

RESOLUTION NO. 2022-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, FINDING NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY UNDER THE STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15183, AND APPROVAL OF A TENTATIVE PARCEL MAP (TPM) AND A PRECISE PLAN (PP) FOR A 241-UNIT MULTI-FAMILY (AFFORDABLE HOUSING) PROJECT ON A 10.49-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF GERALD FORD DRIVE AND TECHNOLOGY DRIVE (CASE NOS. PP22-0003/TPM 38366/EA22-003)

WHEREAS, Palm Communities, a California Corporation ("Applicant"), submitted a TPM establishing two (2) parcels, a PP application 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 unit, outdoor recreation areas, landscaping, and associated parking areas on a 10.49-acre site, including related off-site improvements ("Project"); and

WHEREAS, the Project site has a land use designation of Town Center Neighborhood (TCN) in the General Plan adopted November 10, 2016, and a zoning designation of Planning Residential 22 (PR-22) in Planning Area 8 High Density (10 acres), and Open Space in Planning Area 9 (0.49 acres) within the Millennium Palm Desert Specific Plan (MSP). The Director of Development Services has administrative authority to approve minor changes in Planning Areas boundaries that increase or decrease any Planning Area acreage by 15% or less; and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State 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, an Environmental Impact Report (EIR) was prepared and certified by the City Council as part of the Palm Desert General Plan (SCH# 2015081020); and

WHEREAS, the proposed Project is consistent with the development density and use characteristics considered by the General Plan EIR in the TCN land use designation; and

WHEREAS, on March 10, 2022, the City Council of the City of Palm Desert adopted the 2021-2029 Housing Element for the 6<sup>th</sup> Cycle, which allocates that the Project site provides a minimum of 240 units for affordable housing; and

WHEREAS, the Applicant has agreed to provide 239 units within the development at affordable levels for income-qualified persons and two (2) manager units as determined by a housing agreement and, as such, is eligible for a density bonus provided by AB 2222

(Government Code section 65915 et seq.) and Palm Desert Municipal Code Section (PDMC) 25.34.040; and

WHEREAS, the Applicant did, on July 15, 2022, enter into an Exclusive Negotiation Agreement (ENA) with the City of Palm Desert per Contract No. C41030C; and

WHEREAS, the Architectural Review Commission (ARC) of the City of Palm Desert, California, did on April 12, 2022, consider the request by the Applicant at its meeting and recommended approval with conditions to the Planning Commission of the above-noted Project request; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on August 16, 2022, hold a duly noticed public hearing to consider the request by the Applicant and adopted Resolution No. 2817, recommending that the City Council approve the above-noted project request subject to the findings and Conditions of Approval; and

WHEREAS, the Applicant will enter into a housing agreement with the Palm Desert Housing Authority and Housing Agreement to secure a housing Density Bonus Request pursuant to Government Code Section; and

WHEREAS, State CEQA Guidelines Section 15183 (Public Resources Code §21083.3) provides that 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;” and

WHEREAS, the City Council of the City of Palm Desert, did on the 13<sup>th</sup> day of October 2022, hold a duly noticed public hearing, the City Council opened the public hearing, the City Council considered the request by the Applicant for the development of the affordable housing community and Tentative Parcel Map; 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 City Council did find the following facts and reasons, which are outlined in the staff report, exist to justify approval of said request:

NOW, THEREFORE, BE IT RESOLVED by the City of Palm Desert, California, as follows:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Findings on Tentative Parcel Map. Under PDMC Section 26.20.100(C), the findings for the tentative map are the following:

1. That the density of the proposed subdivision is not consistent with applicable general and specific plans.

*The proposed map has been reviewed and found to be consistent with the density standards of the TCN designation and the Millennium Palm Desert Specific Plan (MSP). The TCN zone allows densities between seven (7) and 40 units per acre. The MSP allows up to 22 dwelling units per acre in Planning Area 8. The Project proposes 23.5 dwelling units per acre. This density is consistent with the TCN designation and exceeds the MSP; however, is allowable as the Project is requesting a density bonus pursuant to Government Code 65915-65918 for providing affordable housing and is permitted to exceed the allowable zoning density.*

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

*The design and improvement of the proposed subdivision are consistent with the applicable TCN requirements, circulation element requirements, and requirements of the MSP. The dedications for public right-of-way are consistent with the applicable circulation elements of the General Plan and Specific Plan. The proposed vehicle access points are consistent with the MSP.*

3. That the site is not physically suitable for the type of development.

*The site is physically suitable for the proposed multi-family housing development. The site has suitable access, grading, drainage, and zoning to allow the proposed development.*

4. That the site is not physically suitable for the proposed density of development.

*The site is physically suitable for the proposed density of development. The allowable density for the site has been evaluated by the General Plan. The Applicant has prepared the appropriate technical studies to assess that the site is physically suitable to develop.*

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

*The design of the subdivision and proposed improvements will not cause damage or substantially injure wildlife habitat. The subject property is in an urbanized area of Palm Desert and is adjacent to major roadways, including Gerald Ford Drive. The site is vacant and surrounded by residential development to the west and commercial development to the east. A biological assessment of the site was*



*prepared for the MSP and did not identify suitable habitats for wildlife that could be damaged or affected as a result of the development of the Project. Ground disturbing activities for the development of the Project shall comply with the Migratory Bird Treaty Act, as well as preparation of a burrowing owl survey prior to ground-disturbing activities, and prior to the removal of vegetation or tree removal shall ensure no habitat is damaged.*

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

*The design of the subdivision is not likely to cause serious health problems. The Project is not located within a hazardous area that would be subject to flooding, liquefaction, landslide, fault zones, or other natural hazards. The Project does not generate adverse effects that would cause public health problems. Ground disturbing activities are conditioned to prepare plans to control fugitive dust. The access locations to the subdivision have been evaluated in accordance with the MSP and will not adversely affect public health.*

SECTION 3. Density Bonus Findings. Pursuant to California Government Code 65915 and PDMC Section 25.34.040, in exchange for the dedication of a minimum percentage of the Project's base units for affordable housing, the Project is eligible for concessions, including density increase, reduction in parking, and a waiver to allow relief from development standards for stormwater retention. The Applicant is restricting a minimum of 10% of the base density, or 24 units, as very low-income units to receive up to two incentives, waivers, and/or concessions. The Project includes a five percent (5%) density increase (10 units) above the allowed maximum allowed density of 22 dwelling units per acre (du/ac) allowed by the MSP to Government Code Section 65915. The Applicant will utilize Government Code Section 65915(p)(1) to provide parking for the Project at a rate of one (1) parking space per each one-bedroom unit and 1.5 parking spaces per each two- and three-bedroom units for a total of 350 on-site parking spaces. The Applicant is requesting a design concession to increase the infiltration rate of the stormwater basins to modify the design, as accepted by the City Engineer, in order to accommodate the proposed project density. The requested density bonus concessions are consistent with the requirements of the City's local ordinances and state law. The Applicant shall enter into a housing agreement to ensure the units remain affordable to qualified households. Staff finds that the requested concessions are necessary to provide for affordable housing and will not result in damage to public health or the physical environment or affect any real property that is listed in the California Register of Historical Resources. Additionally, the concessions are not contrary to state or federal law.

SECTION 4. CEQA Findings. The application has complied with the requirements of the "City of Palm Desert Procedure for Implementation of CEQA" Resolution No. 2019-41, in that the Director of Development Services has determined that the Project is consistent with the approved General Plan and MSP and that other project-specific impacts were evaluated in the approval of the MSP and that no further environmental review is required under State CEQA Guidelines 15183. CEQA Guidelines Section 15183 allows for a streamlined environmental review process for projects, which are consistent



with the development density established by existing zoning, community plan, or General Plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the Project or its sites. If the above qualifications are met, as stated in Section 15183(b), “a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis: (1) are peculiar to the Project or the parcel on which the Project would be located, (2) were not analyzed as significant effects in a prior EIR on the zoning action, General Plan or community plan, with which the Project is consistent, (3) are potentially significant off-site impacts, and cumulative impacts which were not discussed in the prior EIR prepared for the General Plan, community plan or zoning action, or the Project’s CEQA Section 15183 Analysis (4) are previously identified significant effects which, as a result of substantial new information, which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.” This document has been prepared to satisfy the requirements of CEQA Guidelines Section 15183. It analyzes the potential environmental effects of the proposed Project and evaluates whether they were adequately analyzed in a prior EIR such that the above-identified streamlining criteria apply. The Project is consistent with the Palm Desert General Plan Update (General Plan Update), for which an EIR (SCH No. 2015081020) was certified. The General Plan Update provides a framework for future growth of the City and projects the development reasonably expected to occur during the buildout period. The Genal Plan Update EIR analyzed the environmental impacts associated with the adoption and implementation of the General Plan Update. The proposed Project is permitted in the zoning district where the Project site is located and consistent with the land uses, density, and vision of the General Plan Update.

SECTION 5. Project Approval. The City Council approves Precise Plan 22-0003 and Tentative Parcel Map 38366.

SECTION 6. Approval. The City Council approves and adopts the Project, subject to the Conditions of Approval attached hereto as Exhibit “A.”

ADOPTED ON OCTOBER 13, 2022.



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JAN C. HARNIK  
MAYOR

ATTEST:

  
Anthony Mejia (Oct 25, 2022 10:54 PDT)

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ANTHONY J. MEJIA  
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2022-85 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on October 13, 2022, by the following vote:

AYES: JONATHAN, KELLY, NESTANDE, AND HARNIK  
NOES: NONE  
ABSENT: QUINTANILLA  
ABSTAIN: NONE  
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on Oct 25, 2022.

  
Anthony Mejia [Oct 25, 2022 10:54 PDT]

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ANTHONY J. MEJIA  
CITY CLERK

**EXHIBIT “A”****CONDITIONS OF APPROVAL  
CASE NOS. PP22-0003/TPM 38366****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. 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. 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. The PP shall expire if construction of the said Project shall not commence within two (2) years from the date of final approval unless an extension of time is granted by the Palm Desert Planning Commission; otherwise, said approval shall become null, void, and of no effect whatsoever.
5. The PP approval is for a two-phase, 241-unit apartment development, however, may be constructed as a single phase in the future:



- A. Phase 1 consists of 121 apartment units, a community building, facilities, a common area, and related on-site and off-site improvements (including the temporary access to Dinah Shore Drive).
  - B. Phase 2 consists of 120 apartment units, facilities, the remaining common area, and related on-site and off-site improvements.
6. The approved PP shall only be modified with written City approval per PDMC Chapter 25.72.030. Any proposed changes to this PP will require an amendment to the application, which may result in a new public hearing.
7. All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Development Services Department.
8. The Applicant shall execute a written acknowledgment to the Planning Division stating acceptance of and compliance with all the Conditions of Approval of Resolution No. 2817 for PP22-0003 and TPM 38366 and that the plans submitted are in compliance with the Conditions of Approval. No modifications shall be made to said plans without written approval from the appropriate decision-making body.
9. 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  
Building and Safety Division  
  
Evidence of said permit or clearance from the above agencies shall be presented to the Building & Safety Division at the time of issuance of a building permit for the use contemplated herewith.
10. This Project is subject to payment of the City's Public Art fee. The fee will be applied at the time of a building permit issuance and shall remain in the City's public art fund.
11. Final lighting plans shall be submitted per PDMC Section 24.16 for any landscape, architectural, street, or other lighting types within the Project area.
12. All exterior lighting sources shall be fully shielded and directed downwards and is subject to approval by the Development Services Department. Luminaries with total lamp lumens above 16,000 lumens shall not be used.

13. Access to trash and service areas shall be placed so as not to conflict with parking areas. Said placement shall be approved by the applicable waste company and the Development Services Department and shall include a recycling program and organic waste programs as required by law.
14. Final landscape and irrigation documents shall be prepared by a landscape architect registered with the State of California and shall be submitted to the Development Services Department and the CVWD for review and approval. All sheets shall be signed by the landscape architect and shall include the license number and the expiration date. The landscape plan shall conform to 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 (5) gallons in size, and all trees shall be a minimum 24-inch box in size.
  - A. The Applicant shall submit final landscape construction plans to the Palm Desert Development Services Department for review and acceptance prior to submittal to CVWD.
15. All Project irrigation systems shall function properly, and landscaping shall be maintained in a healthy and thriving condition. The maintenance of landscaping and the irrigation system shall be permanently provided for all areas of the Project site, as well as walkways and the portion of public right-of-way abutting the Project site (parkways). Furthermore, the plans shall identify responsibility for the continued maintenance.
16. Prior to the issuance of the Certificate of Occupancy, the Project landscape architect shall submit written verification to the Planning Division that the landscaping and irrigation have been installed per the approved landscape plan.
17. All exterior equipment and all appurtenances thereto shall be completely screened from public view by walls or roof screens that are architecturally treated to be consistent with the building. The final construction plans shall include appropriate drawings demonstrating how such equipment is to be screened from view. No rooftop equipment shall be permitted.
18. All roof drainage systems and devices shall be designed such that they are fully screened from view from all public streets. Drainage devices, including but not limited to down-spouts, shall not be located on any street-facing building elevation or area that is clearly visible from the public right-of-way. Drainage devices shall be fully integrated into the building structure.
19. All ground-mounted utility structures including, but not limited to, transformers, HVAC equipment, and backflow prevention valves shall be located out of view from any public street or adequately screened using landscaping and/or masonry walls.
20. Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions, shall be included in the development construction drawings.

21. The Applicant shall construct the pedestrian circulation network as shown on the approved preliminary site plan.
22. All roof access ladders shall be located on the inside of the building.
23. All parking spaces shall be clearly marked with white or yellow paint or other easily distinguished material. Except as required by state and ADA requirements, all markings shall be a minimum four-inch (4") wide double ("hairpin" style) stripe designed to provide 18 inches measured outside to outside under City Council Resolution No. 01-5.
24. The Applicant shall provide a minimum of on-site parking spaces per Government Code Section 65915(p)(1), per the State Density Bonus law. The Applicant shall provide covered parking to ensure each Phase of development provides each unit with a minimum of one (1) covered parking stall.
25. The Applicant shall comply with the recommendations made by the City's ARC, as referenced on the April 22, 2022, Notice of Action for the April 12, 2022, meeting.
26. The Applicant or any successor in interest shall comply with all applicable local, state and federal laws, and regulations.
27. A copy of the herein-listed Conditions of Approval shall be included in the construction documentation package for the Project, which shall be continuously maintained on-site during Project construction.
28. Prior to permit issuance, the Applicant shall submit plans for the final design of all site walls subject to review and approval by the Palm Desert Development Services Department. The design of the walls shall be consistent with the height, material, and design (smooth plaster finish, pilaster, and cap) on the approved conceptual landscape plan.
  - A. The Applicant shall incorporate noise abatement measures into the Project, including the construction of an eight-foot-tall (8') and six-foot (6') sound walls, as identified by the REC-1 of Project Acoustical Assessment dated December 2021.
  - B. The Applicant shall provide pedestrian access points to Gerald Ford Drive and along the northern property boundary. The design of these access points shall include a decorative gate, pilasters, decorative cap, and arbors.
  - C. The interim fencing between Phase 1 and Phase 2 shall consist of windscreen fencing. The fencing shall be removed upon commencement of Phase 2. The windscreen fencing shall be placed along the western boundary of Phase 1 and the northern boundary of Phase 2 and shall remain in place and maintained until the commencement of Phase 2. The temporary windscreen fencing shall be constructed per Section 304-3 of the Standard Specifications for Public Works Construction. The fence shall



- have an overall height of six (6) feet measured from the top of the grade. The chain link fabric shall be nine (9) gauge, two inches (2") galvanized material. The fence shall include a top rail and an 88% opacity, tan, knitted, High-Density Polyethylene windscreen. Fence post footings shall be 12" in diameter and 36" in depth for end posts and eight inches (8") in diameter and 36" in depth for line posts.
- D. The Applicant shall provide a detailed construction plan for all access gates to staff prior to permit issuance.
- E. All ground-mounted HVAC shall be screened by a minimum 42" low wall or greater to screen the equipment. The design of the wall shall be consistent with site walls and as shown on the approved preliminary landscape plans.
29. The Applicant shall construct the pedestrian circulation network as shown on the approved preliminary site plan.
30. All mitigation measures identified in the CEQA Environmental Assessment and Initial Study shall be incorporated into the planning, design, development, and operation of the Project.
31. The Applicant shall incorporate all noise abatement measures as recommended by the Project Acoustical Assessment dated December 2021.
32. All monument signage shall be subject to review and approval by the Development Services Department and shall substantially conform with the exhibits approved by the ARC.
33. The Applicant shall remove temporary facilities, including temporary access, signage, and fencing prior to commencement of Phase 2.
34. The Applicant shall comply with all Conditions of Approval of City Council Resolution 2015-15 except as modified herein.
35. The Applicant shall incorporate all mitigation measures identified by the MSP Mitigated Negative Declaration.
36. The Applicant shall incorporate all mitigation measures identified in the Mitigation Monitoring and Reporting Program for the Plan Desert General Plan EIR (SCH# 2015081020).
37. The Applicant shall provide payment for filing fees for the Notice of Exemption within five (5) days of the City Council's approval.
38. The Applicant shall enter into a Housing Agreement (HA) with the City agreeing to make 100% of the Project affordable providing all units to extremely low, very low, and low-income households. The HA will create such conditions, covenants, restrictions, liens, and charges in favor of the City upon and subject to which the Project shall be occupied, leased, and rented. The provisions of the HA shall run with title to each and every portion of the Apartment Site and the Project and shall inure

to and pass with each and every portion thereof and shall apply to and bind any successors-in-interest of Owner for a minimum period of 55 years from the date on which the City issues the Certificate of Occupancy for the Project. The HA shall be signed and completed by both the City and the Applicant prior to issuance of a Building Permit.

39. The Applicant shall construct a swimming pool within the central amenity area in conjunction with Phase 1 of the project. The swimming pool shall be constructed prior to the issuance of a Certificate of Occupancy for Building A (Community Building). The size of the pool shall be adequately sized to serve residents of the project at full build-out.
40. The Applicant shall construct shade structures to fully shade picnic areas and playground equipment located within the central amenity area. At a minimum, this shall include:
  - A. Phase 1:
    - i. One (1) shade structure for playground equipment
    - ii. Two (2) shade structures for picnic area.
  - B. Phase 2:
    - i. Two (2) shade structures for picnic area.
41. The Applicant shall provide a minimum of 32 washers and 32 dryer machines within laundry facilities for the development. Half of the laundry facilities shall be provided with Phase 1.
42. The Applicant shall enter into a Disposition Development Loan Agreement (DDLA) with the City of Palm Desert and Palm Desert Housing Authority.
  - A. The DDALA shall provide Temporary Easement Agreements for interim access improvements across Parcel 2. The Applicant shall execute agreements providing for reciprocal access for common area usage, maintenance, and drainage facilities between Parcel 1 and Parcel 2.

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

43. The following plans, studies, and exhibits are hereby referenced: TPM 38366, prepared by Kimley Horn and dated January 2022; Preliminary Grading and Utility Plan Phase 1, prepared by Kimley Horn and dated March 2022; Preliminary Grading & Utility Plan Phase 2, prepared by Kimley Horn and dated March 2022.
44. It is assumed that easements shown on the preliminary grading exhibit are shown correctly and include all the easements that encumber the subject property. A current preliminary title report for the site will be required to be submitted during technical plan review. 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.

45. It is understood that the conceptual exhibits correctly show acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Qs and that an omission or unacceptability may require the Applicant to amend or revise the site plan as may be.
46. All private streets and common areas will be permitted as shown on the conceptual exhibit subject to these Conditions of Approval and the Applicant providing adequate provisions, by means of a homeowners' association (HOA) or another equivalent responsible mechanism as approved by the City Engineer and City Attorney, for the continued and perpetual maintenance of these streets, common areas, and on-site post-construction Best Management Practices (BMPs) to the satisfaction of the City Engineer and City Attorney.
47. The Applicant shall pay all signalization fees per the City's Resolution Nos. 79-17 and 79-55.
48. Prior to map approval, the Applicant shall pay all appropriate drainage fees per PDMC Section 26.49.050 and Palm Desert Ordinance No. 653.
49. The Applicant shall pay all appropriate park fees per PDMC Section 26.48.060.
50. The Applicant shall comply with Pam Desert Ordinance No. 843, Section 24.20 Stormwater Management and Discharge.
51. All utility extensions within the site shall be placed underground unless otherwise specified or allowed by the respective utility purveyor.
52. Prior to a grading permit, the Applicant shall prepare a final grading plan for the site. No grading or other improvements shall be permitted until a final grading plan has been approved by the City Engineer. Grading plans and all grading shall conform to the approved Conceptual Grading Plan, the California Building Code, PDMC Title 27 Grading, and all other relevant laws, rules, and regulations governing grading in the City of Palm Desert.
53. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or through the site. Should the quantities exceed the street capacity, the Applicant shall provide adequate drainage facilities and/or appropriate easements as approved by the City Engineer.
54. The grading plan shall provide for the protection of downstream properties from damages caused by alteration of the drainage patterns, i.e., concentration or diversion of flow.



55. Pad elevations, as shown on the conceptual exhibit, are subject to review and modification per Chapter 27 of the PDMC.
56. Prior to approval of the grading plan, the Applicant shall prepare a detailed final flood hazard/hydrology and hydraulics report for approval of the City Engineer.
57. Prior to approval of the grading plans, the Applicant shall 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.
58. The Applicant shall submit a final Hydrology and Hydraulics Report for the entire site. The report shall comply with all relevant laws, rules, and regulations governing the City of Palm Desert.
59. All drainage and storm drain improvements shall be designed per PDMC Title 24, Riverside County Flood Control and Water Conservation District's standards for the Drainage Element of the Palm Desert General Plan, and all other relevant laws, rules, and regulations governing grading in the City of Palm Desert.
60. Prior to the issuance of a grading permit, the Applicant shall submit a PM10 application for review and approval. The Applicant shall comply with all provisions of PDMC Section 24.12 regarding Fugitive Dust Control.
61. Prior to the issuance of a grading permit, the Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and approval from the Land Development Division.
62. Where grading involves import or export, the Applicant shall obtain permits from the Public Works Department, including import/export quantities and hauling route.
63. It shall be the sole responsibility of the Applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading shown on the tentative grading plan exhibit. Proof shall be provided to the Land Development Division prior to the issuance of a grading permit.
64. Prior to a grading permit and if grading is required off-site, the Applicant shall obtain written permission from the property owner(s) to grade as necessary and provide a copy to the Engineering Department.
65. Prior to the issuance of a grading permit, the Applicant shall submit a signed and notarized WQMP Operations and Maintenance Agreement to the City. The agreement shall provide for the maintenance and operation of open space areas, common spaces such as parking lot and recreational facilities, trash disposal for common areas, and water quality BMP facilities, by either the property owner's association or the owners of each individual lot or unit as tenants in common.

66. Prior to the issuance of a grading permit and in compliance with the PDMC Section 27.24, the Applicant shall enter into an agreement and post financial security guarantee for all grading work related to this Project.
67. Prior to the issuance of a grading permit, the Applicant shall submit for review and approval of the City Engineer a final Geotechnical Report that includes project-specific recommendations.
68. Upon completion of grading, the Project' Geotechnical Engineer shall certify the completion of rough grading in conformance with the approved grading plans and the recommendations of the geotechnical report approved for this project. A licensed land surveyor shall certify the completion of grading in conformance with the lines and grades shown on the approved grading plans.
69. It is assumed that the grading and the provisions for water quality management shown on the conceptual grading exhibit can comply with all requirements for a Final Water Quality Management Plan (F-WQMP), without substantial change from that shown. Prior to the approval of the grading plan, the landowner shall prepare, or cause to be prepared, a Final WQMP in conformance with the requirements of the Riverside County Flood Control and Water Conservation District (RCFC&WCD) Whitewater River Watershed area for approval of the City Engineer.
70. The Applicant shall submit a final Water Quality Management Plan. The report shall comply with all relevant laws, rules, and regulations governing in the City of Palm Desert.
71. All post-construction BMPs shall be designed based on the City of Palm Desert's maximum infiltration criteria of one (1) inch/hour unless otherwise approved by the City Engineer for which an alternate of two (2) inches/hour has been specifically approved for this Project.
72. Prior to the issuance of a grading permit, the Applicant shall submit plans for review and approval to the City Engineer for all public improvements, including but not limited to street and roadway improvements and landscape and irrigation improvements.
73. Prior to the issuance of an encroachment permit, for public improvements and/or map recordation, whichever comes first, the Applicant shall enter into an agreement and post financial security guarantee for the construction of all off-site/public improvements per Section 27.24 of the PDMC. The form and amount of the financial security shall be reviewed and approved by the City Engineer. The Applicant shall guarantee all improvements for a period of one (1) year from the date of final acceptance, and the improvement guarantee shall be backed by a bond or cash deposit in the amount of 10% of the surety posted for the improvements.
74. Prior to the map recordation, the Applicant shall submit improvement plans for Dinah Shore Drive and the proposed access road to the site. The Applicant is responsible

for the construction and installation of improvements for Dinah Shore Drive per the following:

- A. Prior to the issuance of a building Certificate of Occupancy for the first building of Phase 1 of the development, the Applicant shall construct parkway improvements along site frontage and along the proposed access road ("Proposed Public Street" on TPM exhibit) to Dinah Shore Drive; including sidewalk, curb and gutter, and landscape and irrigation improvements, as approved by the City Engineer.
  - B. Prior to the issuance of a building Certificate of Occupancy for the last building of Phase 1 of the development, the Applicant shall complete improvements for the proposed access road and intersection improvements for Dinah Shore Drive and the proposed access road to the site intersection; including Americans with Disabilities Act (ADA) compliant curb ramps, signing and striping, pedestrian, and bicycle facilities.
  - C. The Applicant shall provide one (1) driveway to provide access for Phase 1 and Phase 2 of the development to the proposed access road to Dinah Shore Drive. The location and design shall be per the approved conceptual exhibits and the Palm Desert Standard Drawings and Specifications.
  - D. The Applicant shall provide a second emergency vehicle-only access for Phase 2 to the proposed access road to Dinah Shore Drive.
  - E. The Applicant shall show, as reference only, all existing and proposed utility connections. Utility plans shall be processed and approved by CVWD.
75. Technology Drive is identified in the MSP as a Collector Street with a 72-foot ultimate right-of-way, looping from the existing intersection with Gerald Ford Drive to a northwesterly intersection with Gerald Ford Drive adjacent to the project site. If ultimate improvements for Technology Drive are not present at the time of project construction, the Applicant shall provide interim intersection improvements, as described on these Conditions of Approval, and approved by the City Engineer, to provide access from the site to Gerald Ford Drive.
76. If interim intersection improvements are applicable per Condition of Approval No. 69, prior to the issuance of an encroachment permit for public improvements and/or map recordation, whichever comes first, the Applicant shall submit improvement plans for Technology Drive/Site Access - Gerald Ford Drive interim improvements, which include:
- A. Curb adjacent landscape and irrigation improvements along the site frontage.
  - B. Sidewalk along the site frontage and around the westerly side of the Technology Drive roundabout.
  - C. Roadway improvements for half-width of the street plus 12 feet.
  - D. Fire Department and City approved turnaround for vehicles at Technology Drive and project access drive intersection.
  - E. Separate signing and striping plans.
  - F. All plans shall show, as reference only, all existing and proposed utility connections. Utility plans shall be processed and approved by CVWD.



77. Prior to the map recordation, the Applicant shall submit improvement plans for Gerald Ford Drive. The Applicant is responsible for the construction and installation of improvements for Gerald Ford Drive, including, but not limited to:
- A. The Applicant shall construct parkway improvements along site frontage, including landscape and irrigation improvements along Phase 1 and meandering sidewalk from the northerly intersection with Technology Drive to the intersection with Dinah Shore Drive.
  - B. Prior to the issuance of the building Certificate of Occupancy for the first building of the development, the Applicant shall construct parkway improvements along site frontage, including sidewalk, and landscape and irrigation improvements, as approved by the City of Palm Desert Planning Division.
  - C. The Applicant shall be responsible for repairs to the existing curb and gutter along the project frontage, as needed and required by the City Engineer.
  - D. If not in place at the time of project construction, the Applicant shall provide for the installation of a streetlight at the northerly intersection of Gerald Ford Drive and Technology Drive.
78. Prior to the map recordation, the Applicant shall provide a full-scale signing and striping improvement plan for Dinah Shore Drive as a separate set of plans from street improvement plans for review and approval of the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, roundabout(s), travel lanes, pavement markings, turning arrows, etc.
79. Prior to the map recordation, the Applicant shall provide a full-scale signing and striping improvement plan for Gerald Ford Drive as a separate set of plans from street improvement plans for review and approval of the City Engineer. Signing and striping plans shall show existing improvements and modifications including, but not limited to, bike lanes, roundabout(s), travel lanes, pavement markings, turning arrows, etc.
80. The Applicant shall provide a private easement for reciprocal access between proposed Lot 1 and Lot 2 of the subdivision. If rights are reserved outside the final parcel map, proof of recorded document shall be provided to the City Engineer prior to Final Parcel Map recordation.
81. The Applicant shall provide drainage easement for proposed Lot 2 over proposed Lot 1 of the subdivision. If rights are reserved outside the Final Parcel Map, proof of recorded document shall be provided to the City Engineer prior to Final Parcel Map recordation.
82. Prior to map approval, covenants, conditions, and restrictions (CC&Rs) related to this development shall be submitted to the City for review and approval of the City Engineer.

83. Abutter's rights along Parcel 8 of Parcel Map No. 36792 shall be perpetuated on the final map.
84. Prior to the map recordation, the Applicant shall enter into a subdivision improvement agreement and post financial securities with the City for the required public improvements. The form and amount of the financial security shall be reviewed and approved by the City Engineer and comply with PDMC Section 26.28.030 and Section 26.28.040.
85. Prior to the map recordation, the Applicant shall submit grading and improvement plans for all private (on-site), improvements for review and approval of the City Engineer. Signing and striping shall be part of the plans and shall include stop signs and stop bars for vehicles exiting the development via the approved driveways.
86. Prior to the issuance of a building permit, the Applicant shall provide the City's Land Development Division with a copy of the Fire Department clearance for the secondary access road. Access road shall be designed and constructed per the Fire Department standards and shall be clearly shown and identified on the project grading plans.
87. Prior to a building final inspection, the Applicant is responsible for the completion of construction of all grading and improvements for which plans are required and shall comply with all requirements within the public and private road right-of-ways.
88. Modifications, if any, to approved plans shall be submitted to the City for review as delta revisions and will require approval of the City Engineer.
89. The Applicant shall be responsible for the erosion and dust control of the entire site, including both Phase 1 and Phase 2 of the project. Prior to issuance of a grading permit, the Applicant shall provide for review and approval by the City Engineer, a Phase 2-specific soil stabilization plan which shall include specifications for soil binder, and a cost estimate for the cost of installation and upkeep of the erosion and dust control improvements for a until the completion of construction of Phase 2.
90. Prior to issuance of a grading permit, the Applicant shall provide the City a cash bond for the Phase 2-specific soil stabilization plan per the approved cost estimate. The bond shall be held by the City until such time that Phase 2 of the site is developed. In the event that the implemented erosion and dust control measures fail and/or are determined to be insufficient by the City Engineer, the City may use the bond in order to place appropriate BMPs.
91. Prior to the start of the grading activities, the Applicant shall install all erosion and dust control mechanisms for the site, Phase 1 and Phase 2. For Phase 2 of the site, the Applicant is responsible for the soil stabilization as approved by the City Engineer.

**BUILDING AND SAFETY DIVISION:**

92. This project shall comply with the latest adopted edition of the following codes:

- A. California Building Code and its appendices and standards.
- B. California Residential Code and its appendices and standards.
- C. California Plumbing Code and its appendices and standards.
- D. California Mechanical Code and its appendices and standards.
- E. California Electrical Code.
- F. California Energy Code.
- G. California Green Building Standards Code.
- H. Title 24, California Code of Regulations.
- I. California Fire Code and its appendices and standards.

93. This project will fall under the review and compliance of Chapters 11-A and Chapter 11-B of the 2019 California Building Code.

94. The Applicant shall coordinate directly with:

Riverside County Fire Marshal's Office  
CAL FIRE/Riverside County Fire Department  
Main: (760) 863-8886  
77933 Las Montañas Road, Suite 201  
Palm Desert, CA 92211

95. Plan approval must be obtained from the County of Riverside Department of Environmental Health (Health Department) before constructing or altering structure or equipment (such as fencing and decking). The Applicant shall coordinate directly with the Health Department for the application, plans, and specifications.

96. All trash enclosures are required to be accessible. Provide an accessible path of travel to the trash enclosure. Trash enclosures shall comply with the minimum requirements established by Section 8.12 of the PDMC.

97. All contractors and subcontractors shall have a current City of Palm Desert Business License before permit issuance per PDMC, Title 5.

98. All contractors and/or owner-builders must submit a valid Certificate of Workers' Compensation Insurance coverage before the issuance of a building permit per California Labor Code, Section 3700.

99. Address numerals shall comply with Palm Desert Ordinance No. 1351 (PDMC Section 15.28). Compliance with Ordinance 1351 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 obstructions, shadows, lighting, landscaping, backgrounds, or other reasons that may render the building address unreadable shall be addressed during the plan



review process. The Applicant may request a copy of Ordinance 1351 or PDMC Section 15.28 from the Building and Safety Division counter staff.

**FIRE DEPARTMENT:**

100. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the Fire Department for review and approval. The water system shall be capable of delivering 1,500 GPM at 20 psi for a two-hour duration. Fire hydrant location and spacing shall comply with the fire code. Off-site (public) hydrants are required to be located next to the access walkways providing access to the property from Gerald Ford Drive and Technology Drive. (Reference the preliminary fire access site plan and the preliminary fire service water plan.) An approved water supply for fire protection during construction shall be made available before the arrival of combustible materials on-site. Reference 2019 California Fire Code (CFC) 507.5.1, 507.5.1, 3312, Appendices B and C.
101. Fire Department Access: Prior to building permit issuance, a fire access site plan shall be approved. The access roads shall be capable of sustaining 60,000 lbs. over two axels in all weather conditions. An approved access walkway shall be provided around the buildings. For ground ladder placement, the level grade shall be provided around the buildings for a minimum of eight (8) feet measured perpendicular from the exterior building walls. Approved vehicle access, either permanent or temporary, shall be provided during construction. CFC 503.1.1, 3310.1 and 503.2.1.
102. Requests for installation of traffic calming designs and devices on fire apparatus roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1.
103. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. An additional fire apparatus access road shall be provided to the site for Phase 1. The additional access point may be restricted to fire apparatus access only with approved Knox equipment installed for the gates. (Ref. CFC 503.1)
104. Construction Permits: Prior to the building permit issuance, building construction plans shall be submitted to the Office of the Fire Marshal for review and approval. Construction plans for solar photovoltaic power systems and electrical energy storage systems (ESS) shall be provided to the Office of the Fire Marshal for review and approval. (CFC 1206)
105. Fire Sprinkler System: All new commercial structures 3,000 square feet or larger shall be protected with a fire sprinkler system. All new apartment buildings shall be protected with fire sprinklers regardless of building size. Ref CFC 903.2.8 and CFC 903.2 as amended by the City of Palm Desert.

106. Fire sprinkler system risers shall not be obstructed in any manner. If a system riser is to be concealed by means of a wall, soffit, column, or other building construction, it shall be provided with 18-inch clearance to each side and to the front of the system riser. Access shall be provided by means of a door with the minimum dimensions of two (2) feet, six (6) inches in width by six (6) feet, and eight (8) inches in height from the exterior of the building directly to the riser as approved by the fire code official. (Ref. RVC Fire IB 06-07)
107. Fire Alarm and Detection System: A water flow monitoring system and/or the fire alarm system may be required and determined at the time of building plan review. (Ref. CFC 903.4, CFC 907.2 and NFPA 72)
108. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. Electric gate operators shall be provided with Knox key switches. Electric gate operators shall also be connected to a remote signal receiver compatible for use with the preemption devices on the Riverside County fire apparatus. The gate shall automatically open upon receiving a remote signal from the fire apparatus and remain in the fully open position for a minimum of 30 seconds. (Ref. CFC 506.1)
109. Addressing: All residential dwellings and commercial buildings shall display street numbers, building number/letter designators, and unit designators in a prominent location on the street side of the premises and additional locations as required. The premises shall have an illuminated diagrammatic representation of the actual site layout which shows the name of the complex, all streets, building designators, unit numbers, and fire hydrant locations within the complex. These directories shall be a minimum of four feet by four feet (4'x4') in dimension and located next to roadway access. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard No. 07-01.
110. Energy Systems: Construction plans for solar photovoltaic power systems and electrical energy storage systems (ESS) shall be provided to the Office of the Fire Marshal for review and approval. (CFC 1206)

#### **END OF CONDITIONS OF APPROVAL**