

PLANNING COMMISSION RESOLUTION NO. 2880

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A SIX MONTH TIME EXTENSION FOR TENTATIVE PARCEL MAP 37234 UNTIL MARCH 14, 2025  
CASE NO. TPM 37234 Extension of Time No. 3

WHEREAS, the City Council of the City of Palm Desert, California, did on the 12<sup>th</sup> day of March 2020, adopt Resolution No. 2020-17, adopting a Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act (CEQA), and approving the MCP Specific Plan and Tentative Parcel Map 37234 (TPM 37234) to subdivide 32 acres located at the southeast corner of Monterey Avenue and Dick Kelly Drive into four (4) parcels; and

WHEREAS, the original resolution for the tentative map established a 24-month life and was set to expire on March 24, 2022; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 19<sup>th</sup> day of April 2022 grant an 18-month time extension of time for TPM 37234 until September 12, 2023; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 18<sup>th</sup> day of July 2023 grant an 12-month time extension of time for TPM 37234 until September 12, 2024; and

WHEREAS, a timely request was filed by Chambers Development, the authorized representative for the property owner, MCL Palm Desert GST, for a six month time extension of TPM 37234; and

WHEREAS, the original findings and Conditions of Approval in the entirety for Planning Case Nos. SP 16-342 and TPM 37234 as stated in City Resolution No. 2020-17 are still applicable to the project and incorporated herein by reference; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 3<sup>rd</sup> day of September 2024, consider the request by the property owner for approval of the above-noted extension of time request; and

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

**PLANNING COMMISSION RESOLUTION NO. 2880**

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. Project Approval. The Planning Commission approves a six month time extension for Planning Case No. TPM 37234 from September 12, 2024, to March 12, 2025, subject to the Conditions of Approval attached hereto as Exhibit "A."

ADOPTED ON September 3, 2024

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RON GREGORY  
CHAIRPERSON

ATTEST:

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RICHARD D. CANNONE, AICP  
SECRETARY

I, Richard D. Cannone, AICP, Secretary of the City of Palm Desert, hereby certify that Resolution No. 2880 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 3, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:

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

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RICHARD D. CANNONE, AICP  
SECRETARY

**PLANNING COMMISSION RESOLUTION NO. 2880**

**EXHIBIT A**

**CONDITIONS OF APPROVAL  
CASE NOS. TPM 37234 EXTENSION OF TIME NO. 3**

**PLANNING DIVISION:**

1. 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. The Developer, at its sole expense, shall defend, indemnify, and hold harmless the City (including its agents, officers, and employees) from any such action, claim, or proceeding with counsel chosen by the City, subject to the Developer's approval of counsel, which shall not be unreasonably denied, and at the Developer's sole expense. If the City is aware of such an action or proceeding, it shall promptly notify the Developer and cooperate in the defense. The Developer, upon such notification, shall deposit with City sufficient funds in the judgment of the City Finance Director to cover the expense of defending such action without any offset or claim against said deposit to assure that the City expends no City funds. If both Parties elect to defend, the Parties hereby agree to affirmatively cooperate in defending said action and to execute a joint defense and confidentiality agreement 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. The 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.
2. The Applicant shall comply with the Conditions of Approval of the previously approved Planning Case No. TPM 37234, per City Council Resolution No. 2020-17, attached hereto as Exhibit "B" in their entirety. The Conditions of Approval are still applicable and valid and are incorporated herein by reference. The tentative map will expire on before March 12, 2025.

**END OF CONDITIONS OF APPROVAL**

EXHIBIT B

CITY OF PALM DESERT



73-510 FRED WARING DRIVE  
PALM DESERT, CALIFORNIA 92260-2578  
TEL: 760 346-0611  
info@cityofpalmdesert.org

April 14, 2020

MC Properties, LLC  
270 North El Camino Real, Suite F397  
Encinitas, California 92024

Dear Sir or Madam:

**Subject: Request for Approval of a Specific Plan and Tentative Parcel Map 37234 to Subdivide 32+ Acres Into Four (4) Planning Areas East of Monterey Avenue, South of Dick Kelly Drive, North of "A" Street, and West of Gateway Drive; and Adoption of a Mitigated Negative Declaration of Environmental Impact in Accordance With the California Environmental Quality Act (CEQA) – Case Nos. SP 16-342 and TPM 37234 (Continued from the meetings of January 23 and February 13, 2020)**

At its regular meeting of March 12, 2020, the Palm Desert City Council considered the subject matter and took the following action:

Waived further reading and adopted Resolution No. 2020-17, approving a Specific Plan document with an amendment that wherever it appears of 60 feet to be 50 feet maximum height for Hotel and Mixed Use, including: 1) Planning Area 4 shall require a minimum of 200 residential units per the Housing Element and the Developer of Planning Area 4 may take advantage of the Housing Overlay District, per Ordinance No. 1353, through a Precise Plan applications; 2) the Specific Plan shall not include any age-restricted housing.

Enclosed for your records is a fully executed copy of Resolution No. 2020-17. If you have any questions or require additional information, please do not hesitate to contact our offices.

Sincerely,

RACHELLE D. KLASSEN, MMC  
CITY CLERK

RDK/mgs

cc/enc: Kevin Swartz, Associate Planner

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

**A RESOLUTION OF THE CITY COUNCIL APPROVING A SPECIFIC PLAN AND TENTATIVE PARCEL MAP 37234 TO SUBDIVIDE 32+ ACRES INTO FOUR (4) PLANNING AREAS BOUNDED BY, EAST OF MONTEREY AVENUE, SOUTH OF DICK KELLY DRIVE, NORTH OF A STREET AND WEST OF GATEWAY DRIVE; AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
CASE NOS: SP 16-342 AND TPM 37234**

**WHEREAS**, the City Council of the City of Palm Desert, California, did on the 12<sup>th</sup> day of March 2020, hold a duly noticed public hearing to consider the request by MC Properties, LLC, for approval of the above-noted with staff's recommendations outlined in the staff report; and

**WHEREAS**, the City Council of the City of Palm Desert, California, did on the 13<sup>th</sup> day of February 2020, hold a duly noticed public hearing to consider the request by MC Properties, LLC, and continued the item; and

**WHEREAS**, the City Council of the City of Palm Desert, California, did on the 23<sup>rd</sup> day of January 2020, hold a duly noticed public hearing to consider the request by MC Properties, LLC, and continued the item; and

**WHEREAS**, the Planning Commission of the City of Palm Desert, California, did on the 18<sup>th</sup> day of September 2018, hold a duly noticed public hearing to consider the request by MC Properties, LLC, for approval of the above-noted with staff's recommendations outlined in the staff report. The Planning Commission were undecided and did not adopt a resolution for either approval or denial; and

**WHEREAS**, said applications have complied with the requirements of the "City of Palm Desert Procedure for Implementation of the California Environmental Quality Act," Resolution No. 2015-75, in that the Director of Community Development has determined that the project will not have a negative impact on the environment and that a Mitigated Negative Declaration can be adopted; and

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

1. The MCP Specific Plan, as proposed is consistent with the goals and policies of the Palm Desert General Plan. The developer of Planning Area 4 may provide additional affordable housing units per the Housing Overlay District (HOD) Ordinance No. 1353 if they choose. The Specific Plan will also provide local employment centers in close proximity to residential land uses, and increase the City's sales tax base.

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

2. The Specific Plan document has been prepared in accordance with State Government Code Section 65450-65457, which sets standards for document content and provides direction for adoption. The plan itself must be consistent with the City's General Plan and must contain statements regarding the relationship of the Specific Plan to the City's General Plan. Statements regarding consistency are provided in the Specific Plan (pages 30-40). Staff supports the Specific Plan document as a means of identifying desirable land uses and development standards for this particular project. As proposed the Specific Plan establishes a distinct project and provides a commitment of what will be built within the project boundaries, commits development of the project to a unifying architectural theme, and provides sufficient flexibility for changes to the project.
3. The MCP Specific Plan will provide land use compatibility within the boundaries of the planning areas and with adjacent properties as the proposed uses and development standards are similar to existing uses to the south, north, and east.
4. The MCP Specific Plan is suitable and appropriate for the property in that the property has been designated for commercial, residential, and mixed-use, and that development will comply with applicable City standards and standards approved as part of the Specific Plan.
5. That the proposed Tentative Parcel Map is not detrimental to the public health, safety or general welfare, or be materially injurious to the surrounding properties or improvements in the City of Palm Desert.
6. The project under the Specific Plan complies with the goals and policies contained in the City's General Plan that promote affordable housing, promote a variety of neighborhoods, and promote a mix of housing choice for current and future residents.

### Findings for Approval:

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

*The current zoning designation for the properties are Planned District Commercial (PC-2) and Planned Residential, 22 units per acre (PR-22), and HOD, and the same zoning will remain in place. Final site design, building design, architecture, and orientation are yet to be proposed, and the applicant will need to submit a Precise Plan (PP) application for staff and Planning Commission review prior to development. The Specific Plan identifies that future projects within Planning Areas 3 and 4 could include a mix of housing densities inclusive of single-family detached/attached homes and multi-family apartment/condominium units with affordable housing components. General Plan Land Goal 3 Neighborhoods proposes that "A variety of housing types, densities, designs and mix of uses and services that support healthy and active lifestyles. Goal 3.1 Complete Neighborhoods contain a diversity of housing types.*

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

*The Specific Plan's mix of high-density residential and commercial development will allow for the development of a non-motorized neighborhood environment, by promoting close proximity between home and potential jobs and shopping opportunities. These uses will be within walking distance of the residential neighborhood. The location of the Specific Plan on Monterey Avenue also allows residents to have easy access to transit, which currently operates on that roadway.*

*In addition, the project site's location allows for easy connections to proposed parks and schools located easterly of the site. The design of the residential component of the project will be governed by PP approvals, allowing the City to implement the requirements of this policy through design consultation and the conditions of approval.*

*The diverse range of housing types within the project area complies with this goal and the mix of densities is consistent with the City General Plan.*

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

*The design and improvements of the parcels and parcel maps have been reviewed by the Planning Department, Fire Department, and Public Works Department for consistency with the General Plan and emergency services. All existing perimeter streets and utility improvements, and circulation pattern are in conformance with the General Plan and minor roadway dedication is needed to complete existing streets. Internal project streets that serve the project and Tentative Parcel Map 37234 will be reviewed under a Precise Plan (PP) application for consistency and conformance with all City standards and are consistent with the General Plan.*

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

*The 32+ acres contained in the MCP Specific Plan is suitable for the development proposed. Environmental, cultural, and other special studies were prepared for lands within the project area. No environmental issues were identified that would indicate that the development in this area would be unsuitable. In addition, existing commercial and residential developments have successfully constructed similar types of development in the immediate vicinity. No obstacles to the development of surrounding subdivisions were experienced and, due to the proximity and similarity of the proposed development, it's reasonable to conclude that the site is physically suitable for it. The property is suitable for the proposed development as conditioned and mitigated as described in the Mitigated Negative Declaration.*

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

*As proposed, the land uses are consistent with surrounding development. The Specific Plan proposes commercial, hotel, and mixed-use developments within the western portion of the project area at heights and intensities similar to*

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

*existing commercial and hotel uses in the vicinity. The Specific Plan also proposes single-family detached/attached homes and multi-family apartment/condominium units within the eastern portion of the project area, which is consistent with surrounding land uses.*

*The proposed project densities are similar to existing multi-family residential development within the northern sphere of the City. The location of the higher density residential uses (Planning Areas 3 and 4) is well suited as they are in close proximity to a future school and existing and future employment opportunities. The infrastructure, soils, and terrain serving the development will adequately support these densities.*

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

*For purposes of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration of Environmental Impact has been prepared. The design of the project will not cause substantial environmental damage or injure fish or wildlife or their habitat since the surrounding area has been developed with similar densities and limited wildlife is present at the site. Environmental studies performed at the site did not identify any endangered or sensitive species. In addition, the project will pay into the Coachella Valley Multi-Species Habitat Conservation fund for the development of raw land.*

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

*The proposed land uses, when developed under a PP, will be in compliance with all grading requirements and the properties will be developed in accordance with the Uniform California Building Code. If any grade changes occur within the Specific Plan, then they will be accommodated by the internal street layout and open space provided throughout the subdivision. Pedestrian access will also be provided to adjoining land uses and surrounding roadways, which decreases the need for vehicular traffic between adjoining properties.*

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*The design of the subdivision is in compliance. Surrounding perimeter City streets are built-out to the General Plan Designation Pedestrian connections will also be provided throughout the project area.*



**PLANNING COMMISSION RESOLUTION NO. 2880**

**RESOLUTION NO. 2020-17**

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

1. That the above recitations are true and correct and constitute the findings of the City Council in this case.
2. That the City Council does hereby recommend approval of SP 16-342 with staff's recommendations and TPM 37234, subject to conditions.


**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Palm Desert, California, at its regular meeting held on the 12<sup>th</sup> day of March 2020, by the following vote, to wit:

**AYES: HARNIK, JONATHAN, KELLY, WEBER, and NESTANDE**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

  
GINA NESTANDE, MAYOR

ATTEST:

  
RACHELLE D. KLASSEN, CITY CLERK  
CITY OF PALM DESERT, CALIFORNIA

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

### CONDITIONS OF APPROVAL CASE NOS. SP 16-342 and TPM 37234

#### DEPARTMENT OF COMMUNITY DEVELOPMENT:

1. The development of the property shall conform substantially with exhibits on file with the Department of Community Development, as modified by the following conditions.
2. The applicant shall record Parcel Map 37234 within two (2) years of project approval unless a time extension is granted; otherwise, said approval shall become null, void and of no effect whatsoever.
3. The development of the property described herein shall be subject to the restrictions and limitations set forth herein to the approved Specific Plan, and state and federal statutes now in force, or which hereafter may be in force.
4. 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

Evidence of said permit or clearance from the above agencies shall be presented to the Department of Building & Safety at the time of issuance of a building permit for the use contemplated herewith.

5. A cultural resources inventory shall be completed by a qualified archeologist prior to any development activities within the project area.
6. Should human remains be discovered during the construction of the proposed project, the project coordinator will be subject to either the state law regarding the discovery and disturbance of human remains or the Tribal burial protocol. In either circumstance, all destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code 7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City and Developer will work with the designated MLD to determine the final disposition of the remains.
7. All sidewalk plans shall be reviewed and approved by the Department of Public Works.
8. Each Planning Area shall be subject to all applicable fees at the time of issuance of building permits for improvements within that Planning Area.
9. The applicant shall provide a pedestrian connection between Planning Areas 1 and 2 and Planning Areas 3 and 4.

# PLANNING COMMISSION RESOLUTION NO. 2880

## RESOLUTION NO. 2020-17

10. Prior to the development and construction of improvements within Planning Areas 1 thru 4, the property owner shall submit a PP application to the City's Community Development Department. Precise Plan applications shall be submitted for the development of a single Planning Area or multiple Planning Areas. The PP application will require public hearings with the City's Planning Commission. All final landscape plans will be submitted to the City's Community Development Department and the CVWD for review and approval.
11. Planning Area 4 will be required to provide a minimum of 200 units per the Housing Element. The developer may apply and utilize the Housing Overlay District per Ordinance No. 1353.
12. The Specific Plan shall not include any age-restricted housing.
13. All Planning Areas shall develop in a manner consistent with the Development Standards contained in the Specific Plan. All other development standards, not addressed in the Specific Plan, shall comply with the Palm Desert Municipal Code (PDMC).
14. The applicant shall pay into the City's Public Art Fee for Planning Area 1 or 2, whichever is first to develop of the Specific Plan. It is recommended that this fee is used for an onsite public art project within Planning Area 1 or 2. The remaining Planning Areas shall pay into the City's Public Art Fee at the time a Building Permit is issued for the development of said Planning Areas.
15. Lighting plans shall be submitted in accordance with PDMC Section 24.16 for any landscape, architectural, street, or other lighting types within the project area.
16. All mitigation measures identified in the Mitigated Negative Declaration shall be incorporated into the planning, design, development, and operation of the project.
17. Final Fire and life safety conditions will be addressed when the developer submits a PP application for each Planning Area by the Fire Prevention Bureau.
18. Final Building and Safety conditions will be addressed when the developer submits a PP application for each Planning Area.

### **DEPARTMENT OF PUBLIC WORKS:**

Prior to recordation of the Parcel Map:

19. The parcel map shall be submitted to the City Engineer for review and approval.
20. Right-of-way, as may be necessary for the construction of required public improvements, shall be provided on the parcel map.

## PLANNING COMMISSION RESOLUTION NO. 2880

### RESOLUTION NO. 2020-17

21. Prior to City Council approval of Parcel Map 37234, the applicant shall construct or enter into an agreement and post security, in a form and amount acceptable to the City Engineer, guaranteeing the construction of all off-site improvements. Improvements may include but are not limited to:
  - A. Twenty-five percent (25%) of a traffic signal installation at Monterey Avenue and Street A or the pro-rata share of the signal based upon a traffic study. If the traffic signal is constructed by the applicant for the City of Rancho Mirage then the bond submitted to the City of Palm Desert shall be released by Council action.
  - B. The relocation of power lines on Monterey Avenue to accommodate a future deceleration lane.
  - C. The fair share cost, as determined by the City, for the future traffic signal modification at Monterey Avenue and Dick Kelly Drive.
  - D. The removal and replacement of an eight-foot (8') sidewalk on Monterey Avenue to accommodate a future deceleration lane.
  - E. The installation of a deceleration lane on Monterey Avenue.
22. Subsequent conditions will be applied at the time each parcel is developed and must be consistent with and not additive to the Specific Plan.
23. The construction of a left turn lane on Monterey Avenue may be approved at the discretion of the City Engineer for the City of Palm Desert and the City of Rancho Mirage.