

PLANNING COMMISSION RESOLUTION NO. 2846

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING AN AMENDMENT TO VESTING TENTATIVE TRACT NO. 37506 FOR REVISIONS TO APPROVED BUILDING PAD ELEVATIONS AND PARCEL LINE BOUNDARIES WITHIN PLANNING AREA 2 OF THE UNIVERSITY PARK SUBDIVISION, AND FINDING THE PROJECT IS CONSISTENT WITH THE UNIVERSITY NEIGHBORHOOD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT  
CASE NO. TTM23-0004/VTTM AMENDMENT NO. 3

WHEREAS, University Park Investors, LLC (“Applicant”), submitted applications for an Environmental Assessment (EA) and Tentative Tract Map (TTM) to amend Vesting Tentative Tract Map 37506 by adjusting parcel boundaries within the map and building pad elevations; and

WHEREAS, on November 10, 2016, the City Council adopted Resolution No. 2016-86, which certified an Environmental Impact Report (EIR) for a comprehensive update to the Palm Desert General Plan and the University Neighborhood Specific Plan (UNSP); and

WHEREAS, on November 20, 2018, the Planning Commission adopted Resolution No. 2745, approving the Vesting Tentative Tract Map 37506 and University Park Master Plan and adopting an addendum to the Palm Desert General Plan EIR; and

WHEREAS, the Project site has a land use designation of Town Center Neighborhood in the Palm Desert General Plan adopted on November 10, 2016, and is within the UNSP; 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, pursuant to the requirements of the CEQA, the State Guidelines for Implementation of CEQA (State CEQA Guidelines), and the City of Palm Desert CEQA Implementation Requirements, the City of Palm Desert Development Services Department has determined that the Project substantially conforms with the previously prepared EIR Addendum approved for the Project as the amendment does not create additional lots or modify the boundary of the approved subdivision and conforms with all applicable requirements of the UNSP, and no further environmental review is necessary.

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 17th day of October 2023, hold a duly noticed public hearing to consider the request by the Applicant for approval of the above-noted Project request; and

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



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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. In accordance with Palm Desert Municipal Code (PDMC) Section 26.20.100 the following findings are required in approving a proposed subdivision:

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 approximately 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 California State University San Bernardino Palm Desert (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 2,618 dwelling units within the project area. The Project site, representing nearly one-half (½) of the UNSP project boundary, is subdivided to accommodate 1,069 dwelling units for a density of approximately six (6) dwelling units per acre. The density of the Project is consistent with the General Plan and UNSP designation for the Neighborhood Low designation, which allows four to eight (4-8) dwelling units per acre (see Pages 4-18 of the UNSP).*

*The amendment to Vesting Tentative Tract Map 37506 (VTTM 37506) to adjust building pad elevation heights and lot line adjustments does not create additional lots; therefore, the density of the proposed subdivision remains consistent with the applicable General Plan and the UNSP.*

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

*The amendment to adjust building pad elevation heights and lot line adjustments to the VTTM 37506 were reviewed by all pertinent departments and agencies and concluded that it does not change the design and improvements of the tract map, which were previously reviewed by the Planning/Land Development Division, Fire Department, and Public Works Department for consistency with the General Plan, UNSP, and emergency services. Lot sizes, street and utility improvements,*



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*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 that will improve vehicle circulation in the vicinity.*

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

*The 40.4-acre portion of 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 was 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 developments in the vicinity have successfully constructed similar types of development, and no obstacles to the development of those surrounding subdivisions were experienced. The amendment to Vesting Tentative Tract Map 37506 to adjust building pad elevation heights and lot line adjustments remains consistent with the originally approved project; therefore, the site continues to be physically suitable for the development.*

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 at a rate of approximately six (6) dwelling units per acre are consistent with surrounding development and the UNSP. The amendment to VTTM 37506 to adjust building pad elevation heights and lot line adjustments does not affect the original density of the project; therefore, the density of the proposed subdivision remains physically suitable for the proposed density of the development.*

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. The amendment to VTTM 37506 to adjust building pad elevation heights and lot line adjustments does not present a change that will impact the previously analyzed environmental assessments for this Project.*



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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 are 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 buildings, 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. The amendment to VTTM 37506 to adjust building pad elevation heights and lot line adjustments does not substantially affect the design of the subdivision or the type of improvements that will cause a serious public health problem.*

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 the Project site. Improvements related to drainage will be provided to ensure the Project area accommodates 100 percent of the 100-year storm. The 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. The amendment to VTTM 37506 to adjust building pad elevation heights and lot line adjustments does not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

SECTION 3. Project Approval. The Planning Commission hereby approves Case No(s) TTM23-0004/VTTM 37506 Amendment No. 3, subject to the findings and Conditions of Approval attached herein as Exhibit "A."

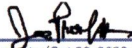
SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City's office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Richard D. Cannone, AICP, the Secretary to the Palm Desert Planning Commission, is the custodian of the record of proceedings.

SECTION 5. Execution of Resolution. The Chairperson of the Planning Commission signs this Resolution, and the Secretary to the Commission shall attest and certify the passage and adoption thereof.

SECTION 6. Recitals. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.


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ADOPTED ON October 17, 2023.

  
Joe Pradetto (Oct 20, 2023 11:10 PDT)

JOSEPH PRADETTO  
CHAIRPERSON

ATTEST:



RICHARD D. CANNONE, AICP  
SECRETARY

I, Richard D. Cannone, AICP, Secretary of the City of Palm Desert, hereby certify that Resolution No. 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 October 17, 2023, by the following vote:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on October 20<sup>th</sup>, 2023.

  
RICHARD D. CANNONE, AICP  
SECRETARY



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**EXHIBIT A**

**CONDITIONS OF APPROVAL  
CASE NO. TTM23-0004/VTTM 37506 Amendment No. 3**

**PLANNING DIVISION:**

1. The development of the property shall conform substantially with exhibits on file with the Development Services Department, except as modified by the following conditions. Any variation from the approved plans must be reviewed and approved by the Planning Division prior to the building permit issuance and may require review and approval by the Planning Commission and/or City Council.
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. 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 the 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.
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. All conditions of Planning Commission Resolution No. 2745 shall remain in effect, except as modified by conditions herein.

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**LAND DEVELOPMENT DIVISION/PUBLIC WORKS DEPARTMENT:**

5. The following plan is hereby referenced: Revised VTTM 37506 (University Park Area 2), prepared by Michael Baker International and dated August 2023.
6. All conditions approved with Planning Case No. PP 18-0005 shall be valid and in effect unless superseded by these conditions of approval.
7. Revisions shown on the referenced exhibit shall supersede the lot configuration and building pad elevations contained on the approved VTTM 37506 (University Park Area 2) for applicable lots.
8. It is assumed that the easements shown on the referenced exhibit are shown correctly and include all the easements that encumber the subject property. A current preliminary title report and vesting deed for the site shall be submitted during the technical plan review.
9. 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.
10. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the City.

**END OF CONDITIONS OF APPROVAL**