

**PLANNING COMMISSION RESOLUTION NO. 2745**

**A RESOLUTION OF THE PLANNING COMMISSION APPROVING TENTATIVE TRACT MAP 37506 AND PRECISE PLAN APPLICATION 18-0005 FOR THE SUBDIVISION OF 174+ ACRES AND MASTER DESIGN GUIDELINES FOR A 1,069-UNIT RESIDENTIAL DEVELOPMENT; AND ADOPTING AN ADDENDUM TO THE CITY'S ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN AND UNIVERSITY NEIGHBORHOOD SPECIFIC PLAN FOR THE PROJECT AREA BOUNDED BY GERALD FORD DRIVE TO THE NORTH, PORTOLA AVENUE TO THE WEST, COOK STREET TO THE EAST, AND CITY-OWNED PROPERTY TO THE SOUTH**

**CASE NOS: TTM 37056 & PP 18-0005**

**WHEREAS**, the Planning Commission of the City of Palm Desert, California, did on the 20<sup>th</sup> day of November 2018, hold a duly noticed public hearing to consider the request by University Park Investors, LLC, for approval of the above-noted; and

**WHEREAS**, said applications have complied with the requirements of the "City of Palm Desert Procedure for Implementation of the California Environmental Quality Act" (CEQA) Resolution No. 2015-75, in that the Director of Community Development has determined that all impacts associated with the development of this project have been reviewed with the adopted Environmental Impact Report (EIR) for the City's General Plan and University Neighborhood Specific Plan and that no new impacts have been identified by this project and an addendum to the EIR can be adopted; and

**WHEREAS**, the University Park project implements the City's University Neighborhood Specific Plan (UNSP) by incorporating specific design guidelines related to subdivision design standards, traffic calming, pedestrian and bicycle connectivity, open space, and housing product variation; 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 exist to justify the approval of said request:

1. The University Park project, as proposed, is consistent with the goals and policies of the Palm Desert General Plan and the UNSP, including that the project provides a variety of housing options, open space, pedestrian and bicycle connectivity, and density in proximity to California State University San Bernardino Palm Desert Campus (CSUSBPD).
2. The University Park project is compatible with adjacent properties and surrounding uses and development standards comply with the approved UNSP for the project area.
3. The University Park project is suitable and appropriate for the property in that the property is mostly vacant native desert land with roadway and utility improvements, and a Specific Plan was adopted for the project site that identifies

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this type of housing product variation, open space, and pedestrian and bicycle connectivity, and the uses proposed along with the development pattern comply with applicable City standards and standards approved as part of the Specific Plan.

4. The proposed Tentative Tract 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.
5. The project has complied with the provisions of the California Environmental Quality Act (CEQA) in that an EIR was prepared for the UNSP and that implementation of the Specific Plan through a tentative tract map requires an addendum to the EIR as no new environmental impacts have been identified by the project proposal and all potentially significant environmental impacts have been mitigated.

### FINDINGS FOR APPROVAL:

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

*In 2017, the City Council adopted an update to the General Plan and concurrently adopted the UNSP. Both plans identified the 400+ acres of vacant land bounded by Gerald Ford Drive to the north, Portola Avenue to the west, Cook Street to the east, and Frank Sinatra to the south, as a unique development opportunity that can capitalize on synergies between a mixed housing neighborhood with strong pedestrian and bicycle connectivity to CSUSBPD. As proposed, the project provides eight (8) distinct housing product types, including alley-loaded homes, apartments, attached townhomes, and detached single-family homes, connected by open space, sidewalks, and trails. The subdivision of the project areas proposes tree-lined public streets, open spaces, pedestrian and bicycle connectivity, and roadways designed for lower vehicle speeds, and implements and fulfills the goals of the UNSP.*

*The UNSP identified 2,700 dwelling units within the project area. The project site, representing nearly ½ of the UNSP project boundary, is subdivided to accommodate 1,069 dwelling units. The density of the project is consistent with the General Plan and UNSP.*

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

*The design and improvements of the tract map have been reviewed by the Planning Department, Fire Department, and Public Works Department for consistency with the General Plan, UNSP, and emergency services. Lot sizes, street and utility improvements, circulation patterns, and drainage improvements meet all requirements of the General Plan and the UNSP. All perimeter streets are in conformance with the General Plan and modifications to the surrounding roadways will improve vehicle circulation in the vicinity.*



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

*The 174+-acre site is suitable for the proposed development. Environmental, cultural, traffic, and other special studies were prepared for the UNSP and an addendum to the EIR as prepared to address the specifics of the project. No environmental issues were identified that would indicate that development in this area would be unsuitable. In addition, existing residential and commercial development in the vicinity have successfully constructed similar types of development and no obstacles to the development of those surrounding subdivisions were experienced. Due to the proximity and similarity of the proposed development, it is reasonable to conclude that the site is physically suitable for it.*

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

*The project site is surrounded by planned residential and commercial developments to the south, east, west, and north. As proposed, the site layout and distribution of residential densities are consistent with surrounding development and the UNSP.*

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

*For purposes of the CEQA, an EIR was prepared and adopted by the City Council as part of the General Plan Update and UNSP. In addition, an addendum to the EIR has been prepared for the project to address project-specific impacts that were not previously addressed by the EIR. The addendum to the EIR did not identify any new impacts created by the proposed project. 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 design and layout of the tract map is in compliance with all grading, drainage, vehicle access, pedestrian, bicycle connectivity, and parking requirements. The property will be developed in accordance with the Uniform California Building Code. Grade changes and utility easements are accommodated by the building and street layout and open space provided throughout the project site. Pedestrian access is provided to adjoining land uses via sidewalks and other pedestrian walkways, and the distributed open space contributes to a healthy community and neighborhood.*

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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 proposed project will utilize and enhance existing drainage and utility distribution easements located within and adjacent to the project site. Improvements related to drainage will be provided to ensure the project area accommodates 100 percent of the 100-year storm. Surrounding perimeter City streets are built-out to the General Plan designation and the developer will make modifications to surrounding streets to accommodate project access. Pedestrian connections and open space are provided throughout the project area and enhanced pedestrian trails are provided within the project site.*

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

1. That the above recitations are true and correct and constitute the findings of the Planning Commission in this case.
2. That the Planning Commission does hereby approve TTM 37506 and PP 18-0005, subject to conditions.

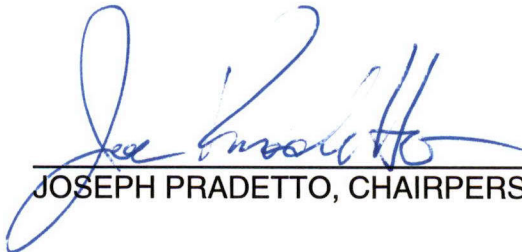
**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Palm Desert, California, at its regular meeting held on the 20<sup>th</sup> day of November 2018, by the following vote, to wit:

**AYES: DE LUNA, GREENWOOD, GREGORY, HOLT, and PRADETTO**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

  
\_\_\_\_\_  
JOSEPH PRADETTO, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
ERIC CEJA, SECRETARY  
PALM DESERT PLANNING COMMISSION



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### CONDITIONS OF APPROVAL CASE NOS. TTM 37506 & PP 18-0005

#### DEPARTMENT OF COMMUNITY DEVELOPMENT:

1. The development of the property and all buildings, road network, and open space, within the project boundaries shall conform substantially with exhibits on file with the Department of Community Development, and as modified by the following conditions.
2. The applicant shall record Tentative Tract Map 37506 within two (2) years of project approval. Multiple final maps may be recorded for this project.
3. Construction of improvements, in accordance with the approved Specific Plan and Precise Plan, shall commence within two (2) years from the date of approval unless a time extension is granted; otherwise, said approval shall become null, void and of no effect whatsoever.
4. The applicant agrees to enter into an indemnification agreement providing 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, the project approvals themselves, or the terms of those approvals, including the failure to include specific terms, the applicant and City each shall have the right, in their sole discretion, to elect whether or not to defend such action. The applicant, at its sole expense shall defend, indemnify, and hold harmless the City (including its agents, officers, and employees) from any such action, claim, damages, or proceeding of whatever nature with counsel chosen by the City, subject to applicant's approval of counsel, which shall not be unreasonably denied, and at the applicant's sole expense. If the City is aware of such an action or proceeding, it shall promptly notify the applicant and cooperate in the defense. The applicant, upon such notification, shall deposit sufficient funds in the judgment of the City's 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 the said action and to execute a joint defense and confidentiality agreement in order to share and protect information, under the joint defense privilege recognized under the applicable law. As part of the cooperation in defending an action, City and the applicant shall coordinate their defense in order to make the most efficient use of legal counsel and to share and protect information. Applicant and City shall each have sole discretion to terminate its defense at any time. The City shall not settle any third party litigation arising from the project approvals without applicant's consent, which consent shall not be unreasonably withheld, conditioned or delayed unless applicant materially breaches this indemnification requirement.
5. Prior to City Council approval of any final Tentative Tract Map 37506 or, at the discretion of the City Attorney, prior to the issuance of any grading or improvement plans or building permits for public improvements, the applicant shall enter into an agreement and post security, in a form and amount acceptable to the City Engineer and



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the City Attorney, guaranteeing the construction of any off-site and on-site public improvements included within those approvals.

6. 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 Specific Plan and all Palm Desert Municipal ordinances and state and federal statutes now in force, or which hereafter may be in force.
7. 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.

8. Prior to the issuance of any building permit, the applicant shall finalize with the City a transaction for the exchange of land between existing parkland previously financed with tax-exempt bond proceeds and proposed parkland in compliance with all applicable laws and regulations.
9. A qualified archeologist shall complete a cultural resources inventory prior to any development activities within the project area.
10. 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 the 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.
11. Each developable product type shall be subject to all applicable fees at the time of issuance of building permits for improvements within that developable area.
12. All phasing of the project shall develop in a manner consistent with the development standards contained in the UNSP, this tract map, and the master Precise Plan. All other development standards not addressed in those plans shall comply with the Palm Desert Municipal Code.
13. All future development within the project site shall generally conform to the architectural renderings provided in the UNSP and Precise Plan applications. Building design



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deviations are permitted; however, shall conform to the architectural guidelines and colors and material samples provided for in the Master Precise Plan.

14. Final landscape plans shall be prepared by a registered and licensed landscape architect and submitted to the Department of Community Development for review. The plan shall be consistent with the preliminary landscape plans reviewed by the Planning Commission unless changes are requested by Department staff. Changes shall be limited to plant quantities, sizes, types, and phasing of landscape improvements at the project site. Landscape plans must meet the following criteria:
  - A. Must be water efficient in design and meet the City of Palm Desert's Water Efficiency Landscape Ordinance.
  - B. Planting plans must show the location of proposed and existing utilities.
  - C. Must match approved civil plans.
  - D. All specifications and details must be site specific.
  - E. Applicants must have CVWD approval of their irrigation plans prior to City approval.
  - F. Applicants must have a stamp or signature from the County Agricultural Commissioner before City approval.
15. The applicant shall pay into the City's Public Art Fee as part of the development of the Specific Plan. It is recommended that this fee be used for an on-site public art project within the project boundaries. Public Art Fees are due at the time a Building Permit is issued for the development of any Planning Areas.
16. All planning sub-areas and product types, with the exception of the apartment site, shall remain non-gated. There is no requirement to gate the apartment site.
17. Lighting and photometric plans shall be submitted in accordance with Palm Desert Municipal Code (PDMC) Section 24.16 for any landscape, architectural, street, parking lot, or other lighting types within the project area.
18. The Precise Plan application shall comply with all recommendations made by the City's Architectural Review Commission as noted in their Notice of Action dated September 26, 2018.
19. All mitigation measures identified in the adopted EIR and EIR addendum shall be incorporated into the planning, design, development, and operation of the project.

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

20. The tract map shall be submitted to the City Engineer for review and approval.
21. Horizontal control requirements shall apply to this map, including state plane coordinates, which shall conform to City of Palm Desert specifications.
22. The applicant shall submit CC&R's concurrently with the final map for review and approval. Once approved by the City, the CC&R's shall be recorded with the County Recorder's Office.

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- 23. Signalization fees, in accordance with City of Palm Desert Resolution Nos. 79-17 and 79-55, shall be paid prior to issuance of any permits associated with this project or the recordation of the tract map.
- 24. Drainage fees in accordance with Palm Desert Municipal Code Section 26.49 and Ordinance number 653 shall be paid prior to recordation of the tract map.
- 25. Park fees in accordance with Palm Desert Municipal Code Section 26.48.060 shall be paid prior to the recordation of the tract map.
- 26. Subdivision improvements must be completed or a subdivision improvement agreement must be executed, and improvement and monumentation securities must be submitted to the City prior to map recordation. Improvement Security shall conform to Section 66499 of the California Government Code (CGC).

Prior to the issuance of grading permits the applicant shall:

- 27. Submit a grading plan to the Department of Public Works for review and approval. Any changes to the approved civil or landscape plans must be reviewed for approval prior to work commencing.
- 28. Identify all proposed and existing utilities on the precise grading plan.
- 29. Pad elevations, as shown on the tentative map, are subject to review and modification in accordance with Chapter 27 of the Palm Desert Municipal Code.
- 30. The applicant shall abide by all provisions of City of Palm Desert Ordinance 843, Section 24.20 Stormwater Management and Discharge Ordinance.
- 31. Submit a final Water Quality Management Plan (WQMP) for approval. The WQMP shall identify the Best Management Practices (BMPs) that will be used on the site to control predictable pollutant runoff. Prior to the issuance of grading permit, the Operation and Maintenance Section of the approved final WQMP shall be recorded with County's Recorder Office and a conformed copy shall be provided to the Public Works Department.
- 32. 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.
- 33. Submit a PM10 application to the Department of Public Works for approval. The applicant shall comply with all provisions of Palm Desert Municipal Code Section 24.12 regarding Fugitive Dust Control.
- 34. The applicant shall sign an agreement to install a sprinkler system or equivalent long-term mitigation measure for PM10 if the site is mass graded and subsequently left undeveloped for more than 6 months.



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### BUILDING AND SAFETY DEPARTMENT:

35. Development of this project shall comply with the latest adopted edition of the following codes:
  - A. 2016 California Building Code and its appendices and standards.
  - B. 2016 California Residential Code and its appendices and standards.
  - C. 2016 California Plumbing Code and its appendices and standards.
  - D. 2016 California Mechanical Code and its appendices and standards.
  - E. 2016 California Electrical Code.
  - F. 2016 California Energy Code.
  - G. 2016 California Green Building Standards Code.
  - H. Title 24 California Code of Regulations.
  - I. 2016 California Fire Code and its appendices and standards.
36. An approved automatic fire sprinkler system shall be installed as required per the City of Palm Desert Code Adoption Ordinance 1265.
37. A disabled access overlay of the precise grading plan is required to be submitted to the Dept of Building and Safety for plan review of the site accessibility requirements as per 2016 CBC Chapters 11A & B (as applicable) and Chapter 10.
38. All exits must provide an accessible path of travel to the public way. (CBC 1027.5 & 11B-206)
39. Detectable warnings shall be provided where required per CBC 11B-705.1.2.5 and 11B-705.1.2.2. The designer is also required to meet all ADA requirements. Where an ADA requirement is more restrictive than the State of California, the ADA requirement shall supersede the State requirement.
40. Provide an accessible path of travel to the trash enclosure. The trash enclosure is required to be accessible. Please obtain a detail from the Department of Building and Safety.
41. Public pools and spas must be first approved by the Riverside County Department of Environmental Health and then submitted to Department of Building and Safety. Pools and Spas for public use are required to be accessible.
42. All contractors and subcontractors shall have a current City of Palm Desert Business License prior to permit issuance per PDMC Title 5.
43. All contractors and/or owner-builders must submit a valid Certificate of Workers' Compensation Insurance coverage prior to the issuance of a building permit per California Labor Code, Section 3700.
44. Address numerals shall comply with Palm Desert Ordinance No. 1265 (PDMC 15.28. Compliance with Ordinance 1265 regarding street address location, dimension, a stroke of line, distance from the street, height from grade, height from the street, etc. shall be shown on all architectural building elevations in detail. Any possible

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obstructions, shadows, lighting, landscaping, backgrounds or other reasons that may render the building address unreadable shall be addressed during the plan review process. You may request a copy of Ordinance 1265 or PDMC Section 15.28 from the Department of Building and Safety counter staff.

45. Please contact the Department of Building and Safety (760-776-6420) regarding the addressing of all buildings and/or suites.

### **FIRE DEPARTMENT:**

46. The project may have a cumulative adverse impact to 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. This developer will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.
47. Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, City of Palm Desert Municipal Code, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to the building permit issuance.
48. Fire Department water systems(s) for fire protection shall be in accordance with the California Fire Code, City of Palm Desert Municipal Code, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

Prior to building permit issuance, the required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building material placed on an individual lot. Other methods for fire suppression may be approved by the Fire Marshall. Contact the Fire Department to inspect the required fire flow, street signs, all-weather surfaces, and all access and/or secondary access. Approved water plans must be at the job site.

END OF CONDITIONS