

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: April 25, 2024

PREPARED BY: Carlos Flores, AICP, Principal Planner

REQUEST: CONSIDER MAKING A FINDING OF EXEMPTION UNDER CEQA AND APPROVE A STREET VACATION OF AN 8,582 SQUARE FOOT PORTION OF SHADOW LAKE DRIVE IN FAVOR OF A PROPERTY AT 73745 SHADOW LAKE DRIVE

RECOMMENDATION:

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, MAKING A FINDING OF EXEMPTION UNDER CEQA AND APPROVING A PROPOSED STREET VACATION OF AN 8,582 SQUARE FOOT PORTION OF SHADOW LAKE DRIVE IN FAVOR OF A PROPERTY AT 73745 SHADOW LAKE DRIVE IS CONSISTENT WITH THE CITY OF PALM DESERT GENERAL PLAN (APNS: 627-342-001)."

BACKGROUND/ANALYSIS:

Gordon German (Owner/Applicant) has filed Street Vacation 23-0008 (Vacation) to vacate an 8,852 square foot (sf) portion of Shadow Lake Drive adjacent to an existing single family residential property at 73745 Shadow Lake Drive. Chapter 3, Part 3, Division 9 of the Streets and Highway Code allows for Street Vacation proceedings to be initiated by the City Council.

Legal Review:

This report has been reviewed by the City Attorney's office.

Planning Commission Recommendation:

California Government Code Section 65402 requires that prior to streets being vacated by the City Council, the Planning Commission make a finding that the proposed vacation is consistent with the City's General Plan. On March 19, 2024, the City of Palm Desert Planning Commission adopted Resolution No. 2860 finding this request to be consistent with the Palm Desert General Plan.

Project Description:

The proposed Vacation area off Shadow Lake Drive was dedicated for public use as part of Lot F in the Shadow Mountain Park Estates, Unit No. 1, as shown on a map recorded in Book 28 at Pages 18 and 19 of maps in the office of the County Recorder for Riverside County, California. The Vacation area has remained vacant and unimproved since recordation, with no physical improvements existing or planned. The area has an existing drainage easement reserved to the City of Palm Desert and a sanitation easement reserved to the Coachella Valley Water District.

The Vacation proposes the 8,582 sf to be vacated in favor of 73745 Shadow Lake Drive, which has an existing single family residential home. If approved, the Owner would be able to construct

City of Palm Desert
ST23-0008 SHADOW LAKE DR VACATION

structures further west into the existing vacant and unimproved area. The Owner’s property line would be further west, allowing for structures to be constructed further west and still meet side yard setback requirements. The Owner is seeking this approval to build accessory structures and/or add to the primary dwelling in the future, in addition to improving the area, which would otherwise be left vacant and unimproved. The Vacation would reserve a 3,316 sf drainage easement to the City of Palm Desert and a 20’ wide CVWD Sanitation easement throughout the site. All new construction for 73745 Shadow Lake Drive would be subject to the PDMC development standards.

As shown below in Table 1, the existing property is designated as residential within the City’s General Plan and surrounded by residential designations. The vacation would allow for expansion of existing residential uses adjacent to other residential properties.

Table 1 – General Plan Land Use Designation

Property Site	Existing Land use	General Plan Land Use Designation
73745 Shadow Lake Drive	Existing Residential	Conventional Suburban Neighborhood
North	Existing Residential	Small Town Neighborhood
South	Existing Residential	Golf Course & Resort Neighborhood
East	Existing Residential	Conventional Suburban Neighborhood
West	Existing Residential	Golf Course & Resort Neighborhood

The proposed Vacation is consistent with the City of Palm Desert General Plan goals and policies relating to land use and mobility. The General Plan Land Use Element promotes having complete neighborhoods, conventional neighborhood design, appropriate roadway scale, and encouragement of infill neighborhoods. The General Plan Mobility Element envisions an interconnected multi-modal transportation system that promotes livable streets and ongoing monitoring of the transportation facilities. The proposed Vacation area is not needed for street purposes, is unnecessary for present or prospective public use, and can be conveyed to the adjacent property owner without compromising the operational capacity of the roadway.

Environment Review:

City staff has reviewed the project in accordance with CEQA and recommends that the Project is exempt from environmental review pursuant to Class 1, Section 15301 – Existing Facilities. This Section pertains to existing highways and streets and this project can be found that the vacation of the subject right of way will not result in a direct or reasonably foreseeable indirect physical change in the environment. Therefore, no further environmental review is required under CEQA and a notice of exemption may be adopted.

Public Review

Pursuant to Sections 8322 and 8323 of the California Streets and Highways Code, due notice of the public hearing was given including: A public hearing notice for this item was published in the Desert Sun on April 12, 2024, distributed to property owners within 300 feet of the project site, and three (3) notices were posted along the line of the street to be vacated. No comments have been received from the public as of the date of publishing this report.

FINANCIAL IMPACT:

None

ATTACHMENTS:

1. Draft Resolution
2. Street Vacation Plans (Exhibit A and B of the resolution)
3. Public Hearing Notice