

January 24, 2018

To:

**City of Palm Desert City Council
Sabby Jonathan, Mayor
Susan Marie Weber, Mayor Pro Tem
Kathleen Kelly, Council Member
Jan Harnik, Council Member
Gina Nestande, Council Member**

From:

**Open Space Action Committee:
Barbara Powers, Secretary
Serena Illk , Director
Sue Adamson, Director
Cindy Stevenson, Director**

Subject: City of Palm Desert Planning Commission Meeting December 19, 2017, Staff Report: Planning Commission Resolution 2715, Tentative Tract Maps 37240, 37241, 37242

REQUEST: Consideration of a recommendation to the City Council to rezone three parcels from Open Space (OS) to Mixed Residential (R-2) and approve Tentative Tract Maps 37240, 37241, and 37242 for the construction of 69 condominium units on approximately 30 acres located on the former executive golf course at Palm Desert Country Club; and adopt a Mitigated Negative Declaration (MND) in accordance with the California Environmental Quality Act (CEQA).

The Open Space Action Committee is a group of your Palm Desert Country Club property owners working for the greater good of the whole PDCC Community. Our goal is to preserve the Open Space that comprises the Former PDCC Executive Course that has been in existence and zoned as Open Space for 57 years. We have on file 678 signed petitions of property owners within the Palm Desert Country Club Community who have signed a petition stating they are opposed to the Proposed Development of the Former Executive Course. That figure represents 43% of the of the total property owners within the PDCC Community and continues to increase, This is Significant!

The Open Space Action Committee submits the following for consideration by the City of Palm Desert City Council:

A Tentative Tract Map is made for the purpose of showing the design and improvement of a proposed subdivision Any deviation from the project description, exhibits or conditions must be reviewed and approved by the Planning Commission for conformity and approval. Deviations and revisions may require approved changes to the map and/or further environmental review. Deviations and revisions without the above described approval will constitute a violation of map approval.

The absence of Tentative Tract Maps 37240, 37241 and 37242 attached to the Planning Commission Resolution No. 2715 dated December 19, 2017, were listed as document attachments. This is a deviation from the Planning Commission Approval Process therefore constitutes a violation of map approval.

The Planning Commission shall receive all evidence and testimony, both oral and documentary, concerning the tentative tract maps. The Tentative Tract Maps mentioned above are non-compliant with the PDCC Proposed Development as it exists today, i.e. Pad Elevations, Structure Heights, Swimming Pool Elevations, Perimeter Wall Construction/Locations, Internal Vehicle Ingress/Egress, Easement Locations/and the Dedicated Land (5' Wide) to Existing Property Owners. The Initial Environmental Study dated October, 2017 is non-compliant with the PDCC Proposed Development as it exists today due to the revisions and deviations of the Tentative Tract Maps mentioned above, therefore, a new, complete Environmental Study should be completed.

It is our understanding that Commissioner Lindsay Holt asked the Planning Commission Panel, "Whether they were going to make their decision based on the fact that they did not yet have the Tract Maps? Her concern was that if the Planning Commission approved the project recommending the zone change and sent the approval to the City Council without the Maps, then the developer could sell the land with the approved zone change. The new buyer would purchase the R2 property and could build something other than condos on the land. The Planning Commission DID NOT 'Tie' the land to the map."

We feel the City of Palm Desert Planning Commission failed in its Fiduciary Power by rendering an approval of Planning Commission Resolution No.2715 in lieu of holding their approval under advisement pending the receipt and review to the above mentioned Tentative Tract Maps.

Additionally, we feel the City of Pam Desert Planning Commission failed in its Fiduciary Responsibility especially involving trust with regard to the relationship between the City and the property owners directly impacted by this development.

We are asking the City of Palm Desert City Council not to schedule the PDCC Proposed Development of the Former Executive Course for Public Hearing until the City Council has called for a review of the Tentative Tract Maps 37240, 37241 and 37242 and a new and complete Environmental Study has been completed.

Thank you for your prompt attention to this matter. We look forward to hearing from you on or before February 8, 2018.

**Open Space Action Committee
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**cc:
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