	-0.5	38434 (Phase 2)
204	304.2	110	303.7	-0.5	38434 (Phase 2)
205	304.7	111	304.3	-0.4	38434 (Phase 2)
206	302.9	112	302.9	0.0	38434 (Phase 2)
207	302.8	113	302.7	-0.1	38434 (Phase 2)
208	302.6	114	302.5	-0.1	38434 (Phase 2)
209	302.4	115	302.3	-0.1	38434 (Phase 2)
210	302.2	116	302.0	-0.2	38434 (Phase 2)
211	301.9	117	301.7	-0.2	38434 (Phase 2)
212	301.7	118	301.4	-0.3	38434 (Phase 2)
213	301.5	119	301.2	-0.3	38434 (Phase 2)
214	301.2	120	300.8	-0.4	38434 (Phase 2)
215	301.0	121	300.6	-0.4	38434 (Phase 2)
216	301.1	138	300.6	-0.5	38434 (Phase 2)
217	301.3	139	300.9	-0.4	38434 (Phase 2)
218	301.4	140	301.1	-0.3	38434 (Phase 2)
219	301.6	141	301.3	-0.3	38434 (Phase 2)
220	301.8	142	301.6	-0.2	38434 (Phase 2)
221	302.0	143	301.8	-0.2	38434 (Phase 2)
222	302.2	144	302.0	-0.2	38434 (Phase 2)
223	302.4	145	302.3	-0.1	38434 (Phase 2)
224	302.6	146	302.5	-0.1	38434 (Phase 2)
225	302.8	147	302.7	-0.1	38434 (Phase 2)
226	302.9	148	302.9	0.0	38434 (Phase 2)
227	302.2	149	301.9	-0.3	38434 (Phase 2)
228	302.0	150	301.7	-0.3	38434 (Phase 2)
229	301.8	151	301.5	-0.3	38434 (Phase 2)
230	301.2	152	301.2	0.0	38434 (Phase 2)
231	301.4	153	300.9	-0.5	38434 (Phase 2)
232	301.1	154	300.7	-0.4	38434 (Phase 2)
233	300.9	155	300.4	-0.5	38434 (Phase 2)
234	300.7	156	300.1	-0.6	38434 (Phase 2)
235	300.5	157	299.8	-0.7	38434 (Phase 2)
236	300.3	158	299.6	-0.7	38434 (Phase 2)
237	300.4	173	299.9	-0.5	38434 (Phase 2)
238	300.6	174	300.1	-0.5	38434 (Phase 2)
239	300.8	175	300.3	-0.5	38434 (Phase 2)
240	301.0	176	300.5	-0.5	38434 (Phase 2)

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241	301.2	177	300.7	-0.5	38434 (Phase 2)
242	301.4	178	301.0	-0.4	38434 (Phase 2)
243	301.6	179	301.2	-0.4	38434 (Phase 2)
244	301.8	180	301.5	-0.3	38434 (Phase 2)
245	302.0	181	301.7	-0.3	38434 (Phase 2)
246	302.2	182	301.9	-0.3	38434 (Phase 2)
247	303.5	183	303.2	-0.3	38434 (Phase 2)
248	302.8	184	302.9	0.1	38434 (Phase 2)
249	302.6	185	302.7	0.1	38434 (Phase 2)
250	302.4	186	302.4	0.0	38434 (Phase 2)
251	302.2	187	302.1	-0.1	38434 (Phase 2)
252	302.0	188	301.9	-0.1	38434 (Phase 2)
253	301.8	189	301.6	-0.2	38434 (Phase 2)
254	301.6	190	301.4	-0.2	38434 (Phase 2)
255	301.4	191	301.1	-0.3	38434 (Phase 2)
256	301.0	192	300.6	-0.4	38434 (Phase 2)
257	300.0	193	300.3	0.3	38434 (Phase 2)
258	300.6	194	300.1	-0.5	38434 (Phase 2)
259	300.4	195	299.9	-0.5	38434 (Phase 2)
260	300.2	196	299.7	-0.5	38434 (Phase 2)
261	300.0	197	299.5	-0.5	38434 (Phase 2)
262	298.9	166	298.6	-0.3	38434 (Phase 2)
263	299.1	167	299.0	-0.1	38434 (Phase 2)
264	299.3	168	299.3	0.0	38434 (Phase 2)
265	299.5	169	299.6	0.1	38434 (Phase 2)
266	299.7	170	299.8	0.1	38434 (Phase 2)
267	299.9	171	300.1	0.2	38434 (Phase 2)
268	300.1	172	300.3	0.2	38434 (Phase 2)
269	300.0	159	300.4	0.4	38434 (Phase 2)
270	300.0	160	300.2	0.2	38434 (Phase 2)
271	299.8	161	300.0	0.2	38434 (Phase 2)
272	299.5	162	299.7	0.2	38434 (Phase 2)
273	299.3	163	299.3	0.0	38434 (Phase 2)
274	299.1	164	299.0	-0.1	38434 (Phase 2)
275	298.9	165	298.6	-0.3	38434 (Phase 2)
276	297.9	130	297.8	-0.1	38434 (Phase 2)
277	298.1	131	298.0	-0.1	38434 (Phase 2)
278	298.3	132	298.2	-0.1	38434 (Phase 2)
279	298.5	133	298.5	0.0	38434 (Phase 2)
280	298.7	134	298.7	0.0	38434 (Phase 2)
281	298.8	135	299.0	0.2	38434 (Phase 2)

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282	299.0	136	299.2	0.2	38434 (Phase 2)
283	299.2	137	299.5	0.3	38434 (Phase 2)
284	299.4	122	299.7	0.3	38434 (Phase 2)
285	299.3	123	299.5	0.2	38434 (Phase 2)
286	299.1	124	299.3	0.2	38434 (Phase 2)
287	298.8	125	299.0	0.2	38434 (Phase 2)
288	298.6	126	298.6	0.0	38434 (Phase 2)
289	298.4	127	298.2	-0.2	38434 (Phase 2)
290	298.1	128	297.8	-0.3	38434 (Phase 2)
291	297.9	129	297.5	-0.4	38434 (Phase 2)
292	296.9	97	296.8	-0.1	38434 (Phase 2)
293	297.3	98	297.4	0.1	38434 (Phase 2)
294	297.7	99	297.9	0.2	38434 (Phase 2)
295	298.1	100	298.5	0.4	38434 (Phase 2)
296	298.7	101	299.0	0.3	38434 (Phase 2)
297	299.4	102	299.6	0.2	38434 (Phase 2)
298	300.1	103	300.2	0.1	38434 (Phase 2)
299	300.3	89	300.4	0.1	38434 (Phase 2)
300	299.8	90	300.0	0.2	38434 (Phase 2)
301	299.4	91	299.6	0.2	38434 (Phase 2)
302	299.0	92	299.2	0.2	38434 (Phase 2)
303	298.5	93	298.9	0.4	38434 (Phase 2)
304	298.1	94	298.5	0.4	38434 (Phase 2)
305	297.6	95	297.8	0.2	38434 (Phase 2)
306	296.9	96	296.8	-0.1	38434 (Phase 2)
307	296.0	68	295.7	-0.3	38434 (Phase 2)
308	296.2	69	296.3	0.1	38434 (Phase 2)
309	296.4	70	296.6	0.2	38434 (Phase 2)
310	296.7	71	296.8	0.1	38434 (Phase 2)
311	296.9	72	297.1	0.2	38434 (Phase 2)
312	297.2	73	297.5	0.3	38434 (Phase 2)
313	297.6	74	297.9	0.3	38434 (Phase 2)
314	297.8	75	298.1	0.3	38434 (Phase 2)
315	297.6	61	297.9	0.3	38434 (Phase 2)
316	297.3	62	297.6	0.3	38434 (Phase 2)
317	297.1	63	297.3	0.2	38434 (Phase 2)
318	297.8	64	297.0	-0.8	38434 (Phase 2)
319	296.6	65	296.8	0.2	38434 (Phase 2)
320	296.4	66	296.5	0.1	38434 (Phase 2)
321	296.1	67	296.0	-0.1	38434 (Phase 2)
322	294.9	22	294.8	-0.1	38434-1 (Phase 1)

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323	295.1	21	295.1	0.0	38434-1 (Phase 1)
324	295.3	20	295.4	0.1	38434-1 (Phase 1)
325	295.5	19	295.7	0.2	38434-1 (Phase 1)
326	295.7	18	296.1	0.4	38434-1 (Phase 1)
327	295.9	17	296.4	0.5	38434-1 (Phase 1)
328	296.1	16	296.7	0.6	38434-1 (Phase 1)
329	296.2	15	296.9	0.7	38434-1 (Phase 1)
330	295.0	12	294.9	-0.1	38434-1 (Phase 1)
331	295.3	13	295.4	0.1	38434-1 (Phase 1)
332	295.5	14	295.7	0.2	38434-1 (Phase 1)

PLANNING COMMISSION RESOLUTION NO. 2841

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A REVISION OF TENTATIVE TRACT MAP 38434 TO MODIFY THE LAYOUT TO ACCOMMODATE A 332 SINGLE-FAMILY HOME RESIDENTIAL DEVELOPMENT ON A 93.56-ACRE PROJECT SITE SOUTH OF GERALD FORD DRIVE AND WEST OF PORTOLA ROAD WITHIN THE REFUGE SPECIFIC PLAN AREA (APNS: 694-310-009 & 694-310-011)
CASE NOS. TTM 38434 REVISION NO. 1 (TTM23-0002)

WHEREAS, the City Council of the City of Palm Desert, California, did on the 17th day of November 2022, adopt Resolution No. 2022-93, adopting a Mitigated Negative Declaration (MND) of Environmental Impact pursuant to the California Environmental Quality Act (CEQA), and approving the Refuge Specific Plan; and

WHEREAS, the City Council of the City of Palm Desert, did on the 17th day of November 2022, hold a duly noticed public hearing and adopt City Council Resolution No. 2022-94 to approve Tentative Tract Map (TTM) 38434 to subdivide 93.56 acres into individual parcels, including one (1) lot for condominium purposes, 339 single-family residential lots, and lots for public streets, private streets, and open space areas within the Refuge Specific Plan ("Specific Plan"); and

WHEREAS, Pulte Homes ("Applicant"), submitted a TTM Revision application to revise Tentative Tract Map 38434 to subdivide 93.56 acres into individual parcels, including one (1) lot for condominium purposes, 332 single-family residential lots, and lots for public streets, private streets, and open space areas ("Project") within the Specific Plan; and

WHEREAS, the Project site has a land use designation of Town Center Neighborhood (TCN) in the General Plan adopted on November 10, 2016, and zoning designation of Refuge Specific Plan adopted on November 17, 2022; and

WHEREAS, the Project can be found consistent with the previously adopted Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act (CEQA) and corresponding Mitigation Monitoring Report Program, adopted via Council Resolution No. 2022-93; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 5th day of September 2023, hold a duly noticed public hearing to consider the request by the Applicant for a revision to TTM 38434; 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; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

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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 Tentative Tract Map. Under PDMC Section 26.20.100(C), the findings for the tentative map are the following:

1. That the density of the proposed subdivision is consistent with applicable general and specific plans.

The map has been found to be consistent with the density, lot development standards, and land uses of the Specific Plan and the General Plan Land Use Designation for the Town Center Neighborhood. The TTM creates 332 single-family residential lots within Planning Areas 2 and 3. The number of lots is consistent with the minimum allowable density for the Specific Plan. All comply with the minimum requirements for lot sizes and dimensions established by the Specific Plan. The TTM provides for a circulation of public streets and private streets, which is consistent with the requirements of the Specific Plan. The tract provides for a distribution of open space and private amenity areas, which is consistent with the Specific Plan.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design and improvement of the subdivision is consistent with the applicable Specific Plan requirements for lot standards, the circulation, and distribution of land uses. The dedications for public right-of-way are consistent with the applicable circulation elements of the Specific Plan.

3. That the site is physically suitable for the type of development.

The site is physically suitable for the mix of single-family and multi-family housing development. The site has suitable access, grading, drainage, and zoning to allow the development.

4. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the density of development. The allowable density for the site has been evaluated by the General Plan. The Applicant has prepared the appropriate technical studies to assess that the site is physically suitable to develop. The MND for the Specific Plan identifies required mitigation.

5. That the design of the subdivision or the improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

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The design of the subdivision and improvements will not cause damage or substantially injure wildlife habitat. The subject property is in an urbanized area of Palm Desert and is adjacent to major roadways, including Gerald Ford Drive. The site is vacant and surrounded by residential development to the west and commercial development to the east. A biological assessment of the site was prepared for the Specific Plan and did not identify suitable habitats for wildlife that could be damaged or affected as a result of the development of the Project. Ground-disturbing activities for the development of the Project shall comply with the Migratory Bird Treaty Act, as well as preparation of a burrowing owl survey prior to ground-disturbing activities and prior to the removal of vegetation or tree removal shall ensure no habitat is damaged.

- 6. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision is not likely to cause serious health problems. The Project is not located within a hazardous area that would be subject to flooding, liquefaction, landslides, fault zones, or other natural hazards. The Project does not generate adverse effects that would cause public health problems. Ground-disturbing activities are conditioned to prepare plans to control fugitive dust. The access locations to the subdivision have been evaluated in accordance with the Specific Plan and will not adversely affect public health.


SECTION 3. Project Approval. The Planning Commission approval for a revision to Tentative Tract Map 38434, subject to the Conditions of Approval attached hereto as Exhibit "A" annuls the prior map approval under Resolution No. 2022-94.

ADOPTED ON September 5, 2023


Joe Pradetto (Sep 12, 2023 11:06 PDT)

JOSEPH PRADETTO
CHAIRPERSON

ATTEST:



RICHARD D. CANNONE, AICP
SECRETARY

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I, Richard D. Cannone, AICP, Secretary of the City of Palm Desert, hereby certify that Resolution No. 2841 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 September 5, 2023, by the following vote:

AYES: GREENWOOD, HOLT, and PRADETTO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
RECUSED: DE LUNA and GREGORY

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on September 12th, 2023.



RICHARD D. CANNONE, AICP
SECRETARY

**EXHIBIT A
CONDITIONS OF APPROVAL
CASE NO. TTM 38434 REVISION NO. 1**

PLANNING DIVISION:

1. The development of the property shall conform substantially with exhibits on file with the Development Services Department, as modified by the following conditions.
2. 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 or not to defend such action. 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 in order 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 in order 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.
3. 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.
4. The TTM shall expire if recordation of the said Project is not completed within two (2) years from date of the original approval (November 17, 2022) 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. Expiration date of this map is November 17, 2024.
5. The approved TTM shall only be modified with written City approval in accordance with the requirements of the Specific Plan and Chapter 26.20 of the Palm Desert Municipal Code (PDMC).

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6. 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.
7. 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. 2841 for TTM 38434, and that the plans submitted are in compliance with the Conditions of Approval. No modifications shall be made to said plans without written approval from the appropriate decision-making body.
8. Prior to the issuance of a building permit for 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)
Fire Department
Building and Safety Division
Public Works Department

Evidence 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.

9. The Applicant shall establish a homeowners' association (HOA). The HOA's responsibility for maintenance shall include but is not limited to maintenance of private amenity areas and open space, landscaping, stormwater retention, and related infrastructure. The final maintenance plan shall include detailed text and illustrative diagrams indicating areas of responsibility for maintenance and shall be subject to approval by the Director of Development Services and City Engineer.
10. Prior to approval of the final map, the Applicant shall submit a final phasing plan, which identifies the timing of roadway improvements and open space.
 - A. The phasing plan shall indicate that full segments of Planning Area 5, shown as Lot "K" shall be completed and fully landscaped prior to the occupancy of any adjacent homes on Lots 1 through 46.
 - B. The entire amenity area shown on Lot O shall be completed prior to the occupancy of the 200th unit within Planning Area 3.
11. The pad elevations of all lots shall be consistent with the approved preliminary grading plan included in the project file. Adjustments that increase or decrease the pad elevation by six inches (0'-6") or less shall be subject to review and approval by the Director of Development Services and City Engineer. Any change to a pad elevation shall require an adjustment to the grading and drainage plan for consistency.
 - A. Adjustments that increase the approved pad elevations on Lots 1-46 by more than six (6) inches shall require approval by the Planning Commission. Exhibit B, attached to this resolution, provides the approved plan elevations for these lots,

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per the preliminary grading and drainage exhibit drafted by MSA Consulting, dated August 17, 2023.

- B. Adjustments that increase the pad elevations by more than six (6) inches on all other lots must be reviewed by the City Engineer and approved through the Director of Development Services. The Director of Development Services may refer the request to Planning Commission for approval.

- 12. The Applicant shall construct the circulation network for Street "A" and Street "B" as shown on the approved Specific Plan prior to any development within Planning Area 2 and/or Planning Area 3.
- 13. All mitigation measures identified in the Specific Plan Mitigated Negative Declaration (SCH# 2022100013) and the accompanying Mitigation Monitoring and Reporting Program (MMRP), shall be incorporated into the planning, design, development, and operation of the Project.
- 14. At recordation of the final map, the Applicant shall record an easement for a secondary Fire Department emergency access across Lot 333, which provides a connection between Street "A" and Street "B."

LAND DEVELOPMENT DIVISION/PUBLIC WORKS DEPARTMENT:

- 15. The following plans, studies, and exhibits are hereby referenced: Specific Plan, prepared by MSA Consulting and dated August 2022; TTM 38434 and dated August 25, 2023; Preliminary Grading, prepared by MSA Consulting, Inc. and dated August 17, 2022; Preliminary Utility Plan, prepared by MSA Consulting, Inc. and dated June 2022; Preliminary Hydrology Report, prepared by MSA Consulting, Inc. and dated August 18, 2022; and Preliminary Water Quality Management Plan, prepared by MSA Consulting, Inc. and dated August 19, 2022.
- 16. The map shall comply with the State of California Subdivision Map Act and with the City of PDMC Title 26, unless otherwise modified by the conditions listed herein.
- 17. 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 the 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.
- 18. It is understood that the conceptual exhibits correctly show acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Qs, and that the omission or unacceptability may require that the Applicant amend or revise the site plan as may be.

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19. All common areas will be permitted as shown on the tentative exhibit, subject to these Conditions of Approval and the Applicant providing adequate provisions, by means of a homeowners' association (HOA) or another equivalent responsible mechanism as approved by the City Engineer and City Attorney, for the continued and perpetual maintenance of these common areas, and on-site post-construction Best Management Practices (BMPs) to the satisfaction of the City Engineer and City Attorney.
20. The Applicant shall pay all, appropriate signalization fee prior to the issuance of the first building permit for the development in accordance with the City's Resolution No. 79-17 and 79-55.
21. The Applicant may choose to develop the tentative map in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utility, street, or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Applicant submitting a Phasing Plan to the California Bureau of Real Estate.
22. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
23. Prior to map approval, the Applicant shall pay all, appropriate drainage fee in accordance with the City's Municipal Code Section 26.49 and Palm Desert Ordinance No. 653.
24. Prior to map approval, the Applicant shall pay all appropriate park fees in accordance with the City's Municipal Code Section 26.48.060.
25. The Applicant shall comply with Palm Desert Ordinance No. 843, Section 24.20 Stormwater Management and Discharge Ordinance.
26. All utility extensions within the site shall be placed underground unless otherwise specified or allowed by the respective utility purveyor.
27. Prior to approval of any implementing development project, planning area, parcel/tract map within the Refuge Specific Plan area, a development specific traffic letter shall be submitted to the City. The letter shall address consistency with the approved Specific Plan Traffic Impact Analysis assumptions. If it is determined that the proposed development is inconsistent with the approved report, the Applicant shall file an amendment to the approved traffic report describing the impacts of any proposed changes.
28. Prior to precise grading plan approval, the Applicant shall provide a Pedestrian Accessibility Route Plan that labels and indicates the path location and conceptual design of the following structures and facilities:

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- A. Sidewalks and walks (public right of way sidewalk, walks within the development.
- B. Directional curb ramps.
- C. Vehicular crossings (at driveways) shall meet state and federal requirements.

The Pedestrian Accessibility Route Plan shall clearly indicate structures that are proposed with the development and future per other phases and/or site plans. Pedestrian facilities (privately or publicly owned) that are open to the public shall comply with accessibility standards in the California Building Code (current) and Americans with Disability Act (ADA) regulations.

- 29. Public improvements, constructed as part of the requirements for this project, that are non-compliant with the accessibility standards in effect at the time of construction or alteration, shall be brought up to current accessibility standards. This work shall be incorporated into the scope of this project and shall be completed prior to acceptance by the City. Improvements that are compliant with the accessibility standards in effect at the time of construction, shall be documented on a separate construction plan with detailed specifications (running and cross slopes of all pedestrian walking surfaces, locations and dimensions and slopes of maneuvering spaces and landings, width of sidewalk, width, and vertical clearance from obstructions). The accessibility of existing improvements will be verified by City inspection staff upon completion of the project. Discrepancies between documented existing conditions and existing conditions as measured by City staff shall be remedied and brought up to accessibility standards as part of the Project.
- 30. Prior to 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.
- 31. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or 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.
- 32. Pad elevations, as shown on the conceptual exhibit, are subject to review and modification per Chapter 27 of the PDMC.
- 33. Prior to approval of the grading plan, the Applicant shall prepare a detailed final flood hazard/hydrology and hydraulics report for approval of the City Engineer. The report shall encompass the entire area of the subdivision and comply with all relevant laws, rules, and regulations governing the City of Palm Desert. Development specific recommendations for sizing of drainage facilities, systems, and conveyance systems shall be included for all areas within the subdivision.
- 34. All drainage and storm drain improvements shall be designed per PDMC Title 24, Riverside County Flood Control and Water Conservation District's standards for the Drainage Element of the Palm Desert General Plan, and all other relevant laws, rules, and

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regulations governing grading in the City of Palm Desert.

35. 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. More detailed information regarding this General Permit, applicable fee information and the necessary forms to complete the NOI are available by calling (916) 341-5537 or on the SWRCB web site at: Construction Stormwater General Permits | California State Water Resources Control Board. https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html
36. 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.
37. Prior to issuance of grading permit, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval of the Land Development department.
38. Where grading involves import or export, the Applicant shall obtain permits from the Public Works Department, including import/export quantities and hauling route.
39. Prior to grading permit, it shall be the sole responsibility of the Applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading shown on the grading plan exhibit. Proof shall be provided to the Land Development Division prior to issuance of grading permit.
40. It is assumed that the grading and the provisions for water quality management shown on the conceptual grading exhibit can comply with all requirements for a Final Water Quality Management Plan (F-WQMP), without substantial change from that shown. Prior to approval of the grading plan for each Precise Plan Landowner shall prepare, or cause to be prepared, a Final WQMP in conformance with the requirements of the Riverside County Flood Control and Water Conservation District (RCFC&WCD) Whitewater River Watershed area for approval of the City Engineer.
41. All post-construction BMPs shall be designed based on the City of Palm Desert's maximum infiltration criteria of one (1) inch/hour.
42. 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 provide for the maintenance and operation of open space areas, common spaces such as parking lot and recreational facilities, trash disposal for common areas, and water quality BMP facilities, by either the property owners' association or the owners of each individual lot or unit as tenants in common.
43. The Applicant's Civil Engineer shall field verify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP. BMPs shall be inspected and signed-off by the City Public Works/CIP inspector. Coordinate inspection with staff and submit a completed verification form for review and approval. This condition will be at the

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discretion of the City Engineer.

44. Prior to the issuance of grading permit and in compliance with the City of PDMC Chapter 27.24, the Applicant shall enter into an agreement and post financial security guarantee for all grading work related to this Project.
45. Prior to the issuance of grading permit for each Precise Plan, the Applicant shall submit for review and approval of the City Engineer a final Geotechnical Report that includes project specific recommendations.
46. Prior to the start of grading activities, the Applicant shall install all erosion and dust control mechanisms for the site as approved by the City.
47. Upon completion of grading of each Precise Plan, the Project's Geotechnical Engineer shall certify to the completion of grading in conformance with the approved grading plans and the recommendations of the geotechnical report approved for this Project. A licensed land surveyor shall certify to the completion of grading in conformance with the lines and grades shown on the approved grading plans.
48. Prior to map recordation, the Applicant shall submit improvement plans for all public streets and improvements.
 - A. Dedication of street on the final map shall be for public right-of-way purposes inclusive of street, drainage, and utility installation.
 - B. The following streets have been identified as future public streets during the review process and are identified in the referenced tentative map exhibit: Portion/Extension of Julie Drive, Street "A", Street "B", Street "C", Street "D", Street "E", Street "F", Street "G", Street "H", Street "I", Street "J", Street "K", Street "L", Street "M", Street "N", Street "O", Street "P", Street "Q", and Street "R".
49. Final map shall show, as part of the Owner's Statement, retention of open space lots identified in the referenced tentative map exhibit. The following lots were identified as to be retained by ownership: Lot A through Lot O inclusive.
 - A. Any changes to the ownership of the lots will require approval by the City Engineer and the Director of Public Works.
 - B. Maintenance responsibilities for private common spaces and lots retained on the map shall be clearly detailed on the CC&Rs for the subdivision.
50. Final map shall show corner cutback dedication at all corner lots and public street intersections. Dedication at corner lots shall be adequate to accommodate all public infrastructure within the public street, including ADA compliant curb ramps.
51. Prior to the map recordation, the Applicant shall provide full-scale signing and striping improvement plans for all public streets as a separate set of plans from street improvement plans for review and approval by the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, roundabout(s), travel lanes, pavement markings, turning arrows, etc.

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52. Prior to final map approval, the Applicant shall pay a fair share contribution equivalent to 42.9% of the design and construction cost for the signalization of Gerald Ford Drive and Rembrandt Way/Vitalia Way intersection.
53. The final map may not be approved until the required improvements, as identified on these Conditions of Approval, have been satisfactorily constructed and approved by the City Engineer; or until an adequate security has been posted with the City, in accordance with PDMC Title 26. If construction is not completed prior to map recordation, the Applicant shall enter into a subdivision improvement agreement and post financial securities with the City for the required public improvements prior to map approval. The form and amount of the financial security shall be reviewed and approved by the City and be in compliance with PDMC Sections 26.28.030 and 26.28.040.
54. Prior to map recordation, unless corresponding securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of improvements on Gerald Ford Drive in compliance with the Refuge Specific Plan. Improvements generally include, but not limited to:
 - A. If not in place or constructed by others prior to the proposed map recordation: Street improvements, including meandering sidewalk, curb and gutter, and landscape and irrigation improvements along the Refuge Specific Plan boundary and transitioning to existing improvements to the east and west of the site.
 - B. A Class II bicycle lane in accordance with Coachella Valley Association of Governments Active Transportation Planning (CVAG ATP) Design Guidelines Section 5.3.
 - C. Improvements identified in these Conditions of Approval for public streets.
 - D. The Applicant shall show, as reference only, all existing and proposed utility connections. Utility plans shall be processed and approved by CVWD.
55. Prior to map recordation, unless securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of Gerald Ford Drive/Rembrandt Parkway intersection improvements in compliance with the traffic report prepared for Refuge Specific Plan and approved by the City. Improvements generally include, but are not limited to:
 - A. ADA compliant curb ramps.
 - B. Installation of intersection improvements to provide:
 - i. Northbound: one LT/TH lane, one (125 ft) RT lane
 - ii. Southbound: one shared LT/TH/RT lane
 - iii. Eastbound: one LT lane, two TH lanes, one (150 ft) RT lane
 - iv. Westbound: one (150 ft) LT lane, three TH lanes, one RT lane
 - v. Signalized intersection
 - C. Applicant to pay for full cost of intersection and roadway improvements, excluding traffic signal.
 - D. In addition, Applicant shall contribute a 42.9% of the total design and construction cost for intersection signalization and improvements. The amount shall be per the City's approved cost estimate and a form approved by the City Engineer.
 - E. Design for traffic signal shall consider interconnect to adjacent signals on Gerald

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Ford Drive at Portola Avenue and at Gateway Drive shall be included as part of the design and construction cost estimates.

56. Prior to map recordation, unless securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of improvements on Street "A" south of Gerald Ford Drive transitioning to proposed Street "A" in compliance with the Refuge Specific Plan and as identified in the traffic study. Improvements generally include but are not limited to:

- A. ADA compliant curb ramps at driveway crossings.
- B. Widening of Street "A" to a 44-foot roadway, north of the subdivision boundary to Gerald Ford Drive, providing landscape and sidewalk along both sides of the street. Street section shall provide for 44-foot roadway with the following geometries:
 - i. Northbound: one lane
 - ii. Southbound: one lane
- C. In addition, the design shall include shared bicycle and golf cart lanes between Gerald Ford Drive and the extension of Julie Lane.

57. Prior to map recordation, unless securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of Street "A"/Julie Lane intersection improvements in compliance with the Specific Plan Traffic Report recommendations.

- A. Applicant will be responsible for providing adequate right-of-way on the final map to accommodate all public infrastructure within the public right-of-way. Applicant will be the sole responsible party for any right-of-way acquisition, if any, that may be required in order to satisfy this Condition of Approval.
- B. Install intersection improvements:
 - i. Roundabout per California Highway Design Manual (CA HDM) and Federal Highway Administration (FHWA) guidelines, including enhanced central island and accessible pedestrian crossing.
 - ii. Modify existing westerly terminus of Julie Lane to join with required roundabout improvements.
 - iii. Sidewalk facilities shall be provided surrounding the roundabout.
 - iv. Landscape improvements within public right-of-way will be required surrounding the roundabout.

58. Prior to map recordation, unless securities are posted per Condition No. 53 or the improvements are found by the City Engineer to no longer be required, the Applicant is responsible for the construction and installation of Julie Lane/Portola Road intersection improvements in compliance with the Specific Plan traffic report recommendations.

- A. Install geometries to provide:
 - i. Northbound: one LT, three TH lanes, one RT lane
 - ii. Southbound: one LT, two TH lanes, one shared TH/RT lane
 - iii. Eastbound: one LT lane, one shared TH/RT
 - iv. Westbound: one LT lane, one TH lane, one RT lane

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59. Prior to map recordation, unless securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of improvements of Street "B", the westerly extension of existing Julie Lane. Improvements shall be provided on both sides of the street and generally include, but not limited to: curb and gutter, landscape and irrigation improvements, landscape buffered sidewalks along roadways.
- A. Proposed Street "B" shall extend and connect to proposed Street "F" as generally shown on the tentative map exhibit. Connection and roadway alignment shall be reviewed and approved by the City Engineer.
 - B. All signing and striping shall follow California MUTCD standards.
 - C. Proposed Street "B" and future condominium development parcel intersection shall be designed to include a mini roundabout per CA HDM and FHWA guidelines or as a three-legged intersection (T-intersection). Final design shall be reviewed and approved by the City Engineer.
60. Prior to map recordation, unless securities are posted per Condition No. 53, the Applicant is responsible for the construction and installation of improvements on proposed local streets. Improvements shall be provided on both sides of the streets unless otherwise specified on these conditions of approval and generally include, but not limited to: curb and gutter, and landscape and irrigation improvements, and landscape buffered sidewalks along roadways.
- A. All signing and striping shall follow California MUTCD standards and be submitted as a separate set of plans for review and approval of the City Engineer.
 - B. Parking along 36-foot-wide interior streets shall be limited to one side of the street only.
 - C. Horizontal curves shall be designed per Highway Design Manual and shall provide adequate roadway expansion (widening) to safe vehicle circulation and movements.
 - D. Street design shall incorporate a roundabout per CA HDM and FHWA guidelines at the intersection of proposed Street "C" and Street "G".
 - E. Streets design shall incorporate mini roundabouts per CA HDM and FHWA guidelines at the intersection of proposed Street "G" and Street "J," as generally shown on the referenced tentative map exhibit. Final design shall be reviewed and approved by the City Engineer.
61. Prior to issuance of encroachment permit for public improvements and/or map recordation, whichever comes first, the Applicant shall enter into an agreement and post financial security guarantee for the construction of all off-site/public improvements in accordance with Chapter 27.24 of the PDMC. The form and amount of the financial security shall be reviewed and approved by the City Engineer. The Applicant shall guarantee all improvements for a period of one (1) year from the date of final acceptance and the improvement guarantee shall be backed by a bond or cash deposit in the amount of ten percent of the surety posted for the improvements.
62. Prior to the map recordation, the Applicant shall submit grading and improvement plans for all private improvements and common areas for review and approval of the City Engineer.

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- A. Signing and striping shall be part of the plans and shall include stop signs and stop bars for vehicles exiting the amenities area parking lot.
- 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.

63. Prior to approval of the improvement plans, the Applicant shall provide a full-scale signing and striping improvement plan for all public streets as a separate set of plans from street improvement plans for review and approval of the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, median break(s), travel lanes, pavement markings, turning arrows, etc.
64. Prior to a building permit for the first developed phase, proposed Street "A", Julie Lane, and Street "A"/Julie Lane intersection improvements shall be in constructed and accessible. Recommendations of the traffic report may be phased as approved by the City Engineer, but in no case shall defer installation or payment of fair share for traffic signal at Gerald Ford beyond the first developed phase.
65. Prior to a building final inspection, the Applicant is responsible for the completion of construction of all grading and improvements for which plans are required.
66. Prior to final building permit inspection or certificate of occupancy, the Applicant is responsible for the completion of all public improvements within the corresponding development phase.
67. Prior to City acceptance of all public streets, the Applicant shall have completed all building and construction activities related to each construction phase. Street capping shall be performed after the last Certificate of Occupancy is released.
68. Prior to bond release, punch list work for improvements and capping of streets for each construction phase shall be completed and approved for acceptance by the City Engineer.

FIRE DEPARTMENT:

69. Fire Hydrants and Fire Flow: The water system shall be capable of delivering the required fire flow. Prior to PP (plot plan) approval, information shall be provided to the Office of the Fire Marshal regarding the building's occupancy type, construction type, building area, and whether the buildings will be protected with fire sprinklers.
70. Fire Department Access: Access roads shall extend to within 150 feet of all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. Fire access driveways with a dead-end exceeding 150 feet in length shall be provided with an approved space to turn around the fire apparatus. The access roads shall be capable of sustaining 60,000 lbs. over two axles and 75,000 lbs over three axles in all-weather conditions. Approved vehicle access, either permanent or temporary, shall be provided during construction. CFC 503.1.1, 3310.1 and 503.2.1

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71. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1.
72. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction.
73. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Palm Desert.
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 approval prior to installation. Ref. CRC 313.2.
75. Knox Box and Gate Access: Buildings shall be provided with a Knox Box installed in an accessible location approved by the Office of the Fire Marshal. Manual gates shall be equipped with approved Knox equipment. Electric gates shall be provided with Knox key switches. Electric gate operators shall also be connected to a remote signal receiver compatible for use with the preemption devices on the Riverside County fire apparatus. The gate shall automatically open upon receiving a remote signal from the fire apparatus. Ref. CFC 506.1.
76. Addressing: All residential dwellings and commercial buildings shall display street numbers in a prominent location on the street side of the premises and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
77. The proposed Project may have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic, and population. The Project proponents/developers will be expected to provide for a proportional mitigation of these impacts via capital improvements and/or impact fees.

EXHIBIT B

APPROVED PAD ELEVATIONS FOR LOTS 1-46

Lot Number	Approved Pad Elevation (NAVD 88)
1	294.4
2	294.2
3	293.9
4	293.7
5	293.4
6	294.0
7	293.8
8	293.6
9	294.1
10	294.3
11	294.5
12	294.8
13	295.0
14	295.3
15	295.5
16	295.8
17	296.0
18	296.2
19	296.5
20	297.0
21	297.2
22	297.5
23	297.7
24	297.9

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25	298.2
26	298.4
27	298.7
28	298.9
29	299.1
30	299.3
31	299.7
32	299.9
33	300.1
34	300.4
35	300.6
36	300.8
37	301.1
38	301.5
39	301.8
40	302.0
41	302.3
42	302.5
43	302.7
44	303.0
45	303.2
46	304.0

END OF CONDITIONS OF APPROVAL

RESOLUTION NO. 2022-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP (TTM) SUBDIVIDING A 93.56-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF GERALD FORD DRIVE AND REMBRANDT PARKWAY
CASE NO. TTM 38434

WHEREAS, Refuge Palm Desert LLC (“Applicant”), submitted a TTM application within the Refuge Specific Plan (“Specific Plan”) to subdivide 93.56 acres into individual parcels including one lot for condominium purposes, 339 single-family residential lots, and lots for public streets, private streets, and open space areas (“Project”); and

WHEREAS, the Project site has a land use designation of Town Center Neighborhood (TCN) in the General Plan adopted November 10, 2016, and zoning designation of Refuge Specific Plan adopted on November 17, 2022; and

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

WHEREAS, in accordance with State CEQA Guidelines Section 15063, the City conducted an Initial Study to determine if the Project may have a significant effect on the environment; and

WHEREAS, pursuant to the requirements of the CEQA, the State Guidelines for Implementation of CEQA (State CEQA Guidelines) and a Mitigated Negative Declaration (MND), SCH# 2022100013 (EA 22-0001), and an accompanying Mitigation Monitoring and Reporting Program (MMRP), were prepared for the Project; and

WHEREAS, the Project is consistent with the development density and use characteristics considered by the General Plan EIR, Refuge Specific Plan Mitigated and the TCN land use designation; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 18th day of October 2022, hold a duly noticed public hearing to consider the request by the Applicant and adopted Planning Commission Resolution No. 2821 recommending that the City Council approve the above-noted Project subject to findings and conditions of approval; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the City Council of the City of Palm Desert, did on the 17th day of November 2022, hold a duly noticed public hearing, the City Council opened the public hearing, the City Council considered the request by the Applicant for the development of the Tentative Tract Map; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PALM DESERT, CALIFORNIA, AS FOLLOWS:

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

SECTION 2. Findings on Tentative Tract Map. Under PDMC Section 26.20.100(C), the findings for the tentative map are the following:

1. That the density of the proposed subdivision is not consistent with applicable general and specific plans.

The map has been found to be consistent with the density, lot development standards, and land uses of the Specific Plan and the General Plan Land Use Designation for Town Center Neighborhood. The TTM creates 339 single-family residential lots within Planning Areas 2 and Planning Area 3. The number of lots is consistent with the minimum allowable density for the Specific Plan. All comply with the minimum requirements for lot sizes and dimensions established by the Specific Plan. The TTM provides for a circulation of public streets and private streets, which is consistent with the requirements of the Specific Plan. The tract provides for a distribution of open space and private amenity areas, which is consistent with the Specific Plan.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvement of the subdivision is consistent with the applicable Specific Plan requirements for lot standards, the circulation, and distribution of land uses. The dedications for public right-of-way are consistent with the applicable circulation elements of the Specific Plan.

3. That the site is not physically suitable for the type of development.

The site is physically suitable for the mix of single-family and multi-family housing development. The site has suitable access, grading, drainage, and zoning to allow the development.

4. That the site is not physically suitable for the proposed density of development.

The site is physically suitable for the density of development. The allowable density for the site has been evaluated by the General Plan. The Applicant has prepared the appropriate technical studies to assess that the site is physically suitable to develop. The MND for the Specific Plan identify required mitigation.

5. That the design of the subdivision or the improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The design of the subdivision and improvements will not cause damage or substantially injure wildlife habitat. The subject property is in an urbanized area of Palm Desert and is adjacent to major roadways, including Gerald Ford Drive. The site is vacant and surrounded by residential development to the east and south and commercial development to the west. A biological assessment of the site was prepared for the Specific Plan and did not identify suitable habitats for wildlife that could be damaged or affected as a result of the development of the Project. Ground-disturbing activities for the development of the Project shall comply with the Migratory Bird Treaty Act, as well as preparation of a burrowing owl survey prior to ground-disturbing activities, and prior to the removal of vegetation or tree removal shall ensure no habitat is damaged.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

The design of the subdivision is not likely to cause serious health problems. The Project is not located within a hazardous area that would be subject to flooding, liquefaction, landslide, fault zones, or other natural hazards. The Project does not generate adverse effects that would cause public health problems. Ground-disturbing activities are conditioned to prepare plans to control fugitive dust. The access locations to the subdivision have been evaluated in accordance with the Specific Plan and will not adversely affect public health.

SECTION 3. Project Approval. The City Council hereby approves TTM 38434 to the subject to the findings and Conditions of Approval.

SECTION 4. 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. Anthony J. Mejia, MMC, the City Clerk of the City of Palm Desert is the custodian of the record of proceedings.

SECTION 5. Execution of Resolution. The Mayor signs this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

ADOPTED ON NOVEMBER 17, 2022.



JAN C. HARNIK
MAYOR

ATTEST:



ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, MMC, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2022-94 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on November 17, 2022, by the following vote:

AYES: JONATHAN, KELLY, NESTANDE, QUINTANILLA, AND HARNIK
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on Nov 28, 2022.


Anthony Mejia Nov 28, 2022 09:28 PST

ANTHONY J. MEJIA
CITY CLERK

**EXHIBIT A
CONDITIONS OF APPROVAL
CASE NO. TTM 38434**

PLANNING DIVISION:

1. The development of the property shall conform substantially with exhibits on file with the Development Services Department, as modified by the following conditions.
2. 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 or not to defend such action. 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 in order 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 in order 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.
3. 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.
4. The TTM shall expire if recordation of the said Project is not completed within two (2) years 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.
5. The approved TTM shall only be modified with written City approval in accordance with the requirements of the Specific Plan and Chapter 26.20 of the PDMC.

6. 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.
7. 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. 2821 for TTM 38434, and that the plans submitted are in compliance with the Conditions of Approval. No modifications shall be made to said plans without written approval from the appropriate decision-making body.
8. Prior to issuance of a building permit for 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)
Public Works Department
Fire Department
Building and Safety Division

Evidence 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.

9. The Applicant shall establish a homeowners' association (HOA). The HOA's responsibility for maintenance shall include but is not limited to maintenance of private amenity areas and open space, landscaping, stormwater retention, and related infrastructure. The final maintenance plan shall include detailed text and illustrative diagrams indicating areas of responsibility for maintenance and shall be subject to approval by the Director of Development Services and City Engineer.
10. Prior to the recordation of the final map, the Applicant shall submit a final phasing plan, which identifies the timing of roadway improvements and open space.
 - A. The phasing plan shall indicate that full segments Planning Area 5, shown as Lot "D" shall be completed and fully landscaped prior to the occupancy of any adjacent homes on Lots 1 through 46.
 - B. The central amenity area shown on Lot Q shall be completed prior to the occupancy of the 200th unit within Planning Area 3.
11. The pad elevations of all lots shall be consistent with the approved preliminary grading plan included with the project file. Adjustments which increase or decrease the pad elevation by six inches (0'-6") or less shall be subject to review and approval by the Director of Development Services and City Engineer.
 - A. Adjustments which increase the pad elevations by more than six (6) inches shall require approval by the Planning Commission.

12. The Applicant shall construct the circulation network for Street "A" and Street "B" as shown on the approved Specific Plan, prior to development within Planning Areas 2 and/or Planning Area 3.
13. All mitigation measures identified in the Specific Plan Mitigated Negative Declaration (SCH# 2022100013) and the accompanying Mitigation Monitoring and Reporting Program (MMRP), shall be incorporated into the planning, design, development, and operation of the Project.
14. At recordation of the final map, the applicant shall record an easement for a secondary Fire Department emergency access across Lot 340, which provides a connection between Street "A" and Street "B.". At the recordation of the condominium map on Lot 340, or time of filing of the condominium plan on Lot 340, or development for Lot 340, the easement shall be modified to provide secondary Fire Department emergency access across the parcel utilizing fire lanes within Lot 340.

LAND DEVELOPMENT DIVISION/PUBLIC WORKS DEPARTMENT:

15. The following plans, studies, and exhibits are hereby referenced: Specific Plan, prepared by MSA Consulting and dated August 2022; TTM 38434 and dated August 22, 2022; Preliminary Grading, prepared by MSA Consulting, Inc. and dated August 17, 2022; Preliminary Utility Plan, prepared by MSA Consulting, Inc. and dated June 2022; Preliminary Hydrology Report, prepared by MSA Consulting, Inc. and dated August 18, 2022; and Preliminary Water Quality Management Plan, prepared by MSA Consulting, Inc. and dated August 19, 2022.
16. The map shall comply with the State of California Subdivision Map Act and with the City of PDMC Title 26, unless otherwise modified by the conditions listed herein.
17. 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.
18. It is understood that the conceptual exhibits correctly show acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Qs, and that the omission or unacceptability may require that the Applicant amend or revise the site plan as may be.
19. All private streets and common areas will be permitted as shown on the tentative exhibit, subject to these Conditions of Approval and the Applicant providing adequate provisions, by means of a homeowners' association (HOA) or another equivalent responsible

- mechanism as approved by the City Engineer and City Attorney, for the continued and perpetual maintenance of these streets, common areas, and on-site post-construction Best Management Practices (BMPs) to the satisfaction of the City Engineer and City Attorney.
20. The Applicant shall pay all, appropriate signalization fee prior to the issuance of the first building permit for the development in accordance with the City's Resolution No. 79-17 and 79-55.
 21. The Applicant may choose to develop the tentative map in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utility, street, or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Applicant submitting a Phasing Plan to the California Bureau of Real Estate.
 22. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
 23. Prior to map approval, the Applicant shall pay all, appropriate drainage fee in accordance with the City's Municipal Code Section 26.49 and Palm Desert Ordinance No. 653.
 24. Prior to map approval, the Applicant shall pay all appropriate park fees in accordance with the City's Municipal Code Section 26.48.060.
 25. The Applicant shall comply with Palm Desert Ordinance No. 843, Section 24.20 Stormwater Management and Discharge Ordinance.
 26. All utility extensions within the site shall be placed underground unless otherwise specified or allowed by the respective utility purveyor.
 27. Prior to approval of any implementing development project, planning area, parcel/tract map within the Specific Plan area, a development specific traffic letter shall be submitted to the City. The letter shall address consistency with the approved Specific Plan Traffic Impact Analysis assumptions. If it is determined that the proposed development is inconsistent with the approved report, the Applicant shall file an amendment to the approved traffic report describing the impacts of any proposed changes.
 28. Prior to 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.

29. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or 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.
30. Pad elevations, as shown on the conceptual exhibit, are subject to review and modification per Chapter 27 of the PDMC.
31. Prior to approval of the grading plan, the Applicant shall prepare a detailed final flood hazard/hydrology and hydraulics report for approval of the City Engineer. The report shall encompass the entire area of the subdivision and comply with all relevant laws, rules, and regulations governing the City of Palm Desert. Development specific recommendations for sizing of drainage facilities, systems, and conveyance systems shall be included for the proposed development of Planning Areas (PA) 3, 4, and 5.
32. All drainage and storm drain improvements shall be designed per PDMC Title 24, Riverside County Flood Control and Water Conservation District's standards for 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.
33. 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.
34. 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.
35. Prior to issuance of grading permit, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval of the Land Development department.
36. Where grading involves import or export, the Applicant shall obtain permits from the Public Works Department, including import/export quantities and hauling route.
37. Prior to grading permit, it shall be the sole responsibility of the Applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading shown on the grading plan exhibit. Proof shall be provided to the Land Development Division prior to issuance of grading permit.
38. It is assumed that the grading and the provisions for water quality management shown on the conceptual grading exhibit can comply with all requirements for a Final Water Quality Management Plan (F-WQMP), without substantial change from that shown. Prior to approval of the grading plan for each Precise Plan Landowner shall prepare, or cause to be prepared, a Final WQMP in conformance with the requirements of the Riverside County Flood Control and Water Conservation District (RCFC&WCD) Whitewater River Watershed area for approval of the City Engineer.

39. All post-construction BMPs shall be designed based on the City of Palm Desert's maximum infiltration criteria of one (1) inch/hour, unless validated for a greater amount by a percolation test and approved by the City Engineer.
40. 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 provide for the maintenance and operation of open space areas, common spaces such as parking lot and recreational facilities, trash disposal for common areas, and water quality BMP facilities, by either the property owners' association or the owners of each individual lot or unit as tenants in common.
41. Prior to issuance of grading permit and in compliance with the City of PDMC Chapter 27.24, the Applicant shall enter into an agreement and post financial security guarantee for all grading work related to this Project.
42. Prior to issuance of grading permit for each Precise Plan, the Applicant shall submit for review and approval of the City Engineer a final Geotechnical Report that includes project specific recommendations.
43. Prior to the start of grading activities, the Applicant shall install all erosion and dust control mechanisms for the site as approved by the City.
44. Upon completion of grading of each Precise Plan, the Project's Geotechnical Engineer shall certify to the completion of grading in conformance with the approved grading plans and the recommendations of the geotechnical report approved for this Project. A licensed land surveyor shall certify to the completion of grading in conformance with the lines and grades shown on the approved grading plans.
45. Prior to map recordation, the Applicant shall submit improvement plans for all public streets and improvements. The following streets have been identified as future public streets during the review process: Street "A," Street "B," Street "C," Street "D," Street "E," Street "F," Street "G," Street "H," Street "I," Street "J," Street "K," Street "L," and Street "M." All streets identified as alleys on the tentative exhibit shall be private.
46. Final map shall show corner cutback dedication at all corner lots and public street intersections. Dedication at corner lots shall be adequate to accommodate all public infrastructure within the public street, including ADA compliant curb ramps.
47. Prior to the map recordation, the Applicant shall provide full-scale signing and striping improvement plans for all public streets as a separate set of plans from street improvement plans for review and approval by the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, roundabout(s), travel lanes, pavement markings, turning arrows, etc.
48. Prior to final map approval, the Applicant shall pay a fair share contribution equivalent to 42.9% of the design and construction cost for the signalization of Gerald Ford Drive and Rembrandt Way/Vitalia Way/Street "A" intersection.

49. The final map may not be approved until the required improvements, as identified on these Conditions of Approval, have been satisfactorily constructed and approved by the City Engineer; or until an adequate security has been posted with the City, in accordance with PDMC Title 26. If construction is not completed prior to map recordation, the Applicant shall enter into a subdivision improvement agreement and post financial securities with the City for the required public improvements prior to map approval. The form and amount of the financial security shall be reviewed and approved by the City and be in compliance with PDMC Sections 26.28.030 and 26.28.040.
50. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of improvements on Gerald Ford Drive in compliance with the Specific Plan. Improvements generally include, but not limited to: Street improvements, including meandering sidewalk, curb and gutter, and landscape and irrigation improvements along the Specific Plan boundary and transitioning to existing improvements to the east and west of the site.
- A. A Class II bicycle lane in accordance with Coachella Valley Association of Governments Active Transportation Planning (CVAG ATP) Design Guidelines Section 5.3.
 - B. Geometries and improvements identified in Condition No. 51 of these Conditions of Approval.
 - C. The Applicant shall show, as reference only, all existing and proposed utility connections. Utility plans shall be processed and approved by CVWD.
51. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of Gerald Ford Drive/Vitalia Way intersection improvements in compliance with the Specific Plan. Improvements generally include, but are not limited to:
- A. ADA compliant curb ramps.
 - B. Install geometries to provide:
 - 1. Northbound: one LT/TH lane, one (125 ft) RT lane
 - 2. Southbound: one shared LT/TH/RT lane
 - 3. Eastbound: one LT lane, two TH lanes, one (150 ft) RT lane
 - 4. Westbound: one (150 ft) LT lane, three TH lanes, one RT lane
 - C. Applicant to pay for full cost of intersection and roadway improvements, excluding traffic signal.
 - D. In addition, Applicant shall contribute a 42.9% of the total design and construction cost for intersection signalization and improvements. The amount shall be per the City's approved cost estimate and a form approved by the City Engineer.
 - E. Design for traffic signal shall consider interconnect to adjacent signals on Gerald Ford Drive at Portola Avenue and at Gateway Drive shall be included as part of the design and construction cost estimates.

52. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of improvements on Vitalia Way south of Gerald Ford Drive transitioning to proposed Street "A" in compliance with the Specific Plan. Improvements generally include but are not limited to:
- A. ADA compliant curb ramps at driveway crossings and PA 1 of Specific Plan access points.
 - B. Widening of Street "A" to a 44-foot roadway, providing landscape and sidewalk along both sides of the street.
 - C. Install/modify street section to provide for 44-foot roadway with the following geometries:
 1. Northbound: one lane
 2. Southbound: one lane
 - D. In addition, the design shall include shared bicycle and golf cart lanes between Gerald Ford Drive and the Project's southerly boundary.
53. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of Street "A"/Julie Drive intersection improvements in compliance with the Specific Plan Traffic Report recommendations.
- A. Applicant will be responsible for providing adequate right-of-way on the final map to accommodate all public infrastructure within the public right-of-way. Applicant will be the sole responsible party for any right-of-way acquisition, if any, that may be required in order to satisfy this Condition of Approval.
 - B. Install intersection improvements:
 1. Roundabout per Federal Highway Administration (FHWA) guidelines, including enhanced central island and accessible pedestrian crossing.
 2. Modify existing westerly terminus of Julie Drive to join with required roundabout improvements.
 3. Sidewalk facilities shall be provided surrounding the roundabout.
 4. Landscape improvements within public right-of-way will not be required along the south side of the circulatory roadway.
54. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of Julie Drive/Portola Road intersection improvements in compliance with the Specific Plan traffic report recommendations.
- A. Install geometries to provide:
 1. Northbound: one LT, three TH lanes, one RT lane
 2. Southbound: one LT, two TH lanes, one shared TH/RT lane
 3. Eastbound: one LT lane, one shared TH/RT
 4. Westbound: one LT lane, one TH lane, one RT lane

55. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of improvements on interior public streets. Improvements generally include, but not limited to: Street improvements shall be provided on both sides of the streets unless otherwise specified on these Conditions of Approval. Improvements shall include curb and gutter, and landscape and irrigation improvements, and landscape buffered sidewalks along roadways.
 - A. All signing and striping within public streets shall follow MUTCD standards.
 - B. Street "C" west of Lot "Q" between Street "J" and Street "I" shall be a one-way street with northbound direction. Parallel parking will be allowed along the westerly side of the road.
 - C. Street "C" east of Lot "Q" between Street "J" and Street "I" shall be a one-way street with southbound direction. Parallel parking will be allowed along the easterly side of the road.
56. Prior to map recordation, unless securities are posted per Condition No. 49, the Applicant is responsible for the construction and installation of proposed Street "B" and proposed Street "C" intersection improvements in compliance with the Specific Plan Traffic Report recommendations.
 - A. Applicant shall provide roundabout per Federal Highway Administration (FHWA) guidelines, including enhanced central island and accessible pedestrian crossing.
 - B. Applicant is responsible for design and construction of all improvements at this intersection.
57. Prior to issuance of encroachment permit for public improvements and/or map recordation, whichever comes first, the Applicant shall enter into an agreement and post financial security guarantee for the construction of all off-site/public improvements in accordance with Chapter 27.24 of the PDMC. The form and amount of the financial security shall be reviewed and approved by the City Engineer. The Applicant shall guarantee all improvements for a period of one (1) year from the date of final acceptance and the improvement guarantee shall be backed by a bond or cash deposit in the amount of ten percent of the surety posted for the improvements.
58. Prior to the map recordation, the Applicant shall submit grading and improvement plans for all private improvements and common areas for review and approval of the City Engineer.
 - A. Signing and striping shall be part of the plans and shall include stop signs and stop bars for vehicles exiting the amenities area parking lot.
 - 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.
59. Prior to map recordation, the Applicant shall enter into an agreement with the City for the reimbursement of 42.9% of the design and construction costs associated with the design

and signalization of Gerald Ford Drive and Rembrandt Way/Vitalia Way intersection. The form shall be approved by the City Attorney and the City Engineer.

60. Prior to approval of the improvement plans, the Applicant shall provide a full-scale signing and striping improvement plan for Gerald Ford Drive, Street "A," and Julie Drive as a separate set of plans from street improvement plans for review and approval of the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, median break(s), travel lanes, pavement markings, turning arrows, etc.
61. Prior to a building permit for the first developed phase, proposed Street "A" and Street "B" shall be in constructed and accessible. Recommendations of the traffic report may be phased as approved by the City Engineer, but in no case shall defer installation or payment of fair share for traffic signal at Gerald Ford beyond the first developed phase.
62. Prior to a building final inspection, the Applicant is responsible for the completion of construction of all grading and improvements for which plans are required.
63. Prior to final building permit inspection or certificate of occupancy, the Applicant is responsible for the completion of all public improvements within the corresponding development phase.
64. Prior to City acceptance of all public streets, the Applicant shall have completed all building and construction activities related to each construction phase. Street capping shall be performed after the last Certificate of Occupancy is released.
65. Prior to bond release, punch list work for improvements and capping of streets for each construction phase shall be completed and approved for acceptance by the City Engineer.

FIRE DEPARTMENT:

66. Fire Hydrants and Fire Flow: The water system shall be capable of delivering the required fire flow. Prior to precise plan (plot plan) approval, information shall be provided to the Office of the Fire Marshal regarding the building's occupancy type, construction type, building area, and whether the buildings will be protected with fire sprinklers.
67. Fire Department Access: Access roads shall extend to within 150 feet of all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. Fire access driveways with a dead-end exceeding 150 feet in length shall be provided with an approved space to turnaround the fire apparatus. The access roads shall be capable of sustaining 60,000 lbs. over two axels and 75,000 lbs over three axles in all-weather conditions. Approved vehicle access, either permanent or temporary, shall be provided during construction. CFC 503.1.1, 3310.1 and 503.2.1

68. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
69. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction.
70. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Palm Desert.
71. 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 approval prior to installation. Ref. CRC 313.2.
72. Knox Box and Gate Access: Buildings shall be provided with a Knox Box installed in an accessible location approved by the Office of the Fire Marshal. Manual gates shall be equipped with approved Knox equipment. Electric gates shall be provided with Knox key switches. Electric gate operators shall also be connected to a remote signal receiver compatible for use with the preemption devices on the Riverside County fire apparatus. The gate shall automatically open upon receiving a remote signal from the fire apparatus. Ref. CFC 506.1.
73. Addressing: All residential dwellings and commercial buildings shall display street numbers in a prominent location on the street side of the premises and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
74. The proposed project may have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increase presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

END OF CONDITIONS OF APPROVAL









RES 2022-94 Refuge - TTM - Final

Final Audit Report

2022-11-28

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