

PLANNING COMMISSION RESOLUTION NO. 2724

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A PRECISE PLAN OF DESIGN AND A TENTATIVE PARCEL MAP (TPM) FOR TWO NEW, FOUR-STORY HOTELS (HOLIDAY INN EXPRESS AND SUITES AND A FUTURE HOTEL) ON PARCEL 5 WITHIN THE MILLENNIUM SPECIFIC PLAN, LOCATED AT 74-755 AND 74-777 TECHNOLOGY DRIVE; AND ADOPTION OF A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
CASE NOS: PP 18-0002 AND TPM 37488**

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 17th day of July 2018, hold a duly noticed public hearing to consider the request by Prest Vuksic Architects, for approval of the above-noted project request; and

WHEREAS, the Architectural Review Commission of the City of Palm Desert, California, did on the 8th day of May 2018, hold a public hearing to consider the request by Prest Vuksic Architects, and recommended approval of the above-noted project request; and

WHEREAS, according to the California Environmental Quality Act (CEQA), the City must determine whether a proposed activity is a project subject to CEQA. If the project is subject to CEQA, staff must conduct a preliminary assessment of the project to determine whether the project is exempt from CEQA review. If a project is not exempt, further environmental review is necessary. The application has complied with the requirements of the "City of Palm Desert Procedure for Implementation of the California Environmental Quality Act," Resolution No. 2015-75, in the Director of Community Development has determined that the proposed project request is categorically exempt under Article 19 Section 15332 In-Fill Development Projects (Class 32) of the CEQA; therefore, no further environmental review is necessary; and

WHEREAS, the proposed project conforms to the Subdivision Map Act; and

WHEREAS, the project conforms to the Millennium Specific Plan; and

WHEREAS, at 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:

Findings of Approval:

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

On March 12, 2015, the City Council adopted Resolution No. 1281 approving the Millennium Specific Plan. The plan consists of 152 acres located near the City's northern corporate limits, south of Interstate 10 and the Union Pacific Railroad between Portola Avenue and Cook Street. The proposed hotel and future hotel will be located on Parcel 5, which is 3.92 acres and zoned District Commercial Center (PC-2).

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The project as designed complies with all development standards outlined in the Millennium Specific Plan and General Plan, including setbacks, building height (four stories), parking, lot coverage, and land use compatibility.

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

The design and improvements of the proposed subdivision have been reviewed and approved by the Planning Department, Economic Development Department, Fire Department, and Public Works Department for consistency with the General Plan and emergency services. The street and utility improvements, circulation patterns, and drainage improvements meet all requirements of the General Plan and the Millennium Specific Plan. All existing perimeter streets are in conformance with the General Plan. All internal project streets that serve Tentative Parcel Map 37488 conform to City standards.

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

The 3.92 acres is suitable for the development proposed. Environmental and traffic studies were prepared for the project area and approved as part of the Millennium Specific Plan. No environmental or traffic concerns were identified that would indicate that the development in this area would be unsuitable. In addition, existing commercial hotels have successfully constructed similar types of development in the immediate vicinity. No obstacles to 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 described in the Millennium Specific Plan and as conditioned.

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

The property allows for two hotels on 3.92-acres as approved within the Millennium Specific Plan. Directly east and south of the property are approved hotels. As proposed, the site layout and density are consistent with surrounding development.

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 CEQA, a Mitigated Negative Declaration of Environmental Impact was approved under the Millennium Specific Plan. 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 land uses. 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.

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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 two hotels comply with the Millennium Specific Plan and all grading requirements and the properties will be developed in accordance with the Uniform California Building Code.

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 construct a retention drainage basin located along the eastern boundary of the project. The parcel map identifies the use of this area, and the applicant is responsible for the maintenance of the retention. Surrounding perimeter City streets are built-out to the General Plan designation. The developer will complete improvements along Technology Drive to the standards within the Millennium Specific Plan.

NOW, THEREFORE, BE IT ORDAINED 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 recommend approval of the Precise Plan of design and Tentative Parcel Map 37488 as proposed.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Palm Desert, California, at its regular meeting held on the 17th day of July 2018, by the following vote, to wit:

AYES: DE LUNA, HOLT, and PRADETTO

NOES: NONE

ABSENT: GREENWOOD and GREGORY

ABSTAIN: NONE



JOSEPH PRADETTO, CHAIRMAN

ATTEST:

 FOR

RYAN STENDELL, SECRETARY
PALM DESERT PLANNING COMMISSION

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CONDITIONS OF APPROVAL CASE NO: PP 18-0002 and TPM 37488

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 37488 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, which are in addition to the approved project and all Palm Desert Municipal ordinances and state and federal statutes now in force, or which hereafter may be in force.
4. The development must conform to the Millennium Specific Plan and all conditions within Resolution No. 1281.
5. 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.

6. If the presence of cultural resources is identified in the cultural resources inventory, an approved Native Cultural Resource Monitor shall be on site during ground disturbing activities.
7. 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.
8. All sidewalk plans shall be reviewed and approved by the Department of Public Works.
9. Applicant shall defend, indemnify and hold harmless the city against any third party legal challenge to these approvals, with counsel chosen by the City at applicant's expense.

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10. Lighting plans shall be submitted in accordance with Palm Desert Municipal Code (PDMC) Section 24.16 for any landscape, architectural, street, or other lighting types within the project area.
11. Final landscape plans shall be submitted to the City's Department of Community Development and the CVWD for review and approval. The landscape plan shall conform to the landscape palate contained in the preliminary landscape plans prepared as part of this application, and shall include dense plantings of landscape material. All plants shall be a minimum of five gallons in size, and trees shall be a minimum of 24-inch box sizes.

DEPARTMENT OF PUBLIC WORKS:

Prior to recordation of the Parcel Map and any permits:

12. The parcel map shall be submitted to the City Engineer for review and approval.
13. Easements for drainage, pedestrian, and public utility purposes shall be provided as needed on the final parcel map.
14. Pad elevations, as shown on the tentative map, are subject to review and modification in accordance with Chapter 27 of the PDMC.
15. Right-of-way, as may be necessary for the construction of required public improvements shall be provided on the parcel map.
16. Prior to City Council approval of Parcel Map 37488, 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. The extension and frontage landscaping of Technology Drive up to the property boundary.
 - B. The installation of curb ramps on Technology Drive.
 - C. The installation of a six-foot (6') sidewalk on Technology Drive.

Prior to the issuance of a grading permit:

17. The applicant shall submit a grading plan to the Department of Public Works for review and approval. Any changes to the approved civil plans must be reviewed for approval prior to work commencing.
18. The applicant shall submit a PM10 application for approval. The applicant shall comply with all provisions of PDMC Section 24.12 regarding Fugitive Dust Control.
19. The applicant shall abide by all provisions of City of Palm Desert Ordinance No. 843, Section 24.20 Stormwater Management and Discharge Ordinance.

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20. 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 a 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.

Prior to final inspection:

21. The applicant shall landscape the onsite retention basin.

BUILDING AND SAFETY DEPARTMENT:

22. 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.
23. An approved automatic fire sprinkler system shall be installed as required per the City of Palm Desert Code Adoption Ordinance 1265.
24. An accessible access overlay of the precise grading plan is required to be submitted to the Department of Building and Safety for plan review of the site accessibility requirements as per 2013 CBC Chapters 11A & B (as applicable) and Chapter 10.
25. All exits must provide an accessible path of travel to the public way. (CBC 1027.5 & 11B-206).
26. 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.
27. 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.
28. All common use facilities, areas, amenities, etc. are required to comply with Chapter 11B of the California Building Code.
29. Public pools and spas must be first approved by the Riverside County Department of Environmental Health and then submitted to the Department of Building and Safety. Pools and Spas for public use are required to be accessible.

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30. All contractors and subcontractors shall have a current City of Palm Desert Business License prior to permit issuance per PDMC, Title 5.
31. 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.
32. Address numerals shall comply with Palm Desert Ordinance No. 1265 (Palm Desert Municipal Code 15.28. Compliance with Ordinance 1265 regarding street address location, dimension, stroke of line, distance from the street, height from grade, height from street, etc. shall be shown on all architectural building elevations in detail. Any possible obstructions, shadows, lighting, landscaping, backgrounds or other reasons that may render the building address unreadable shall be addressed during the plan review process. You may request a copy of Ordinance 1265 or Municipal Code Section 15.28 from the Department of Building and Safety counter staff.

FIRE DEPARTMENT:

33. Fire Department Plan Review. Final fire and life safety conditions will be addressed when building plans are reviewed by the Fire Prevention Bureau. These conditions will be based on occupancy, use, the California Building Code (CBC), California Fire Code (CFC), and related codes which are in force at the time of building plan submittal.
34. The 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 to these impacts via capital improvements and/or impact fees.
35. 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 building permit issuance.
36. Fire Department water system(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.