



PLANNING COMMISSION STAFF REPORT

Date: February 10, 2010

Case No.: Engineering File R-09-014

Type: Right-of-Way Vacation

Location: 1365 Tachevah Drive

APN: 507-241-017

Applicant: Del Griffith

General Plan: Tachevah Drive, designated as a 60 feet wide Collector roadway

Zone: R-1-C

From: Marcus L. Fuller, Asst. Director of Public Works/Asst. City Engineer

PROJECT DESCRIPTION:

Del Griffith, owner of the property located at 1365 Tachevah Drive, submitted an application to the Public Works and Engineering Department to have excess public right-of-way adjacent to his property vacated.

RECOMMENDATION:

Staff recommends that the Planning Commission determine that the vacation of a portion of right-of-way for Tachevah Drive adjacent to 1365 Tachevah Drive is consistent with the Circulation Element of the City of Palm Springs General Plan.

ANALYSIS:

On July 28, 2009, the City received a request from a property owner to vacate excess street right-of-way adjacent to property located at 1365 Tachevah Drive. The original street right-of-way (60 feet wide, 30 feet half-width) was granted to the City as Lot "A" on the underlying Tract Map for Desert Sands No. 2, recorded in 1936. In 1966, the

City's General Plan amended the designation of Tachevah Drive from a 60 feet wide collector to an 88 feet wide Secondary Thoroughfare.

Over time, as vacant lots subsequently developed, additional right-of-way was dedicated to provide the City with the required right-of-way for Tachevah Drive as a Secondary Thoroughfare. In this case, an additional 14 feet to provide a 44 feet half-width was granted to the City in 1972.

On September 2, 1998, the City Council approved a General Plan Amendment reclassifying Tachevah Drive between Avenida Caballeros and Sunrise Way to a 60 feet wide collector. Subsequently, the City's 2007 General Plan Update has designated Tachevah Drive as a 60 feet wide collector from Avenida Caballeros to Farrell Drive. Therefore, in those cases where additional rights-of-way to be consistent with an 88 feet wide Secondary Thoroughfare were granted to the City by property owners, that additional right-of-way is considered excess and is no longer required.

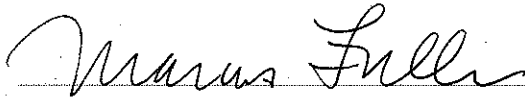
The California Government Code requires that cities determine whether the vacation or abandonment of any street right-of-way is consistent with the City's General Plan. Specifically, Government Code Section 65402(a) states:

*If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, **no street shall be vacated or abandoned**, and no public building or structure shall be constructed or authorized, **if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.** The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.*

The Planning Commission is the designated planning agency for the City of Palm Springs. As emphasized in the above cited Government Code, it is necessary for the Planning Commission to determine that the subject vacation of 14 feet of public right-of-way for Tachevah Drive, adjacent to 1365 Tachevah Drive, is consistent with the City's General Plan.

It is staff's recommendation that the Planning Commission make such determination, with the understanding that following the vacation, 60 feet of right-of-way will remain for Tachevah Drive, consistent with its designation as a Collector on the 2007 Palm Springs General Plan Update.

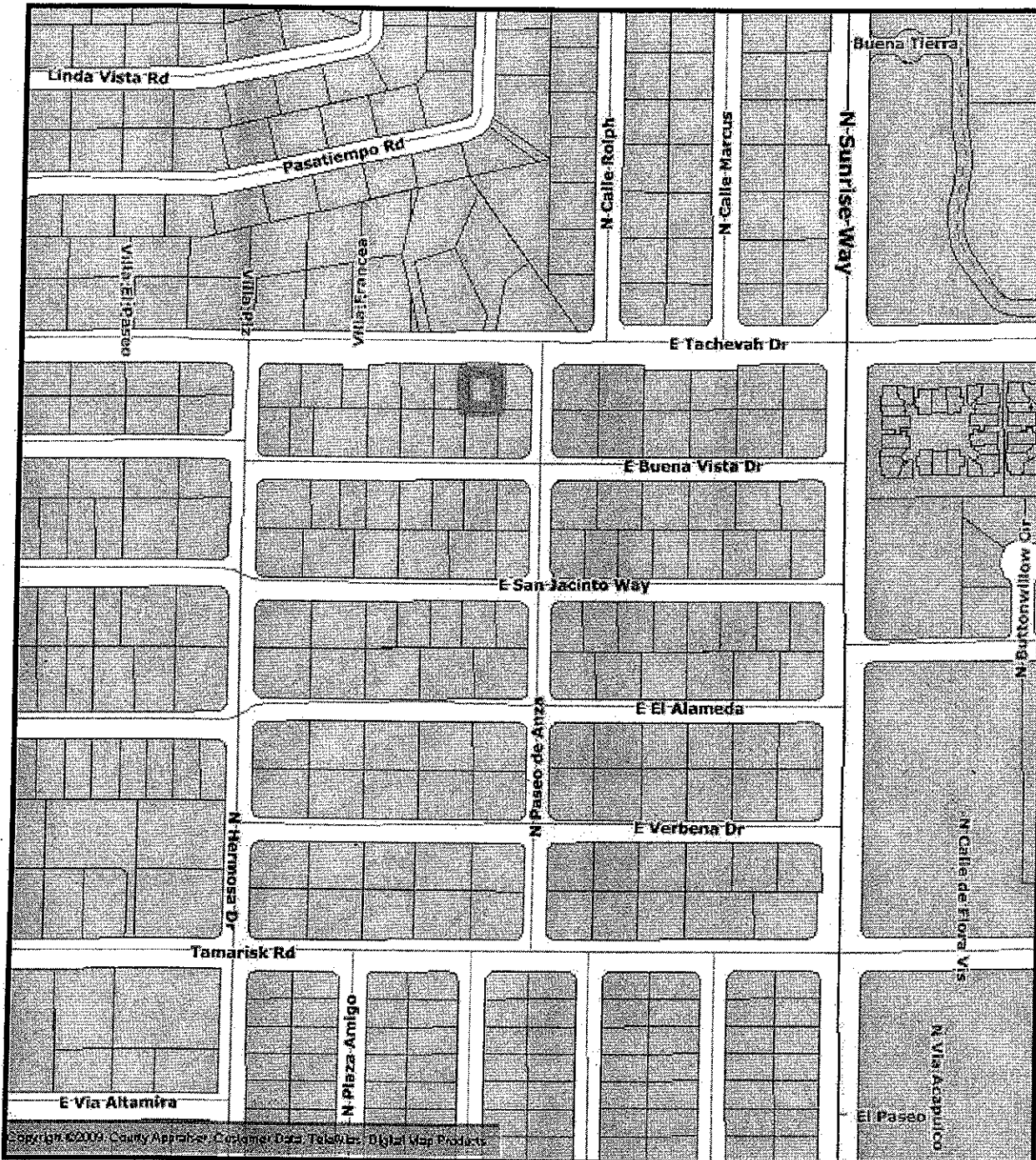
Submitted:



Marcus L. Fuller, P.E., P.L.S.
Asst. Director of Public Works/
Asst. City Engineer

ATTACHMENTS:

1. Site Plan of Vacation Area
2. Vacation Area Exhibits "A" & "B"
3. Resolution



VICINITY MAP

1365 Tachevah Drive: R/W
Vacation (R 09-014)



349 ft

CityGIS



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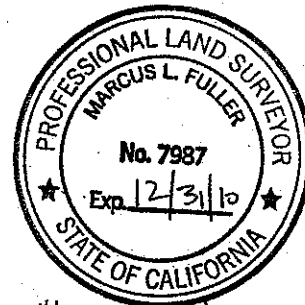
EXHIBIT "A"

VACATION OF RIGHT-OF-WAY LEGAL DESCRIPTION

A portion of right-of-way for Tachevah Drive, located in Section 11, Township 4 South, Range 4 East, San Bernardino Base & Meridian, more particularly described as follows:

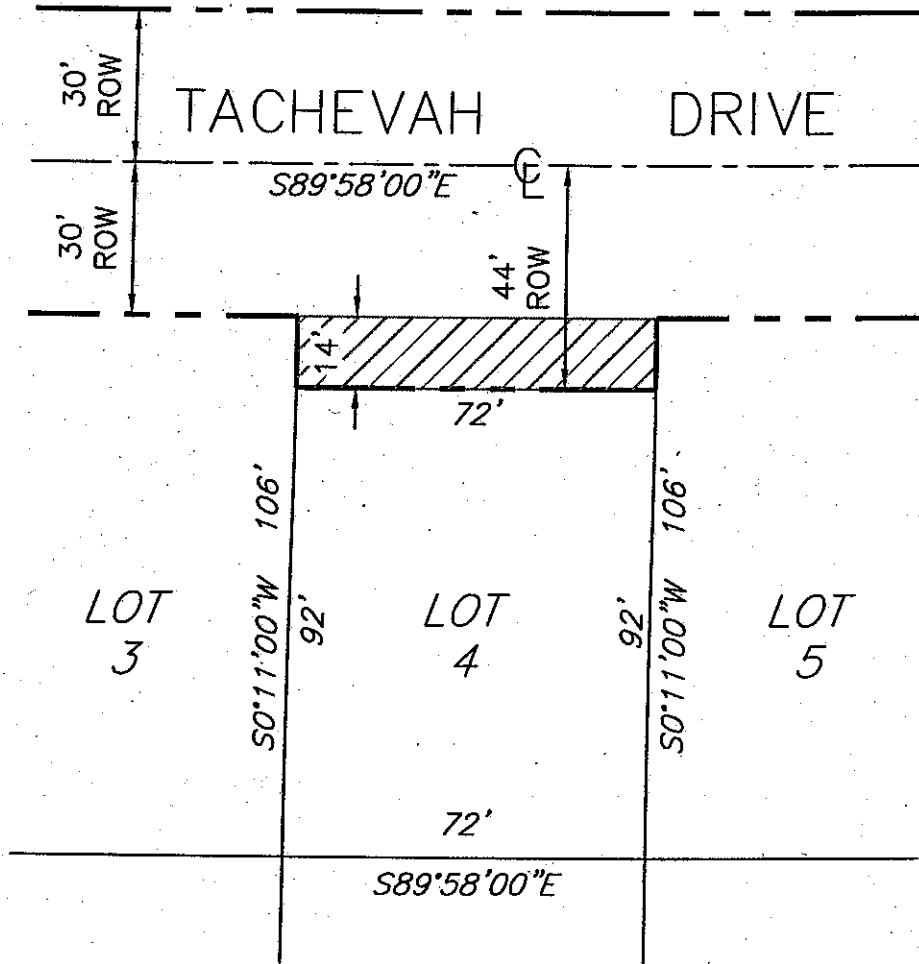
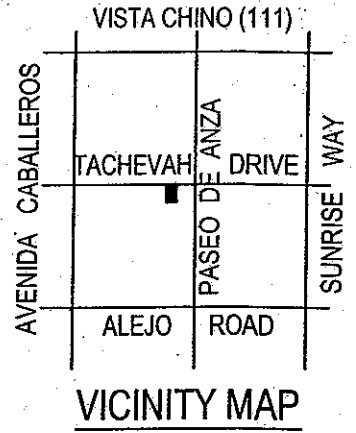
The northerly 14.00 feet of Lot 4 of Desert Sands No. 2, according to Map thereof recorded in Book 18, Page 93 of Maps, Records of Riverside County California.

Said portion of right-of-way contains 1,008 square feet, more or less.



MF 1/27/10

EXHIBIT "B"



LOT 4, DESERT SANDS 2, MB 18, PG 93

VACATION OF RIGHT-OF-WAY
1365 TACHEVAH ROAD

DESIGN BY: FUP	SCALE: NTS	FILE NO.: EA 09-14
CHECKED BY:	DATE 7/29/09	SHEET NO.: 1 OF 1

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 1365 TACHEVAH DRIVE IS CONSISTENT WITH THE PALM SPRINGS GENERAL PLAN; FILE R 09-14.

WHEREAS, Del Griffith ("Applicant"), the owner of property located at 1365 Tachevah Drive, has filed an application with the City to have vacated a portion of public right-of-way adjacent to 1365 Tachevah Drive; and

WHEREAS, Section 65402(a) of the California Government Code requires that no street shall be vacated or abandoned if the adopted general plan applies thereto until the location, purpose and extent of such street vacation or abandonment have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof; and

WHEREAS, Section 607 of Article VI of the Charter of the City of Palm Springs established the Planning Commission, and assigned it all duties set out in the California Planning and Zoning Law for a planning agency; and

WHEREAS, the Applicant has requested vacation of excess public right-of-way not necessary for future or prospective use, consistent with the Palm Springs General Plan.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that the proposed right-of-way vacation of 14 feet of public right-of-way for Tachevah Drive, located at 1365 Tachevah Drive, is consistent with the Palm Springs General Plan.

ADOPTED this 10th day of February, 2010

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services