

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: August 22, 2024

PREPARED BY: Carlos Flores, AICP, Principal Planner

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

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. 38431-1."
2. Authorize the City Attorney to make necessary nonmonetary changes to the agreements.
3. Authorize the City Manager to execute the agreements.
4. Authorize the Mayor to execute an agreement for the construction and maintenance of a portion of public right-of-way.

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 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 one condominium lot (14.29 acres) and 339 single-family residential lots and its associated clubhouse, 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) and is now considered 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 one lot for the clubhouse (approximately 38.23 acres). The phasing of TTM 38434 was permitted 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) document the maintenance obligations for the proposed site, which include 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 were subsequently 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 the resolution have been satisfied for FTM 38434-1.

This item was considered at the July 11, 2024, City Council meeting and was continued to August 22, 2024, to allow for more time to review all the documents associated with the item. Leading up to the July 11, 2024 meeting, the City received multiple complaints on the project with a focus on construction activity, pad elevations, and drainage. City staff had individual meetings and conversations with homeowners, created a project website on the City website to centralize project history, plans, and inspections, and conducted a community meeting at City Hall on June 25, 2024 to respond to resident questions and complaints. The following has occurred between July 11 and August 22, 2024:

- The developer finalized the "Del Webb Explore Action Plan" which included:
 - Enhanced dust control measures
 - Centralized e-mail and phone number to submit resident concerns
 - Process to request property damage claims
 - Information and reasoning on drainage design
- City staff and the developer have continued to log and respond to resident concerns and inquiries which have focused on location of construction equipment, physical damage to surrounding properties, pad elevations, and drainage concerns. Both City staff and the developer have created a centralized log to input and respond to concerns in a timely

manner. City staff receives updates from the developer on complaints received and responses.

- The City website has been continuously updated with information on the “Refuge Development,” including posting the “Del Webb Explore Action Plan.”
- The Applicant provided updated securities estimates to include an additional bond in the amount of \$1,711,957 to account for a revised engineering estimate on the street and storm drain bond.

Legal Review:

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

Environment Review:

The proposed Final Map is a project under CEQA. The adoption of the Final Map is exempt from CEQA under Section 15268(b) of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines). Section 15628(b) exempts ministerial approval by public agencies from CEQA. Final Maps are specifically cited as a type of ministerial permit. Therefore, this project qualifies for the identified exemption.

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
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
13. Public Comment
14. Explorer Action Plan