

PLANNING COMMISSION RESOLUTION NO. 2893

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, TO APPROVE A REVISION TO AN APPROVED PAD ELEVATION FOR AN APPROVED MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT PROJECT AT THE NORTHWEST CORNER OF GERALD FORD DRIVE AND THE EXTENSION OF TECHNOLOGY DRIVE (APN: 694120028)
CASE NOS. PP 22-0003/TPM 38366, Amendment 1

WHEREAS, the City Council of the City of Palm Desert, California, did on the 26th day of March, 2015, hold a duly noticed public hearing and adopted Ordinance No. 1281 for adoption of a Mitigated Negative Declaration and approval of The Millennium Palm Desert Specific Plan and Development Agreement 14-332; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 13th day of October 2022, adopt Resolution No. 2022-85, approving Precise Plan 22-0003 and Tentative Parcel Map 38366 for a 241-unit, multi-family affordable housing development community consisting of 10 three-story apartment buildings, one (1) two-story community building with two (2) on-site manager's units, outdoor recreation areas, landscaping, and associated parking areas on a 10.49-acre site on the northwest corner of Gerald Ford Drive and Technology Drive; and

WHEREAS, Resolution No. 2022-85 established approved pad elevations for the project site, including each of the 10 apartment buildings; and

WHEREAS, the Applicant submitted an application for a Precise Grading permit and building construction permit which proposed revisions to the aforementioned approved pad elevations. The revised pad elevations included an increase for Buildings 2 and 3 by 0.62 ft and 1.12 feet, respectively; and

WHEREAS, said application has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2024-035, in that the Director of Development Services has determined that the project will not have a significant impact on the environment and that the project is categorically exempt pursuant to CEQA Guidelines Section 15183; therefore, no further environmental review is necessary; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 8th day of July 2025, hold a duly noticed public hearing at a special meeting to consider the request for an amendment to PP22-0003/TPM 38336 for a revision to the approved pad elevations; 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. CEQA Determination. There are no changes on the projects that require additional CEQA review from Resolution 2022-85. Resolution 2022-85 approved the project and found that the project did not require further environmental review pursuant to State CEQA Guidelines Section 15183 (Public Resources Code §21083.3) which provides that the projects which are consistent with a Community Plan, General Plan, or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the Project or its site; An Environmental Impact Report (EIR) was prepared and certified by the City Council as part of the Palm Desert General Plan (SCH# 2015081020) and the proposed Project is consistent with the development density and use characteristics considered by the General Plan EIR in the Town Center Neighborhood (TCN) land use designation.

SECTION 3. Findings on Amendment No. 1 Precise Plan. In recommending approval of this Project, the Planning Commission, and under Palm Desert Municipal Code (PDMC) Section 25.72.030(E), the following findings are required before granting a PP:

1. *In the approval of this amended precise plan, consideration is being given and restrictions are being imposed to the extent necessary, in view of the size and shape of the parcel and the present and proposed zoning and use of the subject property and the surrounding property, to permit the same degree of enjoyment of the subject property, but subject to the same degree of protection of adjoining properties, as would be accorded in normal circumstances by the standard restrictions imposed by Chapter 25.72.030. The project, as conditioned, meets all of the requirements of the underlying zone and provides this project the same allowances that its surrounding properties would be governed by.*
2. *The proposed amended precise plan is not found to substantially depreciate property values in the vicinity nor would it unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes, nor would it endanger the public peace, health, safety, or general welfare.*

SECTION 4. Project Recommendations. The Planning Commission approves the revised pad elevation as shown in Exhibit B.

SECTION 5. 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

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73510 Fred Waring Drive, Palm Desert, CA 92260. Rosie Lua, the Secretary to the Palm Desert Planning Commission, is the custodian of the record of proceedings.

SECTION 6. Execution of Resolution. The Chairperson of the Planning Commission will sign this Resolution, and the Secretary to the Commission shall attest and certify to the passage and adoption thereof.

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 for approval of the Planning Commission in this case.
2. That the Planning Commission does hereby recommend approval of the revised pad elevations for PP22-0003/TPM 38366 (Amendment 1), pursuant to the conditions of approval in Exhibit A and the approved pad elevation shown in Exhibit B.

ADOPTED ON JULY 8, 2025.

LINDSAY HOLT
VICE CHAIRPERSON

ATTEST:

ROSIE LUA
SECRETARY

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I, Rosie Lua, Secretary of the City of Palm Desert Planning Commission, hereby certify that Resolution No. 2893 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 July 8, 2025, 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 July ____, 2025.

ROSIE LUA
SECRETARY

EXHIBIT “A”

**CONDITIONS OF APPROVAL
CASE NO. PP22-0003/TPM38366 (Amendment 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. Developer upon such notification shall deposit with City sufficient funds in the judgment of 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 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 Palm Desert Municipal Code (PDMC), state, and federal statutes now in force, or which hereafter may be in force.
4. The project is approved at a pad elevation of 174.42' for Building #2 and Building #3, as shown on Exhibit B.
5. The project shall confirm with all of the following project approvals:
 - A. Ordinance No. 1281 (Adoption of the Mitigated Negative Declaration and approval of The Millennium Palm Desert Specific Plan and Development Agreement 14-332)
 - B. Resolution No. 2022-85
 - C. Planning Commission Resolution 2884