

# CITY OF PALM DESERT STAFF REPORT

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MEETING DATE: July 11, 2024

PREPARED BY: Rosie Lua, Deputy Director of Development Services

REQUEST: ADOPT RESOLUTION APPROVING FINAL TRACT MAP NO. 38434-1  
AND AGREEMENTS

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## **RECOMMENDATION:**

1. Adopt a resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP OF FINAL TRACT MAP NO. 38434-1."
2. Authorize the Mayor to execute Agreement for the construction and maintenance of a portion of public right of way
3. Authorize the City Attorney to make necessary, non-monetary changes to the Agreements and City Manager to execute any changes to said Agreements.

***\* Note: This item may be pulled from the agenda if the final attachments are not provided by Wednesday, July 10, 2024.***

## **BACKGROUND/ANALYSIS:**

On November 17, 2022, the City Council approved the Refuge Specific Plan (SP22-0001), a request by Refuge Palm Desert, LLC (Applicant), 17755 Sky Park Cir, Ste 101, Irvine, CA 92614 to establish five (5) planning areas, up to 969 residential dwelling units and related improvements on a 106.4-acre site located at the southwest corner of Gerald Ford Drive and Rembrandt Parkway. Concurrently, the City Council approved Tentative Tract Map 38434 (TTM 38434) by Resolution No. 2022-93, to subdivide a 93.56-acre portion of the proposed site into 1 condominium lot (14.29 acres) and 339 single family residential lots and its associated club house, open space, retention basins, and infrastructure (approximately 78 acres).

On September 5, 2023, the Planning Commission approved by Resolution No. 2841, a request to modify the layout to reduce the previously approved TTM 38434 to 332 single family residential lots and modify pad elevations. On March 5, 2024, the Planning Commission approved by Resolution No. 2859, an additional request by the Applicant to modify pad elevations.

TTM 38434 identified Lot A as a private open space lot totaling 1.16 acres. However, a portion of Lot A of TTM 38434, approximately 0.13 acres or 5,821 square feet is public right of way (Explorer Drive) which is owned by the City of Palm Desert (City); now considered as excess right of way. The Refuge Specific Plan included a vehicular circulation plan that designed a curvature of the proposed future extension of Explorer Drive, which created an excess portion of right of way. At a future date the city intends to convey the 0.13-acre excess right of way to the Applicant.

Resolution No. 2022-93 and subsequent approvals did not include conditions of approval for Lot A. Final Tract Map 38434-1 omits the 0.13-acre excess right of way within Lot A for the approval and recordation of the map. Upon approval, the City will enter into an agreement with the Applicant for maintenance and infrastructure obligations of the excess right of way, which will remain in effect until the City conveys the 0.13 acres to the Applicant.

In addition, the City processed and approved an application for a Parcel Map Waiver (PMW23-0006) for a lot line adjustment creating the boundaries of the condominium lot (14.29 acres) identified in TTM 38434. The Certificate of Compliance and perfecting deeds have been recorded in the official records of Riverside County.

The Final Tract Map No. 38434-1 (FTM 38434-1) is a phased portion of the map that includes 135 single family residential lots, 10 public street and infrastructure lots, 11 lots of open space including retention basins, and 1 lot to include the club house (approximately 38.23 acres). The phasing of the TTM 38434 was permissive through Condition of Approval No. 21 of Resolution No. 2022-93 with approval of the City Engineer and financial securities for all public improvements associated with the phase.

The Covenants, Conditions, and Restrictions (CC&Rs) of the Homeowner's Association (HOA) documents the maintenance obligations for the proposed site which includes maintaining all lots reserved for open space, landscaping and storm drain purposes, and all landscaping located in the public right of way adjacent to private property and within medians and roundabouts within the community.

The Subdivision Improvement Agreements (SIA) and Grading Agreement and associated bonds subsequently were submitted by the applicant to guarantee the completion of construction. The City Engineer has determined that FTM 38434-1 meets the application requirements of the Subdivision Map Act and the City's ordinances. The Final Map has been deemed technically correct by the City Engineer and the Conditions of Approval in Resolution have been satisfied for FTM 38434-1.

**Legal Review:**

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

**FINANCIAL IMPACT:**

There is no direct impact to the General Fund with this action. However, once the proposed public streets are completed and accepted, their long-term maintenance will be the responsibility of the City of Palm Desert.

**ATTACHMENTS:**

1. Resolution No. 2024-\_\_\_\_\_
2. Conditions of Approval of Resolution Nos. 2022-93, 2841, and 2859
3. Tentative Tract Map 38434
4. Final Tract Map 38434-1

5. Grading Agreement
6. Grading Bond
7. Subdivision Improvement Agreement
8. Subdivision Improvement Bonds
9. Grant of Easement for Explorer Drive
10. Emergency Access Agreement
11. Maintenance and Easement Agreement
12. Vicinity Map