

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

RESOLUTION NO. _____

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)
CASE NOS. ST23-0008

WHEREAS, Gordon German, the owner of the property located at 73745 Shadow Lake Drive, did submit a request for a street vacation to vacate an 8,582 square foot portion of Shadow Lake Drive adjacent to 73745 Shadow Lake Drive; and

WHEREAS, the Project site (73745 Shadow Lake Drive) has a land use designation of Conventional Suburban Neighborhood in the General Plan adopted on November 10, 2016; and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and the City of Palm Desert's ("City's") Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, pursuant to the requirements of the CEQA, the State Guidelines for Implementation of CEQA (State CEQA Guidelines) and the City of Palm Desert CEQA Implementation Requirements, the City of Palm Desert Development Services Department has determined that the Project will not have a significant impact on the environment and that the Project is exempt under Section 15301(c) – Class 1, Existing Facilities; therefore, no further environmental review is necessary; and

WHEREAS, street vacation proceedings may be initiated by the City Council or may act on a petition or request of an interested person, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, California Government Code Section 65402 requires that prior to the streets being vacated by the City Council, the Planning Commission shall make a finding that the proposed street vacation is consistent with the City's General Plan; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 19th day of March 2024, consider the request for street vacation identified above and adopt Planning Commission Resolution 2860 finding the request to be consistent with the Palm Desert General Plan ; and

WHEREAS, pursuant to Sections 8322 and 8323 of the California Streets and Highways Code, due notice of the public hearing was given;

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

CITY COUNCIL RESOLUTION

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

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

SECTION 2. Findings for Street Vacation. Under Chapter 3, Part 3, Division 9 of the California Streets and Highways Code, the City Council hereby finds:

1. The proposed street vacation conforms with the City of Palm Desert General Plan. The proposed street vacation is consistent with the City of Palm Desert General Plan, including goals and policies relating to land use and mobility.
2. The proposed street vacation will have no environmental effects that adversely impact the public safety or welfare.
3. The portion of right of way being vacated is unnecessary for present or prospective public use.

SECTION 3. Project Approval. The City Council finds that the proposed street vacation of a 8,852 square foot portion of Shadow Lake Drive adjacent to 73745 Shadow Lake Drive legally described in Exhibit A and depicted in Exhibit B, attached hereto is consistent with the General Plan.

ADOPTED ON _____, 20__.

Karina Quintanilla
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

CITY COUNCIL RESOLUTION

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____, 2024.

ANTHONY J. MEJIA
CITY CLERK

CITY COUNCIL RESOLUTION

EXHIBIT "A"
STREET VACATION
VACATION NO. ST23-0008

ALL OF LOT F OF 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.

EXCEPTING AND RESERVING FROM THE VACATION AN EASEMENT FOR ANY EXISTING PUBLIC UTILITIES AND PUBLIC SERVICE FACILITIES, TOGETHER WITH THE RIGHT TO MAINTAIN, OPERATE, REPLACE, REMOVE, OR RENEW SUCH FACILITIES, PURSUANT TO DIVISION 9, PART 3, CHAPTER 5, SECTION 8340 OF THE STREETS AND HIGHWAY CODE.

A 20.00 FOOT WIDE SANITATION EASEMENT IN FAVOR OF COACHELLA VALLEY WATER DISTRICT, LYING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

THAT PORTION OF LOT F, MOUNTAIN PARK ESTATES, UNIT NO. 1, M.B. 38/18-19, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT F, DISTANT THEREON 32.69' EASTERLY ALONG SAID NORTH LINE FROM THE MOST WESTERLY CORNER THEREOF;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 43°52'05" EAST, A DISTANCE OF 118.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 175.00 FEET, A RADIAL LINE FROM SAID POINT BEARS NORTH 28°16'30" EAST;

THENCE ALONG SAID CURVE SOUTHEASTERLY 46.85 FEET THROUGH A CENTRAL ANGLE OF 15°20'25", TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT F, BEING DISTANT THEREON AND 10.30 FEET FROM THE MOST EASTERLY CORNER OF SAID LOT F AND THE **POINT OF TERMINATION**.

THE SIDELINES OF SAID SANITATION EASEMENT SHALL BE LENGTHENED OR SHORTENED AS TO BEGIN IN SAID NORTHERLY LINE OF SAID LOT F AND END IN THE SOUTHEASTERLY AND EASTERLY LINES OF SAID LOT F.

CONTAINING 3,296 SQ. FT. ±

ALSO **EXCEPTING THEREFROM** AND RESERVING UNTO THE CITY OF PALM DESERT, AN EASEMENT FOR DRAINAGE PURPOSES OVER A PORTION OF SAID LOT F BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT F:

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT F, SOUTH 45°09'15" EAST, A DISTANCE OF 182.82 FEET TO AN ANGLE POINT THEREIN;

THENCE ALONG THE SOUTHERLY LINE OF LOT F, NORTH 46°06'11" EAST, A DISTANCE OF 50.00 FEET TO AN ANGLE POINT THEREIN;

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THENCE LEAVING SAID SOUTHERLY LINE, SOUTH 89°44'35" WEST, A DISTANCE OF 36.23 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 30.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°06'10" A DISTANCE OF 23.62 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.50 FEET NORTHEASTERLY OF SAID SOUTHWESTERLY LINE OF SAID LOT F;

THENCE NORTH 45°09'15" WEST, TANGENT FROM SAID CURVE AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF LOT F, A DISTANCE OF 121.65 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT F;

THENCE WESTERLY ALONG SAID NORTH LINE, SOUTH 89°44'35" WEST, A DISTANCE OF 21.88 FEET AND THE **POINT OF BEGINNING.**

SAID VACATION CONTAINING: 8,582 SQ. FT. MORE OR LESS.

SAID DRAINAGE EASEMENT CONTAINING: 3316 SQ. FT. MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.



James D. Feiro 4/17/24

JAMES D. FEIRO, LS 4075 DATE



CITY OF PALM

73-510 FRED WARING DRIVE
PALM DESERT, CALIFORNIA 92260-2578
TEL: 760-346-0611
PLANNING@PALMDESERT.GOV

CITY OF PALM DESERT PUBLIC HEARING NOTICE CASE NO. ST23-0008

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, TO CONSIDER ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (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

The City of Palm Desert (City), in its capacity as the Lead Agency for this project and pursuant to the California Environmental Quality Act (CEQA), has determined the project to be exempt from further environmental review pursuant to CEQA Guidelines Section 15301, Existing Facilities.

PROJECT LOCATION: 73745 Shadow Lake Drive in the City of Palm Desert, located in Riverside County. Assessor's Parcel Numbers 627-342-001

PROJECT DESCRIPTION: The consideration is a request to vacate an 8,582 square foot portion of public right of way in favor of 73745 Shadow Lake Drive, which has an existing single family residential home.

PLANNING COMMISSION RECOMMENDATION: 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.

PUBLIC HEARING: NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Desert, California, will hold a Public Hearing on Thursday, April 25, 2024. The City Council meeting begins at 4:00 p.m. in the Council Chamber at 73510 Fred Waring Drive, Palm Desert, California. Pursuant to Assembly Bill 2449, this meeting may be conducted as a hybrid meeting, allowing public access via teleconference or in person. Options for remote participation will be listed on the Posted Agenda for the meeting at: <https://www.palmdesert.gov/connect/city-council>

REVIEW OF PROJECT INFORMATION: Information concerning the proposed Street Vacation is available for review in the Office of the City Clerk at 73510 Fred Waring Drive, Palm Desert, California during regular business hours and on the City's website at [City Council Meetings | City of Palm Desert](#)

COMMENT ON THIS APPLICATION: Response to this notice may be made as follows: Written comments may be submitted to the City Council by letter to the address below or email at CouncilMeetingComments@palmdesert.gov. Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the City Council as soon as practicable and retained for the official record.

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

Si necesita ayuda con esta notificación, por favor llame a la Ciudad de Palm Desert y comuníquese con Gloria Sanchez (760) 346-0611 ext. 354

PUBLISH: THE DESERT SUN
APRIL 12, 2024

ANTHONY J. MEJIA, MMC, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA