

CITY OF PALM DESERT

CITY MANAGER'S OFFICE

INTEROFFICE MEMORANDUM

Date: November 17, 2022

To: Honorable Mayor and Councilmembers

From: Anthony J. Mejia, City Clerk

Subject: City Council Meeting of November 17, 2022

Below you will find questions received from the Mayor and/or Councilmembers and answers provided by City staff regarding tonight's City Council meeting:

- ITEM 1M: APPROVE THE EXPANSION OF THE UNITE PALM DESERT SECURITY CAMERA SYSTEM GRANT PROGRAM TO ALLOW BUSINESSES AND COMMERCIAL PROPERTY OWNERS TO BE REIMBURSED FOR SECURITY CAMERA SYSTEMS PURCHASED AND INSTALLED WITHOUT PRIOR APPROVAL FROM THE CITY
 - Q1. Has there been targeted outreach to businesses that have experienced theft and/or vandalism in the past?
 - A1: Outreach to businesses has been on a general basis letting all businesses know about the program. Targeted marketing of the program is something that we can do. Staff will work with the Sheriff's department to determine which businesses would best benefit from a camera system and go out and meet with those businesses to let them know about the program.
 - Q2: Can some of the funds be allocated to generate signs indicating cameras are in use as an additional deterrent? These could also be utilized to assist law enforcement to identify those participating in street races and side shows.
 - A2: The funds approved by the City Council for this program are designated for the purchase and installation of the security cameras only. With that, there is enough money in the fund to expand the program to include signage. If directed by the City Council to expand the use of the funds to include signage, staff will work with the Sheriff's department to determine the best signage to use.
- ITEM 2C: AWARD A FIVE-YEAR CONTRACT TO THE CHRISTMAS KINGS FOR SEASONAL LIGHTING AND DECOR IN AN AMOUNT NOT TO EXCEED \$370,000 (PROJECT NO. 775-24)

Q1: Is there a date for the Christmas tree lighting?

A1: The Shops on El Paseo will have the "Annual Holiday Tree Lighting" on November 18th (4 p.m.to 6 p.m.). The City's tree lighting partnership with the Gardens ended in 2019.

- Q2: Given that this is a multi-year contract, has Lupine Plaza been factored in, if so, will it be within "allowable extra work and services not to exceed \$100K"?
- A2: Although Lupine Plaza was not originally factored in, staff anticipated additional lights being added in the future. Item No. 4 will authorize the City Manager to approve Change Orders for additional lights, such as at Lupine Plaza, not specifically outlined in the original scope of work.
- Q3: Page 2A-47, identifies a timeline for removal of El Paseo Seasonal Lighting installation in May 2024. What is anticipated in the months prior that would require work in May?
- A3: Previous internal discussions selected the removal of the seasonal lights to occur in May. This was to provide ambiance light during the shopping season.

ITEM 2F: APPROVE A SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM DESERT AND DESERT WAVE VENTURES, LLC, AND TAKING CERTAIN OTHER NECESSARY RELATED ACTIONS

- Q1: What was the original number of rooms originally proposed versus the number listed on page 2F-61?
- A1: The previously approved plans included 92 hotel rooms. The current proposal increases the room count to 132-rooms.

Q2: What was the methodology for evaporation rates?

- A2: Staff is providing the memorandum (see Attached) prepared by the applicant's environmental consultant for the original surf lagoon approval. The previous study calculated evaporation using two methods:
 - 25+ year weather data for average monthly temperatures, humidity, wind, cloud cover and solar radiation rates.
 - Published monthly pan evaporation rates for the area.
- Q3: Referring to page 2F-105, what is the anticipated timeline in months that correlates to Progress Payments?
- A3: Because the progress payments are performance-based, staff is unable to estimate a timeline in months for payment of the corresponding improvements. The developer is only eligible for payments once the milestones outlined in the agreement are achieved.
- ITEM 3A: CONSIDERATION TO ADOPT A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVAL OF THE REFUGE SPECIFIC PLAN AND TENTATIVE TRACT MAP 38434 TO ESTABLISH UP TO 969 RESIDENTIAL DWELLING UNITS, AND RELATED IMPROVEMENTS ON A 106.4-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF GERALD FORD DRIVE AND THE EXTENSION OF REMBRANDT PARKWAY
 - Q1: All the references to common recreational facilities are permissive, such as top of page 3A-81: "Common recreational facilities such as pools, spas, clubhouses, management offices, barbecues and other facilities appropriate to the development may be included." Does anything in all of this provide assurances that such amenities WILL be built? Because planning area 4, the major common area, is the last phase (phase 8), what recourse does anyone have if common area amenities are not built?
 - A1: Condition of approval 10.B of the Tentative Tract Map Resolution (see page 3A-101) requires the central amenity area be developed prior to the occupancy of the 200th unit within Planning Area 3: "The central amenity area shown on Lot Q shall be completed prior to the occupancy of the 200th unit within Planning Area 3."

Future development of the tract must abide this condition of approval. Staff has concluded that the language on Page 81 of the packet is intended to list the potential amenities and that the "may" can be modified to a "shall" or "must". The final design and architecture for the amenities will be reviewed during the future submittal of a precise plan.

- Q2: One of the listed goals for Town Center Neighborhood is "mixed use." There is a vision that residents will have small establishments such as cafes within walking distance. We do not achieve that in this specific plan. Is anything in the works for other land in the vicinity which will achieve this goal?
- A2: Within the immediate vicinity of the Refuge Specific Plan project there are vacant properties which could accommodate small scale, neighborhood serving commercial uses. Additionally, within the 170 acres within University Neighborhood Specific Plan (UNSP) envision mixed uses within walkable distance to residential.
- ITEM 3B: ADOPT A RESOLUTION FOR A HISTORIC LANDMARK DESIGNATION FOR THE CHARLES E. DU BOIS HOUSE LOCATED AT 72806 BURSERA WAY (APN 628-102-012) CASE NO. CRPC 22-03
 - Q1: Referring to page 3B-70, Statement of Significance section A, reads: "The development of Purple Hills Estates was the first of the Tract Homes in Palm Desert complete with its controversy." What was the nature of the referenced controversy?
 - A1: Below is an excerpt describing the nature of the controversy (see page 3B-48):

"The Purple Hills Estates homes were not built as a contiguous tract development but were scattered singly or in small groups among existing custom homes and vacant lots in South Palm Desert. They can be seen primarily on Tamarisk, Goldflower, Salt Cedar and Shadow Mountain, with a few on Joshua Tree and Bursera. At present there have been 43 homes identified; these same designs can be seen in Indian Wells and Palm Springs.

The Architectural Committee for the Palm Desert Improvement Association, the predecessor to the Palm Desert Property Owners Association, strongly discouraged tract housing anywhere in Palm Desert, and especially homes built south of El Paseo where large lots and architect designed homes were the norm. In the early 1960s the Palm Desert Sales Company wanted approval from the PDIA to sell 30 lots in the vicinity of Tamarisk Street. The Architectural Committee refused to approve the sale, believing that it was a tract development, but the company manager sold the lots anyway. In response the Architectural Committee resigned en masse."

MEMORANDUM

November 11, 2021

TO: Eric Ceja FROM: Kelly Clark SUBJECT: DSRT SURF Water Demand Analysis

A Water Supply Assessment (WSA) was prepared for the DSRT SURF project (Project) in 2019 that analyzed Project-specific water demands and potential impacts to the local and regional water supply. At that time, the Project included a 5.5-acre surf lagoon and associated amenities, up to 350 hotel rooms, up to 88 residential villas, and landscaping. The WSA determined that the 2019 Project would result in a gross water demand of 165.21 acre-feet per year (AFY) and a net water demand of 58.46 AFY after accounting for the turf reduction program which resulted in a savings of 106.75 AFY. For comparison, the net 2019 Project water demand of 58.46 AFY is less than the gross water demand for the 350 hotel rooms and 88 villas combined (60.99 AFY) (see below). The 2019 water demand breakdown is as follows:

- Surf Lagoon; 73.04 AFY: Cloward H20 (2019) provided an annual water demand based on the following:
 - Volume: 6,900,000 gallons. Assumed a complete filling annually; Area: 236,720 SF (approx. 5.5 acres)
 - Water Loss: An average of 1,121 gallons/day from backwash and 45,177 gallons/day from evaporation, for a total of 46,298 gallons/day (16,898,770 gallons/year).
 - Evaporation was calculated using two methods: 1) 25+ year weather data for average monthly temperatures, humidity, wind, cloud cover and solar radiation rates; 2) published monthly pan evaporation rates for the area.¹
- Surf Lagoon Amenities; 15.28 AFY: Includes café, restaurant, bar, restrooms, maintenance. Standards water demand rates.
- Hotel and Villas; 60.99 AFY: Includes 350 hotel rooms, 88 villas, hotel spa, villa clubhouse, and maintenance and equipment buildings. Standards water demand rates.
- Swimming Pools; 7.36 AFY: Onsite pools/spas. Assumed one complete fill annually and total loss due to evaporation.
- Landscaping; 8.54 AFY of Recycled Water: 120,159 square feet of landscaped area, including 11,795 square feet of turf and 108,364 square feet of native plant materials. CVWD MAWA calculation was used.
- Turf Reduction Program for Firecliff and Mountain View Golf Courses: 106.75 AFY.

¹ Water Supply Assessment and Water Supply Verification for the DSRT SURF Project, prepared by Terra Nova Planning and Research Inc. May 2019.

The Project was amended in 2020 and resulted in a 27% reduction in commercial space, 71% reduction in restaurant/bar space, and 53% reduction is hotel and villa building square footage compared to maximum buildout assumptions analyzed in the 2019 EIR and WSA. The water demand for the 2020 project was analyzed using the assumptions shown below:

- Surf Lagoon 73.04 AFY: Same assumptions used in the 2019 EIR/WSA.
- Surf Lagoon Amenities; 2.62 AFY: Includes ancillary uses, maintenance, general retail.
- Hotel and Villas; 22.79 AFY: Includes 92 hotel rooms and 83 villas.
- Pools/Landscaping; 15.9 AFY: Same assumptions used in the 2019 EIR/WSA.
- Turf Reduction Program; -106.75 AFY: Same assumptions used in the 2019 EIR/WSA.

Buildout of the 2020 Project would result in a gross water demand of 114.35 AFY and a net water demand of 7.6 AFY, after accounting for the turf reduction program. For comparison, the net 2020 Project water demand of 7.6 AFY is equivalent to the annual water demands of 58 villas.

The 2020 Project's water demand is detailed in the EIR Addendum prepared for the Project and submitted for review as part of the current entitlement package.

Similar projects in the Valley, specifically the Wave at Coral Mountain in La Quinta (the Wave), used an oversimplified CVWD evaporation rate for the wave pool based on a "Plant Factor of 1.10 for a stationary body of water, and 1.20 for a moving body of water."² The analysis does not appear to account for annual loss due to backwash, spilling, or potential refilling of the wave pool. Compared to the La Quinta Wave project, DSRT SURF used conservative water demand estimates that assume the surf lagoon will require complete filling each year, accounts for water loss due to backwash and spilling, and uses historical weather data to account for monthly temperatures, humility, wind, cloud cover, and solar radiation that affect evaporation rates.

² Coral Mountain Specific Plan WSA, prepared by MSA Consulting, Inc. March 2020.

Palm Desert Housing Authority

Palm Desert Pacific Associates: Vitalia Apartments Housing Density Bonus Loan Agreement



Jessica Gonzales Housing Manager November 17, 2022

2D Supplemental-1



2D Supplemental-2

Recommendation

- 1. Approve a Housing Agreement, substantially as to form, by and between the City of Palm Desert Pacific Associates, LP ("PD Pacific Associates"), in accordance with the conditions of approval of the development of 269-units known as Vitalia Apartments, a multifamily rental housing project located at located off Gerald Ford Drive, Palm Desert, California (the "Project").
- 2. Authorize the City Manager or his designee with consent of legal counsel to finalize such Housing Agreement and documents as described in the Housing Agreement, or which are otherwise required, to effectuate Housing Agreement.
- 3. Authorize the Mayor and/or City Manager to execute all necessary documents to facilitate the Housing Agreement and the City Clerk to record.

Palm Desert Housing Authority

Palm Desert Pacific Associates: Vitalia Apartments Housing Loan Agreement



Jessica Gonzales Housing Manager November 17, 2022

2E Supp-1



2E Supp-2

Project will be 100% affordable housing & operated as such for fifty-seven (57) years.

Project will serve the residents with the highest need comprised of Extremely Low, Households.

Meets the 2021-2029 RHNA Planning Period Need.

269 units are proposed to provide the following housing opportunity (includes 3 manager units):

81 units will be for	105 units will be for	24 units will be for
extremely low	<i>very low</i> income	<i>low</i> income
income households.	households.	households.

Benefit of Financial Support

Recommendation

- Waive further reading and adopt Resolution No. HA-____, a resolution:
 - i. Authorizing the execution and delivery of a Loan Agreement, in substantial form, between the Palm Desert Housing Authority and Palm Desert Pacific Associates, a California Limited Partnership, approving a loan in the amount of \$6,030,000 from the Authority's Low and Moderate Income Housing Asset Fund ("LMIHAF") to fund the purchase by Palm Desert Pacific Associates of a property and construction of 269 multi-family units consisting of 266 affordable housing units and three (3) on-site property manager units.
 - ii. Authorize the Chairman or Executive Director, in consultation with legal counsel, to execute and deliver, for and in the name of the Authority, the Loan Agreement and documents presented to the Authority Board at this meeting, as modified, provided such modifications are materially consistent with the terms set forth in the Loan Agreement.
 - iii. Authorize the Chairman, the Executive Director, or their respective designees, in consultation with legal counsel, to execute and deliver, for and in the name of the Authority, all other necessary or proper documents and instruments, and to do all things which they may deem necessary or proper to effectuate the purposes of the Resolution.

From:	Eric Ceja
To:	Anthony Mejia
Cc:	<u>Niamh M. Ortega</u>
Subject:	FW: Desert Wave Ventures Project
Date:	Thursday, November 17, 2022 11:44:50 AM

Public comment for DSRT Surf agenda item F for Council.

Eric Ceja Director of Economic Development Ph: 760.346.0611 Direct: 760.776.6384 eceja@cityofpalmdesert.org

-----Original Message-----From: Gonda, Krysten A. <krysten.gonda@cvusd.us> Sent: Wednesday, November 16, 2022 1:58 PM To: Eric Ceja <eceja@cityofpalmdesert.org> Subject: Re: Desert Wave Ventures Project

Thank you so much. I really appreciate it. I will Zoom in just in case, but will do my best to be there in person.

Yes, please feel free to forward our exchange to our council members. DSRT Surf has been an incredible resource to our high school surf club for years now. We started working together pre-pandemic and they have assisted us with surf trips, donations of equipment, photography and video content for our students, and are even partnering with our high school in the hopes of reducing single use plastic water bottles and providing access to clean and refreshing water for our students. This group understands the value of being involved in the community. They truly believe in supporting our youth and contributing to our local schools. They're already doing so much. Imagine the impact they will have once DSRT Surf is open in Palm Desert!

Krysten Gonda

> On Nov 16, 2022, at 12:08 PM, Eric Ceja <eceja@cityofpalmdesert.org> wrote:

>

> Hi Krysten,

>

> I don't anticipate the item to be heard by the City Council until

> closer to 6pm; however, we do have a hybrid option and you always have

> the option to remote into the meeting through zoom. You can access the

> meeting through zoom here:

> https://protect-us.mimecast.com/s/iKAWCAD7oztglV0fGBhM2

>

> I can also provide this email to the Clerk for distribution to the City Council as the email expresses its support of the project and the developers efforts to work with youth in the area.

>

> Thanks,

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>

> Eric Ceja

> Director of Economic Development

> Ph: 760.346.0611 Direct: 760.776.6384 eceja@cityofpalmdesert.org

>

> ----- Original Message-----

> From: Gonda, Krysten A. <krysten.gonda@cvusd.us>

> Sent: Wednesday, November 16, 2022 7:54 AM

> To: Eric Ceja <eceja@cityofpalmdesert.org>

> Subject: Desert Wave Ventures Project

>

> Good morning Mr. Ceja,

>

> I was hoping to attend the City Council meeting scheduled for Thursday, November 17 in support of DSRT Surf. I'm looking at the agenda and trying to gauge an approximate time for when their item would be on the floor for discussion.

>

> I'm a high school teacher who coaches the surf club at Desert Mirage High School. I always like to get my students involved in these processes so that they can see how local government works and that they feel empowered to get involved. I'd like to invite my students to attend tomorrow. I would also like to attend, but my schedule is tight. The folks behind DSRT Surf are assisting my students with a beach clean-up in San Diego on Thursday, so I will likely just be getting back from San Diego around 4 or 5. Do you think I would have time to get from Thermal to Palm Desert in time to address the council?

>

> Thanks,

> Krysten Gonda

SP/EA 22-0001 and TTM 38434 Refuge Specific Plan

PALM DESERT CITY COUNCIL NOVEMBER 17, 2022

PALM DESERT

3A Supplemental-1

Vicinity Map





Project Request

Request for City Council Approval of:

- Specific Plan (SP) Specific Plan for a 106.4-acre site located at the southwest corner of Gerald Ford Drive and Rembrandt Parkway.
 - Up to 969-dwelling units (single-family and multi-family)
- Environmental Assessment (EA) Initial Study (IS) and Mitigated Negative Declaration in accordance with California Environmental Quality Act (CEQA)
- Tentative Tract Map (TTM) to subdivide a 93.56-acre portion of the site

Planning Commission recommends approval subject to added condition of approvalat October 18th meeting

Project Applicant: Refuge Palm Desert

Project held a community meeting with nearby residents and has addressed concerns

REFUGE: SPECIFIC PLAN

Specific Plan

106.4-acre parcel and establishing five (5) planning area:

- PA 1- Multifamily 269 units (Vitalia)
- PA 2 Single/Multifamily up to 3 stories
- PA 3- Single-family up to 2 stories
- PA 4 Open Space private amenity area
- PA 5 Open Space private landscape buffer

Planning Area (PA)	Area (acres)	Density Range (du/ac)	Unit Range	Land Use	Height (Stories)
PA 1	11.9	Up to 22.6	Up to 269	Multi-family	Up to three
PA 2	16.4	10.0 – 18.3	165 – 302	Mixed residential	Two to three
PA 3	66.3	4.7 – 6.0	315 – 398	Single-family	Up to two
PA 4	3.9	-	-	Open Space	One
PA 5	7.9	-	-	Open Space	None
Total	106.4	7.0 - 9.1	749 - 969	-	





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11/17/2022

Revised: August 19, 2022

AGENDA ITEM 3.A.

L-5.00

3A Supplemental-5

Planning + Environmental Services + Dry Utility Coordination + GIS

34200 Bob Hope Drive Rancho Mirage, CA 92270 (760.320.9811) MSAConsultingInc.com

Environmental Assessment

Draft Initial Study identified that project measures could be mitigated to a less than significant impact.

Mitigated Negative Declaration (MND)

Mitigation Measures and Mitigation Monitoring and Reporting Program

- Biological
- Cultural Monitoring
- Traffic Offsite improvements, signal, street.
- Geology

Tentative Tract Map

To subdivide a 93.56-acre portion of the proposed 106.4-acre RSP as follows:

- 339 single-family residential lots 43.63 acres
- 1 condominium lot 14.29 acres
- 20 lots for onsite retention and open space amenity areas 14.15 acres
- 13 lots for public streets and 8 lots for private alleyways 21.49 acres







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Community Engagement- Public Comment

Meeting with residents on August 23, 2022

- Noticed within 1,000 feet of the site
- Held at City Hall
- Approximately 36 residents in attendance

Primary Concerns:

- Added Traffic
- Dust Control during construction
- Impact on Views

3 residents spoke at the October 18, 2022, Planning Commission meeting







11/17/2022

Palm Desert



Palm Desert

Planning Commission Recommendation

Waive further reading and:

- 1. Conduct the public hearing and receive public testimony.
- Adopt Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approval of the Refuge Specific Plan (SP22-0001) to develop up to 969 dwelling units on a 106.4-acre site area located at the southwest corner of Gerald Ford Drive and Rembrandt Parkway.
- 3. Adopt Resolution approving Tentative Tract Map (TTM) 38434 subdividing a 93.56-acre portion of the Refuge Specific Plan project site.





3A Supplemental-15





Palm Desert





11/17/2022

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Photo 1. Typical site conditions where minimally impacted by edge effects.





Photo 2. Edge effects (disturbance) along Gerald Ford Drive.





Photo 6. Drift fencing near south site boundary.



Photo 5. Dune / blow-sand from site overtopping the golf course wall on west boundary.

Photo 3. Edge effects along the west site boundary.

Photo 7. Drift fencing extending across much of the site center.

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19,634 646,131 -646,131

Palm Desert

	THE FOLLOWING FACTORS WERE USED IN THE PREPARATION OF THE EARTHWORK ANALYSIS:
.967	SHRINKAGE: 15%
149	SUBSIDENCE: 0.20'
136	OVERDOWNTION 3'
142	DISTURBED AREA 93 ACRES
.933	
	ALL OF THE FACTORS WERE OBTAINED FROM PETRA GEOSCIENCES, INC PROJECT No. 20-446 .
.634	DATED MARCH 4, 2021.
465	
.004	SHRINKADE: 20% - 22%
	SUBSDENCE: 0.2' - 0.22'
127	OVER EXCAVATION 4.0
.493	OVER EXCHANGED 4.0
	EXISTING TOPOGRAPHY WAS PROVIDED BY INLAND AERIAL SURVEYS, INC., DATED NOVEMBER 26, 2016.







11/17/2022





AGENDA ITEM 3.A.

PLANT SCHEDULE CENTER

INCES

1

PALMS

BOTANICAL/COMBONINAME

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Vachelia famesiana. Sweet Siena: TM Podinsi Sweet Acadia BOTANICAL/ COMMON NAME. DETENTION BASIN

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SHRUBS BOTANICAL/COMMONINAME



Location

Existing and Surrounding Land Uses



Background

Property is owned by the Successor Agency to the Palm Desert Redevelopment Agency (SARDA).

December 2020 – The City entered into an exclusive negotiating agreement with the project applicant on a portion of the site

• Master planned residential development

August 2021 – The City Council approved the Vitalia Apartments in a separate action.

May 2022 – Applicant submitted application.

October 2022 – Planning Commission recommends approval of the project to Planning Commission.



Specific Plan

Establishes 50'-0" buffer around the eastern and southern edges of the site witinh Planning Area 5.

Limits homes to single-story along buffer area within Planning Area 3.

Limits buildings to two-story along the street and single-family residential within Planning Area 2.

Block views of Sheriff Station within PA 2 and PA 3.

Pedestrian network.

Coordinated Landscape.



Analysis

Specific Plan satisfies State and local requirements.

Mitigated Negative Declaration complies with CEQA

Tentative Tract Map complies with requirements of Refuge Plan.





Item 3B Supp-1