

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: July 11, 2024

PREPARED BY: Rosie Lua, Deputy Director of Development Services

REQUEST: CONSIDERATION FOR APPROVAL OF A PORTION OF PUBLIC RIGHT-OF-WAY (EXPLORER DRIVE) IS "EXEMPT SURPLUS LAND" PURSUANT TO GOVERNMENT CODE SECTION 54221.

RECOMMENDATION:

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF CITY OF PALM DESERT, CALIFORNIA, DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY LOCATED AT THE TERMINUS OF EXPLORER DRIVE IS EXEMPT SURPLUS LAND, AND FINDING THAT SUCH DECLARATION IS NOT A PROJECT SUBJECT TO ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT."

BACKGROUND/ANALYSIS:

The California Surplus Land Act (Government Code 54220 et seq.) ("SLA") governs the sale of surplus land. Land may be declared either "surplus land" or "exempt surplus land." The SLA requires local agencies to comply with the SLA before taking action to dispose of surplus land. Government Code Section 54221(f)(1)(B) declares that a property may be exempt surplus land if it is less than one-half acre (21,780 square feet) in area and it is not contiguous to state or local agency property used for open-space or low- or moderate-income housing.

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 the future Explorer Drive. 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). Subsequent approvals included Planning Commission Resolution No. 2841 on September 5, 2023, and Resolution No. 2859 on March 5, 2024.

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) 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, that 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 did not include conditions of approval for Lot A. The Final Tract Map to be considered by City Council (FTM 38434-1) omits the portion of the City right of way within Lot A for the approval and recordation of the map. The City will execute agreements with the Applicant for maintenance and infrastructure obligations of the portion of city public right of way which will remain in effect until the City conveys the property to the Applicant at a future date.

Legal Review:

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

Environment Review:

Sales of surplus government property are exempt from the California Environmental Act (CEQA) pursuant to Title 14 Section 15312 of the California Code of Regulations.

FINANCIAL IMPACT:

There is no direct financial impact to the General Fund with this action.

ATTACHMENTS:

1. Resolution