

CITY COUNCIL RESOLUTION NO. 2019-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT,
CALIFORNIA, APPROVING THE DSRT SURF SPECIFIC PLAN, PRECISE
PLAN, AND TENTATIVE TRACT MAP**

CASE NOS. SP 18-0002/PP 18-0009/EA 18-0002/TTM 37639

WHEREAS, the DSRT SURF Project (“DSRT SURF” or “Project”) proposes the development of a six-acre surf lagoon and surf center facilities to include a restaurant, bar, retail, up to 350 hotel rooms, and up to 88 residential villas on 17.69 acres of vacant land within the Desert Willow Golf Resort, including a Specific Plan (SP), Precise Plan (PP), Tentative Tract Map (TTM), Environmental Impact Report (EIR), and a Disposition and Development Agreement (DDA); and

WHEREAS, pursuant to section 21067 of the Public Resources Code of the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”), 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 proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines Section 15063, the City conducted an Initial Study to determine if the Project may have a significant effect on the environment and to evaluate whether an EIR was required; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the City Council did, on the 14th day of November 2019, adopt Resolution No. 2019-83 certifying the DSRT SURF EIR and adopted a Statement of Overriding Consideration in evaluating potentially adverse environmental impacts; and

WHEREAS, on the 15th day of October, 2019, the Planning Commission conducted a duly noticed public hearing and adopted Resolution No. 2764, recommending approval of the project and EIR to the City Council; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 14th day of November 2019, hold a duly noticed public hearing to consider the request by Desert Wave Ventures, LLC, for approval of The DSRT SURF SP, PP, TTM, a DDA, and adopted Resolution No. 2019-83 certifying the project EIR and adopting a Statement of Overriding Consideration for the above-noted project; and

WHEREAS, all of the findings, recommendations, and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including by not limited to the Final EIR, SP, PP, TTM, and DDA, all of which is incorporated herein by this reference; and

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WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the City Council has not received any comments or additional information that constituted substantial new information requiring recirculation or additional environmental review under Public Resources Code Sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5; 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 City Council did find the following facts and reasons to exist to justify the approval of said request:

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. Compliance with the California Environmental Quality Act. The City Council has reviewed and considered the EIR, and administrative record on file with the City and available for review at 73510 Fred Waring Drive, Palm Desert, California. The City Council finds that the EIR has been completed in compliance with the CEQA (Pub. Res. Code § 21000 et seq.: "CEQA") and the State CEQA Guideline and has adopted Resolution No. 2019-83 certifying the EIR.

SECTION 3. Findings of Approval of Tentative Map 37639.

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

The project includes a surf lagoon and hotel development within the Desert Willow Golf Resort. The General Plan provides a land-use designation of "Resort and Entertainment District" for the entire Desert Willow Golf Resort, and describes the purpose of the District as providing "a range of entertainment and resort destinations uses that require large amounts of land and that draw visitors to the City such as theme parks, hotels, and sports facilities. DSRT SURF is consistent with the intent of the general plan in that a sports amenity and resort are part of the project.

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

The design and improvements of the parcel map have been reviewed by the Planning Department, Fire Department, and Public Works Department for consistency with the General Plan and emergency services. The lot sizes, street and utility improvements, circulation patterns, and drainage improvements meet all requirements of the General Plan. All perimeter streets are in conformance with the General Plan and modifications to the surrounding roadways will improve vehicle circulation in the vicinity.

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

The site has previously been rough graded and stabilized as part of the Desert Willow Resort development. A portion of the site has been developed with an asphalt parking lot, and all utilities to support the development are nearby to serve the development. The EIR for the project has studied all potentially significant environmental impacts and finds that the site is suitable for this type of development.

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

The project site is surrounded by the existing golf course and multi-story timeshare development to the north, south, east, and west. As proposed, the site layout and distribution of land uses are consistent with surrounding development and the intent of the "Resort and Entertainment District" land use identified in the General Plan. The Specific Plan includes allowances for the development of hotel, commercial, and recreational development within the project area at heights and intensities similar to existing timeshare development within the immediate area.

- 5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

For purposes of the CEQA, an EIR has been adopted for the project. The action to approve the TTM to further subdivide the property will not cause substantial environmental damage or injure fish, wildlife, or their habitat since the surrounding area has been developed with similar densities and limited wildlife is present at the site. Environmental studies performed at the site did not identify any endangered or sensitive species. In addition, the project will pay into the Coachella Valley Multi-Species Habitat Conservation fund for the development of raw land.

- 6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design and layout of the tract map are in compliance with all grading, drainage, shared vehicle access, and parking requirements of the SP. The properties will be developed in accordance with the Uniform California Building Code. Grade changes and utility easements are accommodated by the building and street layout and open space provided throughout the project site. Pedestrian access is provided to adjoining land uses via sidewalks and other pedestrian walkways. Mitigation measures are also in place to minimize air and noise impacts from the project to nearby properties.

- 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 planned subdivision.

The project will utilize and enhance existing drainage, water, and electrical distribution easements located within and adjacent to the project site. The tract

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map identifies the use of this area and will record an easement for drainage purposes. Improvements related to drainage will be provided to ensure the project area accommodates 100 percent of the 100-year storm. Surrounding perimeter City streets are built-out to the General Plan designation. In addition, the developer and the City will make modifications to install a new traffic signal at the intersection of Cook Street and Marketplace Drive to accommodate existing and increased vehicular traffic demand.

SECTION 4. Findings for Recommended Approval of Specific Plan.

1. The DSRT SURF SP, as proposed, is consistent with the goals and policies of the Palm Desert General Plan, including that the project provides a unique resort destination and recreational amenity consistent with the intent of the Resort and Entertainment District, provides an appropriate scale of development that is compatible with the Desert Willow Golf Resort, expands local employment offerings, and increases the City's sales tax base.

2. The DSRT SURF SP is compatible with adjacent properties and surrounding uses and development standards are similar to existing standards for the Desert Willow Golf Resort, and the Westin Desert Willow Villas, in that building heights and setback standards are similar, that the new buildings are substantially setback from existing residential development, and the resort nature of DSRT SURF is compatible with the existing resort uses at Desert Willow.

3. The DSRT SURF SP is suitable and appropriate for the location, access, and topography for development because the intent of Desert Willow is to provide a resort-style development, the site has been previously mass graded and identified for future resort-style development, all infrastructure to support the project is nearby and improvements to infrastructure to support the project are feasible, and access to the site has been studied and is deemed sufficient to support the project.

4. The proposed SP and TTM are not detrimental to the health, safety, or general welfare, or will be materially injurious to the surrounding properties or improvements in the City of Palm Desert.

SECTION 5. Project Approval. The City Council hereby approves SP 19-0002, PP 18-0009, EA 18-0002, and TTM 37639, subject to the conditions of approval.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings, which these findings are based are located at the City's office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Rachelle Klassen, the City Clerk, is the custodian of the record of proceedings.

SECTION 7. Notice of Determination. The City Council in approving the project directs Staff to file a Notice of Determination with the County of Riverside and the State Clearinghouse within five (5) working days of any Project approval.

SECTION 8. Execution of Resolution. The Mayor of the City of Palm Desert signs this Resolution, and the City Clerk shall attest and certify to the passage and adoption thereof.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AS FOLLOWS:

1. That the above recitations are true and correct and constitute the findings of the City Council in this case.
2. That the City Council does hereby approve the DSRT SURF SP, PP, TTM, EIR, and DDA, subject to the conditions of approval.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Palm Desert, California, at its regular meeting held on the 14th day of November 2019, by the following vote, to wit:

AYES: HARNIK, JONATHAN, KELLY, NESTANDE, and WEBER

NOES: NONE

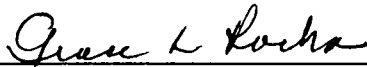
ABSENT: NONE

ABSTAIN: NONE



SUSAN MARIE WEBER, MAYOR

ATTEST:



for RACHELLE D. KLASSEN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA

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**CONDITIONS OF APPROVAL
CASE NOS. SP 18-0002/PP 18-0009/EA 18-0002/TTM 37639**

DEPARTMENT OF COMMUNITY DEVELOPMENT:

1. The development of the property and all buildings pads within the SP boundaries shall conform substantially with exhibits on file with the Department of Community Development, and as modified by the following conditions.
2. The applicant shall record TTM 37639 within two (2) years of project approval. Construction of improvements, in accordance with the approved SP and PP, shall commence within two (2) years from the date of approval unless a time extension is granted, otherwise said approval shall become null, void, and of no effect whatsoever.
3. 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, 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 Developer's approval of counsel, which shall not be unreasonably denied, and at Developer's sole expense. If the City is aware of such an action or proceeding, it shall promptly notify 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 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 Developer's consent, which consent shall not be unreasonably withheld, conditioned or delayed, unless Developer materially breaches this indemnification requirement.
4. The applicant shall comply with all terms and conditions as outlined in the DDA approved by the City Council.
5. 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 SP and all Palm Desert Municipal ordinances and state and federal statutes now in force, or which hereafter may be in force.
6. Prior to issuance of a building permit for construction of any use or structure contemplated by this approval, the applicant shall first obtain permits or clearance from the following agencies:

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Coachella Valley Water District (CVWD)
Public Works Department
Building and Safety 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.

7. A cultural resources inventory shall be completed by a qualified archeologist prior to any development activities within the project area.
8. 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 the 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 Descendant (MLD). The City and Developer will work with the designated MLD to determine the final disposition of the remains.
9. Land uses identified in the DSRT SURF SP and Planned Residential Zoning District are permitted within the SP boundaries.
10. Each developable parcel shall be subject to all applicable fees at the time of issuance of building permits for improvements within that parcel.
11. The applicant shall finalize a Turf Reduction Program (TRP) with the Community Development and Economic Development Department prior to a Certificate of Occupancy for the surf center.
12. All parcels shall develop in a manner consistent with the development standards contained in the SP. All other development standards not addressed in the SP shall comply with the Palm Desert Municipal Code (PDMC).
13. All future Phase 2 development within the SP boundaries shall generally conform to the architectural renderings provided in the SP and PP applications. Building design deviations are permitted, but shall conform to the architectural guidelines, colors, and material samples provided for in the SP.
14. Architectural plans for Phase 1 development, including the surf center, surf lagoon, and ancillary buildings were approved by the City's Architectural Review Commission. All other buildings associated with the Phase 2 development shall submit an Architectural Review application to the Department of Community Development for review prior to issuance of a building permit. The application will be forwarded to the City's Architectural Review Commission for a hearing and final approval.

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15. Final landscape plans shall be prepared by a registered and licensed landscape architect and submitted to the Department of Community Development for review. The plans shall be consistent with the preliminary landscape plans reviewed by the Planning Commission unless changes are requested by Department staff. Changes shall be limited to plant quantities, sizes, types, and phasing of landscape improvements at the project site. Landscape plans must meet the following criteria:
 - A. Must be water efficient in design and meet the City of Palm Desert's Water Efficiency Landscape Ordinance.
 - B. Planting plans must show the location of proposed and existing utilities.
 - C. Must match approved civil plans.
 - D. All specifications and details must be site-specific.
 - E. Applicants must have CVWD approval of their irrigation plans prior to City approval.
 - F. Applicants must have a stamp or signature from the County Agricultural Commissioner before City approval.
16. The applicant shall pay into the City's Public Art Fee as part of the development of the SP. It is recommended that this fee be used for an on-site public art project within the SP boundaries. Public Art Fees are due at the time a Building Permit is issued for the development of any Planning Areas.
17. Lighting and photometric plans shall be submitted in accordance with the PDMC Section 24.16 for any landscape, architectural, street, or parking lot lighting.
18. Sports Lighting is permitted for use of the surf lagoon as identified in the SP. Generally, the use of sports lighting is permitted until 10:00 p.m. Monday through Thursday, and midnight Friday through Sunday.
19. Special events, which exceed 1,500 spectators, shall not exceed a maximum site capacity of 5,000 spectators. Prior to hosting any special event, the operator shall finalize a Parking Management Plan (PMP) for special events with the City's Community Development Department and identify all traffic control and off-site parking strategies.
20. All mitigation measures identified in the EIR Mitigation Monitoring Reporting Program (MMRP) shall be incorporated into the planning, design, development, and operation of the project.

DEPARTMENT OF PUBLIC WORKS:

Public Works has reviewed TTM 37639. Following are the conditions of approval.

Prior to recordation of the tract map and any permits:

21. The tract map shall be submitted to the Director of Public Works for review and approval.
22. Horizontal control requirements shall apply to this map, including state plane coordinates, which shall conform to the City of Palm Desert specifications.
23. Park fees in accordance with PDMC Section 26.48.060 shall be paid prior to the

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recordation of the tract map.

24. Signalization fees, in accordance with City of Palm Desert Resolution Nos. 79-17 and 79-55, shall be paid prior to issuance of any permits associated with this project or the recordation of the tract map.
25. Drainage fees in accordance with PDMC Section 26.49 and Ordinance No. 653 shall be paid prior to recordation of the tract map.
26. Pad elevations, as shown on the tentative map, are subject to review and modification in accordance with Chapter 27 of the PDMC.
27. 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 public improvements as specified in the DDA. Improvements include, but are not limited to:
 - A. The proportionate share of the installation of a traffic signal at Cook Street and Market Place representing 12.1% of the cost of the signal and its installation, as required by Mitigation Measure TRANS-1 of the Project EIR.
 - B. Public parking improvements.

Prior to the issuance of grading permits, the applicant shall do the following:

28. The applicant shall enter into and record a drainage easement agreement with the City of Palm Desert for facilities shown on the approved tentative map.
29. 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.
30. 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 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.
31. Submit a PM10 application to the Department of Public Works for approval. The applicant shall comply with all provisions of the PDMC Section 24.12 regarding Fugitive Dust Control.
32. The applicant shall abide by all provisions of City of Palm Desert Ordinance 843, Section 24.20 Stormwater Management and Discharge Ordinance.

BUILDING AND SAFETY:

33. This project shall comply with the latest adopted edition of the following codes:
 - A. 2016 California Building Code and its appendices and standards.

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- B. 2016 California Plumbing Code and its appendices and standards.
 - C. 2016 California Mechanical Code and its appendices and standards.
 - D. 2016 California Electrical Code.
 - E. 2016 California Energy Code.
 - F. 2016 California Green Building Standards Code
 - G. 2016 California Administrative Code.
 - H. 2016 California Fire Code and its appendices and standards.
33. An approved automatic fire sprinkler system shall be installed as required per the City of Palm Desert Code Adoption Ordinance 1310.
34. A disabled 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 2016 CBC Chapters 11A & B (as applicable) and Chapter 10.
35. All exits must provide an accessible path of travel to the public way. (CBC 1027.5 & 11B-206)
36. 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.
37. 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.
38. 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.
39. All contractors and subcontractors shall have a current City of Palm Desert Business License prior to permit issuance per PDMC, Title 5.
40. All contractors 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
41. Address numerals shall comply with Palm Desert Ordinance No. 1310 (PDMC 15.28. Compliance with Ordinance 1310 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 1310 or Municipal Code Section 15.28 from the Department of Building and Safety counter staff.
42. Please contact the Department of Building and Safety at (760) 776-6420 regarding the addressing of all buildings and/or suites.

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FIRE DEPARTMENT:

43. The project proponents/developers will pay required capital improvements and/or impact fees prior to the issuance of building permits.
44. Fire Department emergency vehicle apparatus access road location and design shall be in accordance with the current California Fire Code, the PDMC, and Riverside County Fire Department Standards, and as modified by the Fire Marshal as shown on page F.1 of the PP design book. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance. NOTE: SECONDARY FIRE ACCESS IS REQUIRED FROM THE PROPERTY.
45. Fire Department water systems(s) for fire protection shall be in accordance with the current California Fire Code, City of Palm Desert, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.
46. Tract/Parcel map development cases – Prior to building permit issuance, the required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building materials placed on an individual lot.
47. The applicant shall secure secondary access onto Willow Ridge Drive via a gate with Knox locks.

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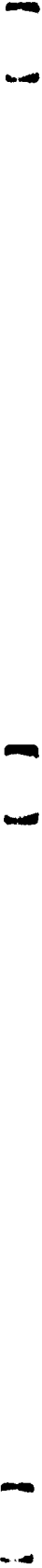


EXHIBIT "A"

**MITIGATION MONITORING & REPORTING PROGRAM
DSRT SURF Specific Plan
EIR/ SCH No. 2019011044**

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Aesthetics	Less Than Significant	AES-1: In order to assure that lighting levels at the Lagoon Villas do not exceed City standards, architectural plans for the villas will be accompanied by a lighting plan that demonstrates that the interior lighting level at the windows located facing the lagoon does not exceed 1.0 footcandle.	City Building Department, Project Contractor	Prior to issuance of building permits.
	Significant and Unavoidable	AQ-1: <u>Electric Vehicle Charging Stations</u> At least 6% of all vehicle parking spaces shall include EV charging stations and 8% of all vehicle parking spaces shall include designated parking for clean air vehicles.	City Planning Department, Project Contractor	Prior to issuance of building permits.
	Significant and Unavoidable	AQ-2: <u>Delivery Vehicle Idling Time</u> Delivery vehicle idling time shall be limited to no more than five minutes. For any delivery that is expected to take longer than five minutes, the vehicle's operator shall be required to shut off the engine. The Project proponent shall notify vendors of these idling requirements at the time the delivery purchase order is issued and again when vehicles enter the facility. Signs shall be posted at entry to the facility's delivery area stating that idling longer than five minutes is not permitted.	Project Proponent	Prior to lease agreement and/or business operation
Air Quality	Significant and Unavoidable	AQ-3: <u>Employee Commute</u> Any employer that employs 250 or more employees at a work site, on a full or part-time basis, shall implement an Employee Commute Reduction Program (ECRP) under SCAQMD Rule 2202, On-Road Motor Vehicle Mitigation Option.	Project Proponent	Prior to lease agreement and or business operation
	Significant and Unavoidable	AQ-4: <u>Paving and Roofing Materials</u> Light-colored paving and roofing materials shall be utilized onsite, to the greatest extent practical.	City Planning Department, Project Contractor	Prior to issuance of building permits.
	Significant and Unavoidable	AQ-5: <u>Energy Star</u> Energy Star heating, cooling, and lighting devices, and appliances shall be installed onsite to the greatest extent practical.	City Building Department, Project Contractor	Prior to issuance of building permits.
	Significant and Unavoidable	AQ-6: <u>Sweepers</u> Electric or alternatively fueled sweepers with HEPA filters shall be used onsite to the greatest extent practical.	Project Proponent	On-going project maintenance
	Significant and Unavoidable	AQ-7: <u>Lawn Maintenance</u> Electric lawn mowers and leaf blowers shall be used onsite to the greatest extent practical.	Project Proponent	On-going project maintenance

MITIGATION MONITORING & REPORTING PROGRAM
DSRT SURF Specific Plan
EIR/ SCH No. 2019011044

Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
	Significant and Unavoidable	<p>AQ-8: <u>Cleaning Products</u> Water-based or low VOC cleaning products shall be used to the greatest extent practical.</p>	Project Proponent	On-going project maintenance
	Significant and Unavoidable	<p>AQ-9: Dust Control Plan: SCAQMD Rule 403.1 SCAQMD Rule 403 (403.1 specific to the Coachella Valley): A dust control Plan shall be prepared and implemented by all contractors during all construction activities, including ground disturbance, grubbing, grading, and materials import and export. Said plan shall include but not be limited to the following best management practices:</p> <ul style="list-style-type: none"> • Treated and stabilized soil where activity will cease for at least four consecutive days; • All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour; • Water site and equipment morning and evening and during all earth-moving operations; • Operate street-sweepers on paved roads adjacent to site; • Establish and strictly enforce limits of grading for each phase of development; • Wash off trucks as they leave the project site to control fugitive dust emissions • Cover all transported loads of soils, wet materials prior to transport, provide freeboard (space from the top of the material to the top of the truck) to reduce PM₁₀ and deposition of particulate matter during transportation • Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic. 	City Public Works Department, Project Contractor	Approved dust control plans prior to site disturbance. Adherence to the confirmed plans during all project plan reviews.
	Significant and Unavoidable	<p>AQ-10: <u>Off-Road Emission Standards</u> It shall be required that all off-road diesel-powered construction equipment meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction.</p>	City Engineer, Project Contractor	Prior to issuance of grading plans

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DSRT SURF Specific Plan
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Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
Biological Resources	Less Than Significant	<p>BIO-1: <u>Payment of CVMSHCP Fees</u> The Project proponent shall be required to pay the CVMSHCP local development mitigation fee to mitigate for impacts to covered species and natural communities within the Project site.</p>	City Building Department, Project Contractor	Prior to construction.
	Less Than Significant	<p>BIO-2: <u>MBTA Compliance</u> For any grading or other site disturbance or tree or vegetation removal occurring during the nesting season between February 1st and August 31st, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the consulting biologist, immediately prior to initiation of project-related ground disturbing activities. If nesting birds are present, no work shall be permitted near the nest until the young birds have fledged. While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 500 feet for birds-of-prey, and 100 – 300 feet for songbirds.</p>	City Planning Department, Project Biologist	In the event ground disturbance occurs during the referenced time frame, prior to ground disturbance.
	Less Than Significant	<p>BIO-3: <u>Burrowing Owl Surveys</u> A qualified biologist shall conduct two (2) take avoidance pre-construction burrowing owl surveys onsite. The first shall occur between 14 and 30 days prior to ground disturbance, and the second shall occur within 24 hours of ground disturbance. If burrowing owls are detected, the project proponent shall consult with CDFW to determine what course of action is needed, such as the use of exclusion devices (if applicable) to discourage owls from using burrows that are believed to be in jeopardy of being impacted by implementation of the project.</p>	City Planning Department, Project Biologist	In the event ground disturbance occurs during the referenced time frame, prior to ground disturbance.
Cultural and Tribal Resources	Less Than Significant	<p>CUL-1: <u>Worker Education Program</u> Prior to commencing any phase of Project ground disturbance, all personnel working onsite shall be required to complete a worker education program performed by a qualified archaeologist that describes potential archaeological artifacts, human remains, and other cultural materials that could be unearthed during the Project development process, and the procedures required in the event such a discovery is made.</p>	City Planning Department, Project Archaeologist	Prior to any site disturbance. During all phases of construction.

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Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage
	Less Than Significant	<p>CUL-2: Monitoring If buried cultural materials are encountered inadvertently during any earth-moving operations associated with the Project, all work within 50 feet of the discovery should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds. The archaeologist shall prepare a findings report summarizing the methods and results of the investigation, including an itemized inventory and detailed analysis of recovered artifacts upon completion of field and laboratory work. The report shall include an interpretation of the cultural activities represented by the artifacts and discussion of their significance. The submittal of the report to the City and Tribal representative, as appropriate, along with final disposition of the recovered artifacts in a manner consistent with determination of the lead agency, Project archaeologist, and consulting tribes, will signify the completion of the monitoring program and, barring unexpected findings of significance, the mitigation of potential project impacts on cultural and tribal resources.</p>	Project Contractor, Project Archaeologist	During all phases of ground disturbance.
	Less Than Significant	<p>CUL-3: Human Remains Should buried human remains be discovered during grading or other construction activities, in accordance with State law, the County coroner shall be contacted. If the remains are determined to be of Native American heritage, the Native American Heritage Commission and the appropriate local Native American Tribe shall be contacted to determine the Most Likely Descendant (MLD).</p>	Project Contractor, City Planning Department	During all phases of ground disturbance.
	Less Than Significant	<p>GEO-1: Site Clearing Prior to commencement of remedial grading within the site, all existing vegetation, associated root systems, and debris should be cleared. Areas planned to receive fill should be cleared of old fill and any irreducible matter.</p>	Project Contractor	Prior to grading.
Geology and Soils	Less Than Significant	<p>GEO-2: At Grade Structure Areas Requirements All undocumented artificial fill and low-density native surface soil should be removed and re-compacted for the at-grade structures (e.g., spa building and cabanas). Over-excavation should extend to a minimum depth of 3 feet below existing grade or 3 feet below the bottom of the footings, whichever is deeper. The exposed native soil should be moisture conditioned to within 2 percent of optimum moisture content and compacted to at least 90 percent relative compaction. Removals should extend at least 5 feet laterally beyond the footing limits.</p>	Project Contractor, Project Geologist	During grading.

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	Less Than Significant	<p>GEO-3: <u>Fill Placement and Compaction</u> Engineered fill should be free of organic material, debris, and other deleterious substances, and should not contain irreducible matter greater than 3-inches in maximum dimensions. The imported fill should meet the following criteria:</p> <table border="1" data-bbox="532 806 651 1373"> <tr> <td>Plastic Index</td> <td><12</td> </tr> <tr> <td>Liquid Limit</td> <td><35</td> </tr> <tr> <td>% Soil Passing #200 Sieve</td> <td>Between 15% - 35%</td> </tr> <tr> <td>Maximum Aggregate Size</td> <td>3 inches</td> </tr> </table>	Plastic Index	<12	Liquid Limit	<35	% Soil Passing #200 Sieve	Between 15% - 35%	Maximum Aggregate Size	3 inches	Project Contractor, Project Geologist	During grading.
Plastic Index	<12											
Liquid Limit	<35											
% Soil Passing #200 Sieve	Between 15% - 35%											
Maximum Aggregate Size	3 inches											
	Less Than Significant	GEO-4: <u>Shrinkage and Subsidence</u> Volumetric shrinkage of the material should be between 10 and 15 percent.	Project Contractor, Project Geologist	During grading.								
	Less Than Significant	GEO-5: <u>Temporary Excavation</u> Temporary excavation up to 20 feet in depth may be required to accomplish the proposed construction. Excavations to depth of 20 feet should have slope cuts no steeper than horizontal to one vertical (1:1).	Project Contractor, Project Geologist	During grading.								
	Less Than Significant	GEO-6: <u>Conventional Shallow Spread Footings</u> Adequate support for the proposed resort buildings and surf lagoon enclosed walls will be provided through Conventional Shallow Spread Footings.	Project Contractor, Project Geologist, Project Engineer	During slab construction.								
	Less Than Significant	GEO-7: <u>Slabs-on-Grade</u> Concrete slabs-on-grade must be placed on compacted engineered fill to provide uniform support. Sladden Engineering has recommended a minimum slab thickness of 4-inches and a minimum reinforcement consisting of #3 bars at 18-inches on center in each direction shall be required.	Project Contractor, Project Geologist, Project Engineer	During slab construction.								
	Less Than Significant	GEO-8: <u>Structure Mat Slabs</u> Structure Mat Slabs: Structure Mat Slabs shall be required for the below grade structures associated with the wave generating equipment which would meet an allowable soil bearing pressure of 3,000 psf.	Project Contractor, Project Geologist, Project Engineer	During slab construction.								

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Impact Heading	Level of Impact After Mitigation	Mitigation Measure	Responsible Party/Monitoring Party	Implementation Stage								
	Less Than Significant	GEO-9: <u>Retaining Walls:</u> Subterranean parking levels and the surf lagoon would require retaining walls. Ground surface behind retaining walls shall be sloped to drain.	Project Contractor, Project Engineer	During Construction								
	Less Than Significant	GEO-10: <u>Asphalt Concrete Pavement:</u> This shall be designed in accordance with Topic 608 of the Caltrans Highway Design Manual to meet the following thickness for the site: <table border="1" data-bbox="630 726 743 1423"> <thead> <tr> <th>Pavement Material</th> <th>Required Thickness</th> </tr> </thead> <tbody> <tr> <td>Asphalt Concrete Surface Course</td> <td>3 inches</td> </tr> <tr> <td>Class II Aggregate Base Course</td> <td>4 inches</td> </tr> <tr> <td>Compacted Subgrade Soil</td> <td>12 inches</td> </tr> </tbody> </table>	Pavement Material	Required Thickness	Asphalt Concrete Surface Course	3 inches	Class II Aggregate Base Course	4 inches	Compacted Subgrade Soil	12 inches	Project Contractor, Project Engineer	During construction.
Pavement Material	Required Thickness											
Asphalt Concrete Surface Course	3 inches											
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	Less Than Significant	GEO-11: <u>Corrosion Series:</u> Prior to ground disturbing activities, a corrosion expert shall be consulted regarding appropriate corrosion protection measures for corrosion sensitive installation.	Project Contractor, Project Geologist	Prior to ground disturbance.								
	Less Than Significant	GEO-12: <u>Utility Trench Backfill:</u> All utility trench backfill shall be compacted to a minimum relative compaction of 90%.	Project Contractor, Project Geologist	During construction.								
	Less Than Significant	GEO-13: <u>Exterior Concrete Flatwork:</u> The subgrade soil below concrete flatwork areas shall first be compacted to minimum relative compaction of 90 percent to minimize cracking of concrete flatworks.	Project Contractor, Project Geologist, Project Engineer	During construction.								
	Less Than Significant	GEO-14: <u>Drainage:</u> To provide rapid removal of surface water runoff to an adequate discharge point, all final grades shall be provided with positive gradients away from foundations. In addition, surface water shall be directed away from building foundations to an adequate discharge point to reduce water infiltration into the subgrade soil.	Project Contractor, Project Geologist, Project Engineer	During construction.								
	Less Than Significant	GEO-15: If buried paleontological materials are discovered inadvertently during any earth-moving operations associated with the project, all work within 50 feet of the discovery shall be halted or diverted until a qualified paleontologist can evaluate the nature and significance of the finds.	Project Contractor, Project Archaeologist	During grading.								

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	Less Than Significant	<p>GEO-16: All project grading plans shall include a soil erosion prevention/dust control plan. Blowing dust and sand during excavation and grading operations shall be mitigated by adequate watering of soils prior to and during excavation and grading, and limiting the area of dry, exposed and disturbed materials and soils during these activities. To mitigate against the effects of wind erosion after site development, a variety of measures shall be implemented, including maintaining moist surface soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, and using chemical soil stabilizers.</p>	Project Engineer, City Public Works Department	Approved dust control plans prior to site disturbance. Adherence to the confirmed plans during construction.
	Less Than Significant	<p>GEO-17: There shall be a cessation of grading activities during rainstorms or high wind events. The project contractor shall install flow barriers and soil catchments (such as straw bales, silt fences, and temporary detention basins) during construction to control soil erosion.</p>	Project Contractor	During grading.
	Less Than Significant	<p>GEO-18: All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of spillage or dust.</p>	Project Contractor	During grading and hauling operations.
	Less Than Significant	<p>GEO-19: Prior to ground disturbing activities, all employees at the construction site shall be trained in earthquake preparedness and identify safe places near the construction site to facilitate emergency evacuation.</p>	Project Contractor	Prior to ground disturbing activities
Greenhouse Gas Emissions	Significant and Unavoidable	<p>GHG-1: The Project shall implement the policies of the Palm Desert Environmental Sustainability Plan applicable to its development. The Project shall adhere to the following principals, goals, and actions:</p> <ul style="list-style-type: none"> • Adherence to California Building Code, Title 24; • Assess potential for light-colored surfaces and shading to reduce urban heat island effect; • Incorporate solar power; • Use water efficient technologies to reduce water waste; • Require mandatory waste diversion of 100% inert and 75% other debris from residential, commercial, and construction debris; • Promote programs that replace turf with native low water-use plants, trees, ground cover and "hard-scapes," including the redesign of golf courses to reduce the amount of irrigation required; • Use "desert style landscaping" and require "time-of-use" irrigating to reduce evaporation. 	Project Architect, City Building Department	Approved building plans and landscaping plans prior to site disturbance.

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Hydrology and Water Quality	Less Than Significant	HYD-1: BMPs, as described in the Project-specific WQMP, shall be implemented to ensure that water quality impacts resulting from the Project meet the City's NPDES standards.	City Engineer, Project Contractor	Approved plans prior to site disturbance. Implementation during all construction activities.
	Less Than Significant	HYD-2: Exposed soil from excavated areas, stockpiles, and other areas where ground cover is removed shall be stabilized by wetting or other approved means to avoid or minimize the inadvertent transport by wind or water.	Project Contractor	During all stockpiling activities.
	Less Than Significant	HYD-3: The Project shall be subject to NPDES Construction General Permit requirements.	City Engineer, Project Engineer	During construction activities.
	Less Than Significant	HYD-4: The Turf Reduction Program shall be completed prior to the issuance of certificates of occupancy for the surf center.	City Planning Department, Project Contractor	Prior to issuance of certificates of occupancy for surf center.
Public Services	Less Than Significant	PS-1: All components of the Project shall be required to employ on-site private security.	Project Proponent, Lease holder	Prior to issuance of certificates of occupancy.
	Less than Significant	PS-2: Per the City's Municipal Code Sections 5.87.180 and 5.100.020, at least two weeks prior to a special event at the lagoon area, the applicant shall file a "Special Event Temporary Entertainment Permit." Event notifications and specifics shall be approved in advance with the RCSD and Fire Marshall prior to scheduled events.	City Planning Department, Project Proponent, Lease holder, RCSD, Cal Fire	Two weeks prior to a special event.
	Less than Significant	PS-3: Project facilities shall be designed and maintained to maximize public safety, including providing secure facilities access and parking, adequate nighttime lighting, maximization of defensible space and minimization of "dead zones," and professional security personnel. The Project proponent shall coordinate with the Police Department to assure the Project is designed to address these and other safety concerns.	Project Proponent, RCSD	Prior to approval of building plans.
	Less than Significant	PS-4: During construction, excavation areas, construction staging, and storage areas shall be fenced and locked. All equipment shall be returned to staging and storage areas at the end of each workday.	Project Contractor	During all phases of construction.

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Transportation	Less Than Significant	TRANSP-1: The Project proponent shall pay its fair share of the costs of installing a traffic signal at the intersection of Cook Street and Market Place Drive. The fair share amount shall be 12.1%, as defined in Table 1-5 of the "Desert Wave Traffic Impact Analysis, City of Palm Desert," prepared by Urban Crossroads, March 4, 2019. Signal timing shall be coordinated with the traffic signal at the intersection of Cook Street and Country Club Drive.	City Public Works Department, Project Proponent	Prior to occupancy of first building.
	Less Than Significant	TRANSP-2: The Project shall extend the eastbound left turn lane on Market Place Drive at Cook Street to provide a minimum of 165 feet of storage.	City Public Works Department, Project Proponent	Prior to occupancy of first building.
	Less Than Significant	TRANSP-3: Onsite traffic signing and striping shall be implemented in conjunction with detailed construction plans for the Project site.	City Public Works Department, Project Proponent	Prior to occupancy of first building.
	Less Than Significant	TRANSP-4: Sight distance at each Project access point shall be reviewed with respect to Caltrans and City of Palm Desert sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.	City Public Works Department, Project Proponent	Prior to issuance of building permits.
	Less Than Significant	TRANSP-5: The Project proponent shall coordinate with City staff to prepare, refine, and approve a Special Event Traffic Management Plan that facilitates the safe and efficient movement of special event traffic, shuttles, and pedestrians. A master management plan shall be prepared that details all potential measures required for a special event, which shall be supplemented with individual plans addressing specific special events based on their size and duration. The Special Event Traffic Management Plan shall be submitted to the City prior to certificate of occupancy for the Surf Center. Individual management plans for specific special events shall be submitted at least 30 days prior to the start of the event. The Special Event Traffic Management Plan shall include the measures identified in Mitigation Measures TRANSP-6 through 14, below.	City Public Works Department, Project Proponent, Lease holder	Prior to issuance of certificates of occupancy for surf center.

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	Less Than Significant	TRANSP-6: Shuttle service shall be provided to transport spectators between the Project site and overflow parking lot via Desert Willow Drive, and for any other off-site parking location required to accommodate the parking requirements for each special event. The calculation for number of parking spaces required shall be based on the number of planned attendees, divided by 2.4, and multiplied by 0.70 (70%) (as described in Section 1.10 of the "Desert Wave Traffic Impact Analysis, City of Palm Desert," prepared by Urban Crossroads, March 4, 2019). Shuttle routes and stops shall be identified in the Special Event Traffic Management Plan.	City Planning Department, Project Proponent, RCSD	At least two weeks prior to special event.
	Less than Significant	TRANSP-7: In developing the Special Event Traffic Management Plan, the Project proponent shall include the use of portable changeable message signs (CMS) along Country Club Drive and Cook Street to facilitate event traffic to and from on-site and off-site parking.	City, Project Proponent, Lease holder	Prior to issuance of certificates of occupancy
	Less than Significant	TRANSP-8: In developing the Special Event Traffic Management Plan, the Project proponent shall include the use of law enforcement personnel and/or special event flaggers to direct traffic at the following locations: 1) Desert Willow Drive & Country Club Drive, 2) Cook Street & Market Place Drive, 3) Desert Willow Drive & Market Place Drive, and 4) Desert Willow Drive & Project entrance. Any plans involving law enforcement personnel shall be coordinated with the Palm Desert Police Department.	City Planning Department, Project Proponent, Lease holder, RCSD	At least two weeks prior to special event.
	Less than Significant	TRANSP-9: In developing the Special Event Traffic Management Plan, the Project proponent and City shall include the use of public service announcements (PSA) to provide information to event guests prior to the event. Examples include, but are not limited to, online event information (i.e., suggested routes, parking, etc.), changeable message signs (CMS) prior to the event, and brochures.	City Planning Department, Project Proponent, Lease holder.	At least two weeks prior to special event.
	Less than Significant	TRANSP-10: The City shall provide traffic signal timing adjustments based on the expected peak arrival and departure periods of the special event at the following locations: 1) Desert Willow Drive & Country Club Drive, 2) Cook Street & Market Place Drive, and 3) Cook Street & Country Club Drive.	City Public Works/Engineer	Prior to special event
	Less than Significant	TRANSP-11: In developing the Special Event Traffic Management Plan, the Project proponent shall include the designation of convenient and accessible drop-off and pick-up areas to promote ridesharing and reduce parking demands. The Plan may also include short-term parking with time	City Planning Department, Project Proponent, Lease holder	At least two weeks prior to special event.

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		restrictions of 10-15 minutes for staging areas for ridesharing vehicles.		
	Less than Significant	TRANSP-12: In developing the Special Event Traffic Management Plan, the Project proponent shall include providing off-site parking facilities for employees to increase available on-site parking for guests. Employee parking sites shall be served by shuttles that transport employees to and from the Project site.	City Planning Department, Project Proponent, Lease holder, RCSD	At least two weeks prior to special event.
	Less than Significant	TRANSP-13: In developing the Special Event Traffic Management Plan, the Project Proponent shall include implementing valet parking to increase available on-site parking capacity.	City Planning Department, Project Proponent, Lease holder, RCSD	At least two weeks prior to special event.
	Less than Significant	TRANSP-14: The Project proponent shall demonstrate availability of additional parking spaces at Desert Springs Marketplace, the Indian Wells Tennis Garden or other location(s) prior to each special event. Shuttle service to/from the Project site shall be provided to serve all off-site parking locations.	City Planning Department, Project Proponent, Lease holder, RCSD	At least two weeks prior to special event.
	Less than Significant	TRANSP-15: Prior to site disturbance, construction staging plans shall be approved by the Public Works, Fire, and Police Departments to assure they adequately consider and account for temporary detours, changing access to business and residential areas, and emergency access, and that they cause minimal disruption to adjoining streets and land uses, during all phases of Project development.	City Public Works, Project Contractor, RCSD, Cal Fire	Prior to site disturbance.
	Less than Significant	TRANSP-16: The Construction Manager shall be required to identify and promptly repair any Project-related damage to existing public roads upon completion of each phase of Project development. The Construction Manager shall monitor the condition of these routes throughout the construction process and, in the event of an accidental load spill or other Project-related incident, shall arrange for the immediate clean-up of any material with street sweepers or other necessary procedures.	Project Contractor, City Public Works Department	During all phases of construction
	Less than Significant	TRANSP-17: The final location and design of the site access points and internal circulation improvements shall comply with City of Palm Desert access and design standards and be reviewed by the City Engineer and Fire and Police Departments.	City Engineer, RCSD, Cal Fire	Prior to issuance of building permits.

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	Less than Significant	TRANSP-18: Parking adjacent to the surf lagoon, surf center, hotel, villas, and other buildings shall be prohibited, where necessary, to provide unobstructed access by emergency service vehicles and first responders.	Project Engineer, RCSD, Cal Fire	Prior to issuance of certificates of occupancy.
	Less than Significant	TRANSP-19: The Police and Fire Departments shall be provided with a Knox Box or other master key or access code that enables immediate entry to the Project's secured emergency access gate on Willow Ridge.	Project Proponent, Lease Holder, RCSD, Cal Fire	Prior to issuance of certificates of occupancy.
	Less than Significant	TRANSP-20: The Project proponent shall participate in the CVAG's TUMF program by paying the requisite TUMF fees.	Project Proponent, City Building Department	Prior to issuance of grading permit.