



PLANNING COMMISSION STAFF REPORT

Date: March 24, 2010

Case No.: Engineering File R-09-20

Type: Right-of-Way Vacation

Location: 333 E. Valmonte del Norte

APN: 507-186-001

Applicant: William Wickwire

General Plan: Via Chica & Valmonte del Norte designated as Local Streets

Zone: R-1-B

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

PROJECT DESCRIPTION:

William Wickwire, owner of 333 E. Valmonte del Norte, 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 adjacent to 333 E. Valmonte del Norte is consistent with the Circulation Element of the City of Palm Springs General Plan.

ANALYSIS:

On November 30, 2009, the City received a request from William Wickwire, owner of 333 E. Valmonte del Norte, to vacate excess street right-of-way adjacent to his property. The request to vacate a portion of the right-of-way not needed (or "excess") is a result of the street improvements constructed in accordance with the Movie Colony Traffic

Calming Program previously adopted by the City Council on June 15, 2005 (see City Council staff report attached). These improvements were required to be constructed by the applicant of the Spanish Inn project (Tentative Tract Map 31104), and through adoption of Resolution 21388, the City Council approved TTM 31104 and authorized the revision of the local public streets within the Movie Colony to have reduced widths necessary to convert to one-way traffic flow. This conversion effectively reduced the travel way width to 12 feet adjacent to 333 E. Valmonte del Norte.

The applicant is concurrently proposing, by separate application, an expansion of his existing garage into the front yard setback, and the proposed right-of-way vacation would make his application for the garage expansion compliant with the Zoning Code requirement of a 25 feet front yard setback. A site plan showing the applicant's property in relation to the requested right-of-way vacation is attached.

The original Movie Colony subdivision dedicated a total of 40 feet of right-of-way for Valmonte del Norte, which is less than the minimum required right-of-way width of 50 feet for local public streets. The Circulation Element of the Palm Springs General Plan requires this standard, expecting all local public streets to have two-way traffic flow. The Circulation Element does not address the required right-of-way width for one-way traffic flow; however, given the City Council adoption of the Movie Colony Traffic Calming Program, and its subsequent conditional approval of TTM 31104 for the Spanish Inn requiring construction of the Program, staff recommends that the Planning Commission determine that the right-of-way width for Valmonte del Norte, in the area where the traffic flow has been reduced to one-way, may be reduced to less than 50 feet as authorized by the City Engineer in accordance with the approved Movie Colony Traffic Calming Program.

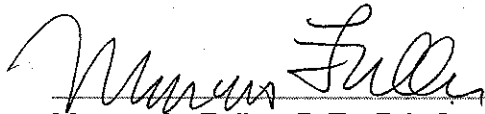
The California Government Code requires that cities determine whether the vacation or abandonment of any street right-of-way is consistent with the City's General Plan. Specifically, Government Code Section 65402(a) states:

*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 a portion of public right-of-way adjacent to 333 E. Valmonte del Norte is consistent with the City's General Plan.

It is staff's recommendation that the Planning Commission make such determination, including a finding that a reduced right-of-way width may be allowed in cases where traffic flow is restricted to one-way access on a local residential street.

Submitted:



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

ATTACHMENTS:

1. June 15, 2005, City Council Staff Report
2. Site Plan of Vacation Area
3. Vacation Area Exhibits "A" & "B"
4. Resolution



City Council Staff Report

DATE: June 15, 2005

Consent calendar

SUBJECT: CASE 5.1047 – AN APPLICATION BY THE CITY OF PALM SPRINGS FOR CONCEPTUAL APPROVAL OF THE MOVIE COLONY TRAFFIC CALMING PROGRAM, LOCATED EAST OF INDIAN CANYON DRIVE, NORTH OF ALEJO ROAD, SOUTH OF TAMARISK ROAD AND WEST OF VIA MIRALESTE, SECTION 11

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The Planning Commission recommends that the City Council grant conceptual approval of the Movie Colony Traffic Calming program.

RECOMMENDATION:

1. Approval of Minute Order No. _____, granting conceptual approval of Case No. 5.1047, an application by the City of Palm Springs for the Movie Colony Traffic Calming program.

STAFF ANALYSIS:

For several years, the residents of the neighborhood east of Indian Canyon Drive and west of Miraleste between Alejo and Tamarisk have requested the implementation of traffic calming program which reduced access to the neighborhood from Indian Canyon Drive. In response, the Planning Department conducted a survey in 2002 that asked residents their opinion regarding closing off Colusa, Gran Via Valmonte and Altamira. Twenty-seven (27) responses in support and 17 in opposition were received.

Subsequently, the Downtown Development Director worked on a series of alternative plans culminating in a 2004 plan that created a series of traffic circles with one-way west bound segments on Colusa, Valmonte Sur and Norte. The roads would provide access from Indian Canyon Drive to the hotels and condos but preclude entry east of Via Chica. The neighborhood did their own polling regarding closing off the streets and found 30 out of 31 respondents in favor.

Item No. 2.H.

The Engineering Division estimated the cost of re-constructing those roadways at \$362,000.

It was proposed that the cost could be proportioned amongst Colony Palms, Spanish Inn, Indian Manor and Heavenstone but that required approval from all parties. The City has conditioned participation by Colony Palms and Indian Manor. Although the conceptual plan previously had received informal concurrence at a City Council study session, in order for staff to be able to legally impose the improvements as conditions, the plan needs to receive formal Planning Commission and City Council approval.

Final development plans will be reviewed by the Planning Commission and City Council.

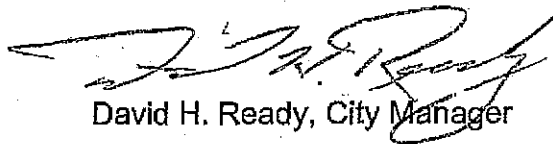
Pursuant Sections 15301 (Minor alteration of existing facilities), 15302 (Replacement and reconstruction of existing facilities) of the California Environmental Quality Act Guidelines, the project is categorically exempt from further environmental review under state law.

FISCAL IMPACT:

No fiscal impact. The cost of the improvement will be born by the Spanish Inn, Colony Palms and Indian Manor, as part of their improvement programs.



Norm Cancholla, Interim Director



David H. Ready, City Manager

Attachments:

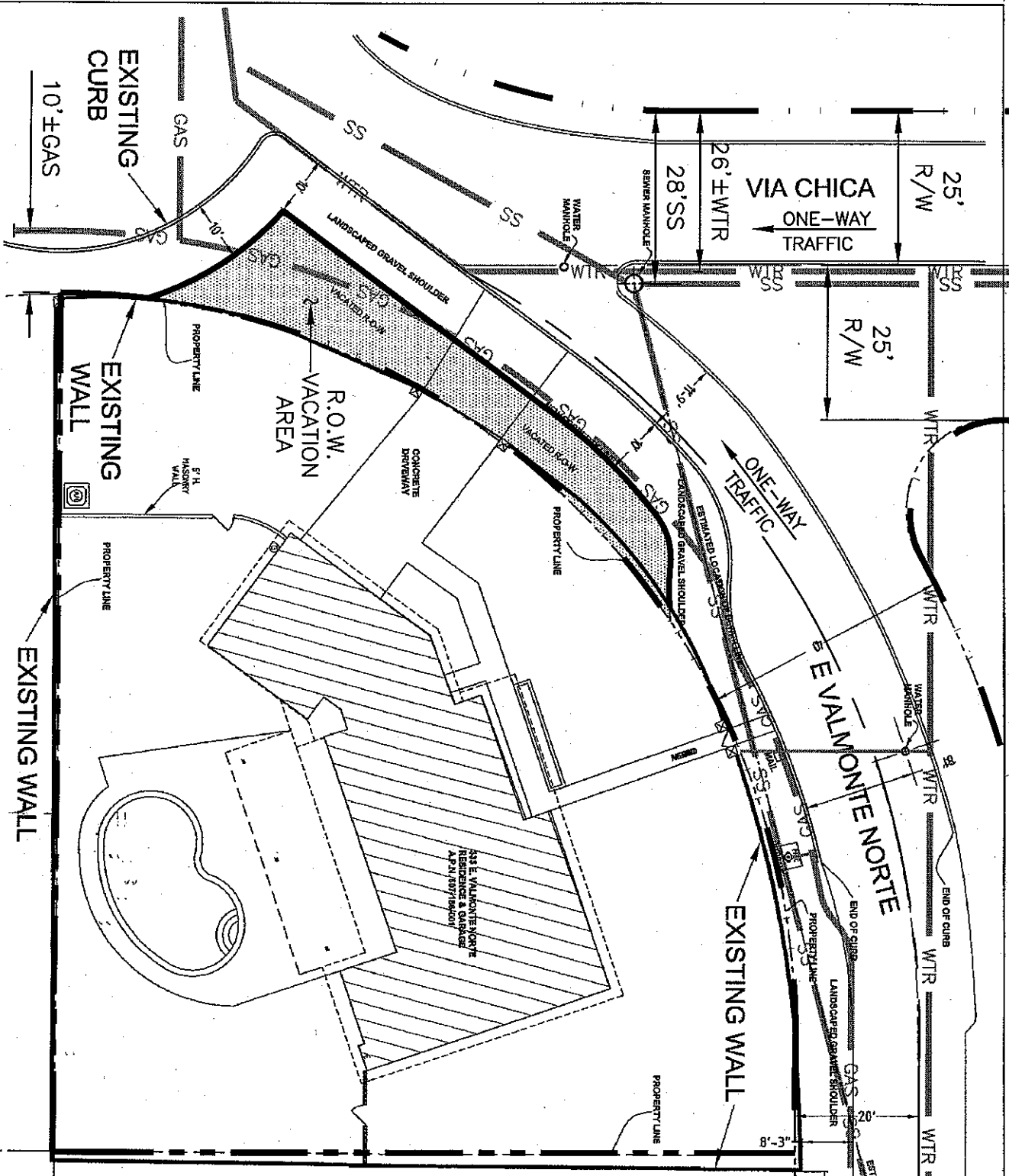
1. Site plan

MINUTE ORDER NO. _____

APPROVING CASE 5.1047 – AN APPLICATION BY THE CITY OF PALM SPRINGS FOR CONCEPTUAL APPROVAL OF THE MOVIE COLONY TRAFFIC CALMING PROGRAM, LOCATED EAST OF INDIAN CANYON DRIVE, NORTH OF ALEJO ROAD, SOUTH OF TAMARISK ROAD AND WEST OF VIA MIRALESTE, SECTION 11.

I, James Thompson, City Clerk of the City of Palm Springs, hereby certify that this Minute Order, granting conceptual approval of Case No. 5.1047, an application by the City of Palm Springs for the Movie Colony Traffic Calming program, was adopted by the City Council of the City of Palm Springs, California, in a meeting thereof held on the 15th day of June, 2005.

James Thompson, City Clerk



SITE PLAN

PUBLIC UTILITY LOCATIONS ARE SHOWN APPROXIMATE. UTILITY COMPANIES TO VERIFY LOCATION.

SITE PLAN LEGEND

- EXTG. PROPERTY LINE
- NEW PROPERTY LINE
- ▨ R.O.W. TO BE VACATED
- EXTG. CURB LINE (SURVEYED)
- CURB LINE (CITY STREET PLAN)
- PERIMETER MASONRY WALL

NOTE:
 REFER TO SURVEY EXHIBITS A & B ATTACHED TO EACH VACATE APPLICATION FOR SPECIFIC INFORMATION ON PROPERTY LINE, CURB LINE & R.O.W. VACATION. SITE PLAN IS ILLUSTRATIVE DRAWING DEPICTING LOCATIONS OF STRUCTURES ON LOT AND UTILITY MANHOLES OBSERVED IN PUBLIC ROOM. SITE PLAN USES CURB ROOM, EXTG. WALL & RESIDENCE FRONT WALL LOCATIONS.

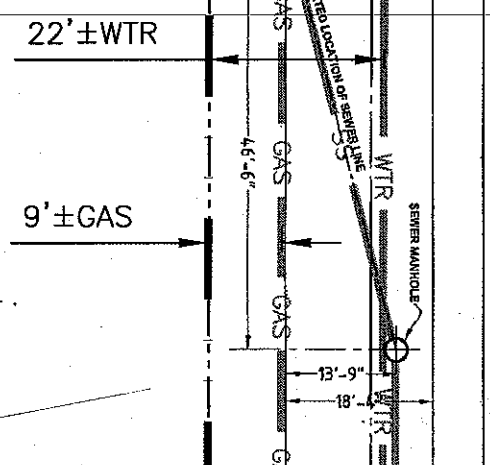


EXHIBIT "A"
RIGHT-OF-WAY VACATION
APPROVED LEGAL DESCRIPTION
R 09-020

IN THE CITY OF PALM SPRINGS, STATE OF CALIFORNIA, BEING A PORTION OF LOTS H AND C AS SHOWN BY PALM SPRINGS ESTATES, RECORDED AS MAP ON FILE IN BOOK 15, PAGE 43 OF MAPS AND ACCEPTED FOR DEDICATION PER THE R.R. BUSH TRACT, RECORDED AS MAP ON FILE IN BOOK 18, PAGE 71 OF MAPS, OFFICIAL RECORDS, RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK F OF SAID R.R. BUSH TRACT, SAID POINT LYING ON THE EASTERLY LINE OF SAID LOT H AND ALSO BEING ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 120.00 FEET, A RADIAL BEARING PASSING THROUGH SAID POINT BEARS NORTH 89°57'00" WEST;

THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT H AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°40'05" A DISTANCE OF 13.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 49.00 FEET, A RADIAL BEARING PASSING THROUGH SAID POINT BEARS NORTH 73°16'50" EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 31°28'07" A DISTANCE OF 26.91 FEET TO A POINT OF CUSP WITH A LINE;

THENCE NORTH 36°54'51" EAST ALONG SAID LINE A DISTANCE OF 50.73 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 129.00;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 11°02'28" A DISTANCE OF 24.86 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 14.00 FEET ;

THENCE EASTERLY ALONG THE ARC OF SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE OF 48°04'25" A DISTANCE OF 11.75 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 36.00 FEET;

**EXHIBIT "A" (CONT.)
RIGHT-OF-WAY VACATION
R 09-020**

THENCE EASTERLY ALONG THE ARC OF SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 11°41'31" A DISTANCE OF 7.35 FEET TO A POINT OF CUSP WITH A CURVE, CONCAVE TO THE SOUTHEAST, A RADIAL BEARING PASSING THROUGH SAID POINT OF CUSP BEARS NORTH 34°36'06" WEST, SAID POINT OF CUSP ALSO LYING ON THE SOUTHEASTERLY LINE OF SAID LOT C;

THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT C, THE EASTERLY LINE OF LOT H AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°44'31" A DISTANCE OF 102.08 FEET TO THE TRUE POINT OF BEGINNING.

COMPRISING 977 SQUARE FEET, MORE POR LESS.

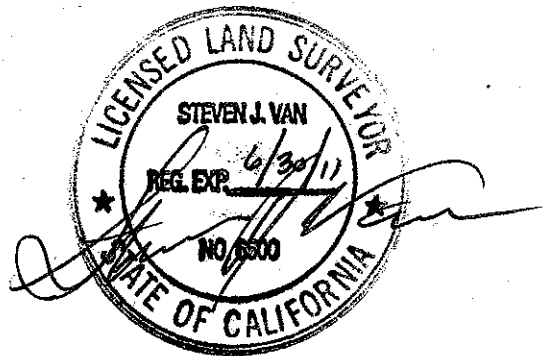
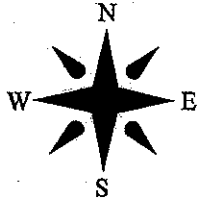


EXHIBIT "B"

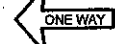
VALMONTE DEL NORTE



VIA CHICA

LOT "C"

N 89°57'00" W



20.00'

20' R/W
20' R/W

LOT "H"



N 00°01'00" E



25' R/W

25' R/W

LOT 2

N 00°03'10" E 120.00'

LOT 1

N 89°57'00" W 140.01'

LOT 7

MB 18771
BLOCK F

AREA TO BE VACATED

T.P.O.B.

P.O.C.

EXISTING CURB

GRAN VIA VALAMONTE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	06°40'05"	120.00'	13.97'
C2	31°28'07"	49.00'	26.91'
C3	11°02'28"	129.00'	24.86'
C4	48°04'25"	14.00'	11.75'
C5	11°41'31"	36.00'	7.35'



Steven J. Van
STEVEN J. VAN
DATE 1/26/09



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

APPROVED: *Marius Fuller*
ASST. DIRECTOR OF PUBLIC WORKS/
ASST. CITY ENGINEER
DATE 3/16/10
7987 P.L.S.

RIGHT-OF-WAY VACATION

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY: SJV
SCALE: 1" = 40'
FILE NO.: RW 09/020
CHECKED BY: 9000.12
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 THE RIGHT-OF-WAY ADJACENT TO 333 E. VALMONTE DEL NORTE IS CONSISTENT WITH THE PALM SPRINGS GENERAL PLAN; FILE R 09-20.

WHEREAS, William Wickwire ("Applicant"), the owner of property located at 333 E. Valmonte del Norte, has filed an application with the City to have vacated a portion of the public right-of-way for Valmonte del Norte adjacent to his property; 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, on June 15, 2005, the City Council of the City of Palm Springs approved the Movie Colony Traffic Calming Program, to reduce access into the Movie Colony neighborhood from Indian Canyon Drive, and which restricted Valmonte del Norte to one-way traffic flow adjacent to 333 E. Valmonte del Norte; and

WHEREAS, a reduced right-of-way width less than 50 feet may be acceptable when recommended by the City Engineer, for local residential streets with traffic access restricted to one-way traffic flow; 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 a reduced right-of-way width less than 50 feet is acceptable, when recommended by the City Engineer, for local residential streets with traffic access restricted to one-way traffic flow, and that the proposed right-of-way vacation of a portion of the public right-of-way adjacent to 333 E. Valmonte del Norte, is consistent with the Palm Springs General Plan.

ADOPTED this 24th day of March, 2010

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA.

Craig A. Ewing, AICP
Director of Planning Services