



CITY COUNCIL STAFF REPORT

Date: April 21, 2010 PUBLIC HEARING

Subject: RIGHT-OF-WAY VACATION OF A PORTION OF RIGHT-OF-WAY FOR VIA CHICA AND VALMONTE NORTE IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R 09-20

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The Streets and Highways Code of the State of California requires that the City hold a Public Hearing to discuss and review the vacation of public right-of-way. After consideration of testimony received at the Public Hearing, the City Council can consider denial or approval of the requested right-of-way vacation.

RECOMMENDATION:

- 1) Open the public hearing and receive public testimony.
- 2) Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR VIA CHICA AND VALMONTE NORTE ADJACENT TO 333 E. VALMONTE NORTE IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R 09-20."

STAFF 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

ITEM NO. 1.B.

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. It should be noted that the proposed expansion of the existing garage is located behind an existing property line wall and landscaping; these improvements would remain in place and not be relocated to the new property line.

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 recommended 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 Planning Commission considered the proposed right-of-way vacation, including a finding to allow a reduced right-of-way width less than 50 feet for local residential streets with access restricted to one-way traffic flow, at its meeting of March 24, 2010, and determined vacating the excess right-of-way is consistent with the General Plan.

Notices were sent to all public utilities regarding the requested right-of-way vacation. Requests for reservation of a public utility easement were received from several utility companies, therefore, reservation of a public utility easement is included as part of the recommended right-of-way vacation.

Staff forwarded the requested right-of-way vacation information to the City Clerk, and pursuant to Section 8320 of the Streets and Highways Code, the City Clerk administratively scheduled a public hearing for April 21, 2010, to hear all persons interested in or objecting to the easement vacation. Notices of the proposed right-of-way vacation have been posted within the vacation area, published in the local newspaper, and mailed to all public utility companies. Staff recommends that the City Council adopt the attached Resolution, which will vacate a portion of the right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte.

FISCAL IMPACT:

The finding that the subject portion of public right-of-way is not necessary for present or prospective use is based on the fact that the City Council has previously adopted the Movie Colony Traffic Calming Program and required its construction, revising the local street access to one-way streets allowing for reduced right-of-way width. In the event the Council should determine in the future to abandon the Movie Colony Traffic Calming Program and that these streets should be reverted to two-way local streets, in addition to the cost to reconstruct all of these streets, it may be necessary to reacquire a portion of the right-of-way being vacated at this time on the basis that the Movie Colony Traffic Calming Program is no longer necessary for future use. As it is required to make a finding in vacating the area to be abandoned that it is no longer necessary for future use, it is not possible to condition the vacation to require the owners of the property to grant the right-of-way back to the City in the event the right-of-way were required in the future.

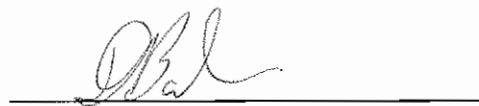
SUBMITTED:

Prepared by:



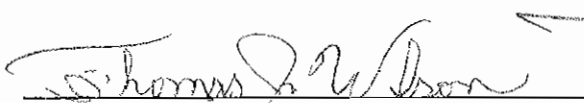
Marcus L. Fuller
Assistant Director of Public Works

Recommended by:

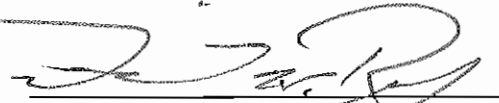


David J. Barakian
Director of Public Works/City Engineer

Approved by:



Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. June 15, 2005, City Council Staff Report
2. Vicinity Map
2. 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.

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.

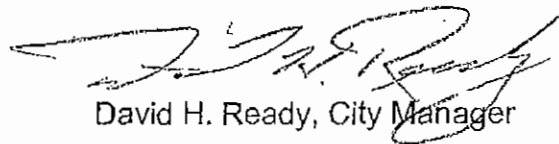
Pursuant Sections 15301 (Minor alteration of existing facilities), 15302 (Replacement and reconstruction of existing facilities) of the California Environmental Quality Act Guidelines, the project is categorically exempt from further environmental review under state law.

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

N. PALM CANYON DR.

N. INDIAN CANYON DR.

E. GRANVIA VALMONTE

E. TAMARISK RD.

VIA CHICA

E. ALEJO RD.

E. VIA COLUSA

E. VALMONTE SUR

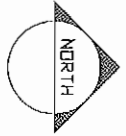


E. VALMONTE NORTE

E. VIA ALTAMIRA

VIA CORTA

N. VIA MIRALESTE



VICINITY MAP
SCALE: N.T.S.



Santa Fe Builders
ESTIMATING & RECORDS

WICKWIRE RESIDENCE

333 E. VALMONTE NORTE

11/27/09

PAGE 1 OF 1

DRAWN BY:

JOE BOWEN

FILE:

011309 WICKWIRE RESIDENCE



333 Valmonte Norte
 Right-of-Way Vacation



58 ft

CityGIS

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ATTACHMENT 3
RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR VIA CHICA AND VALMONTE NORTE ADJACENT TO 333 E. VALMONTE NORTE IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R 09-20

WHEREAS, the City Council of the City of Palm Springs, California, is authorized by Chapter 3, Part 3, Division 9 of the Streets and Highways Code of the State of California (the "statute"), to vacate and close to public use right-of-way dedicated for public streets, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section 8320 of the statute, the City Clerk administratively set a public hearing for April 21, 2010, for City Council consideration of vacating and closing to public use vacate a portion of the right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte; and

WHEREAS, the City Clerk did cause to be published a notice of the public hearing, and did cause to be posted notices of vacation along the line of the subject public right-of-way, as required by the statute; and

WHEREAS, on March 24, 2010, the Planning Commission of the City of Palm Springs determined that proposed right-of-way vacation was consistent with the Palm Springs General Plan; and

WHEREAS, the City Council did hold a public hearing as required by the statute, and has considered all evidence submitted concerning the portion of the right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte, being the vacated area described on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof, and the need therefore for present and prospective public use.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council does hereby find that a portion of right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte is unnecessary for present or prospective public use.

Section 2. Subject to Section 3, the City Council does hereby vacate and abandon all the City's right, title and interest in the portion of the right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte, as described and shown on Exhibits "A" and "B", attached hereto and made a part hereof.

Resolution No.

Page 2

Section 3. The City of Palm Springs reserves and excepts from the foregoing vacation a public utility easement to operate and maintain sewers, pipelines, cables, wires or any other facility of any governmental agency or utility corporation existing in, under, or over the vacated area, unless quitclaimed or released by the owner thereof.

Section 4. The City Clerk is hereby directed to cause a certified copy of this Resolution, attested by him under the seal of the City, to be recorded in the Office of the County Recorder of Riverside County.

ADOPTED this 21st day of April, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on April 21, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

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.

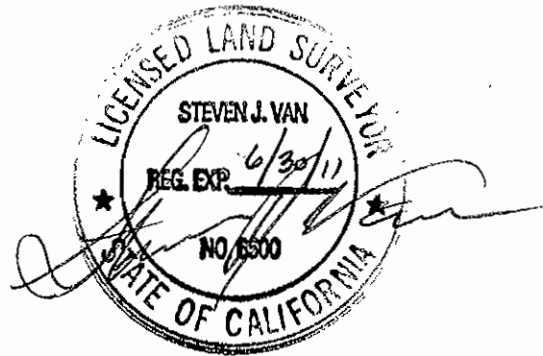
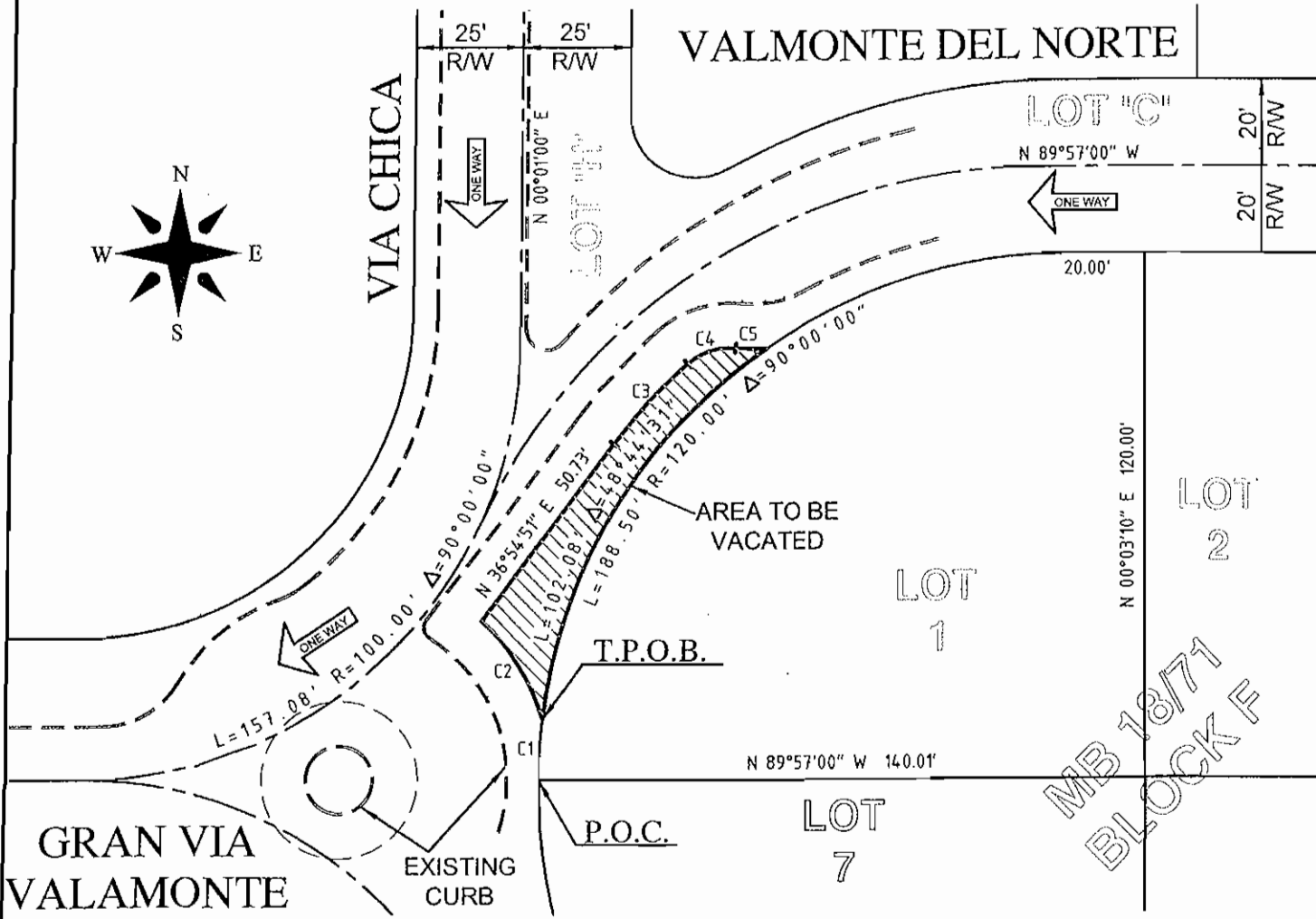


EXHIBIT "B"



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 1/26/09
 STEVEN J. VAN DATE



CITY OF PALM SPRINGS
 PUBLIC WORKS & ENGINEERING
 DEPARTMENT

APPROVED: *Murray Fuller* 3/16/10
 ASST. DIRECTOR OF PUBLIC WORKS/
 ASST. CITY ENGINEER DATE
 1987 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:	W.O. # 9000.12	SHEET NO.: 1 OF 1

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



City Council
Meeting Date: April 21, 2010
Subject: Vacation – Adjacent to 333 E. Valmonte Norte – R09-20

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 27 and April 3, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "K. Hart", is written over a horizontal line.

Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on March 24, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "K. Hart", is written over a horizontal line.

Kathie Hart, CMC
Chief Deputy City Clerk

**NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS**

**VACATING A PORTION OF THE RIGHT-OF-WAY
DEDICATED FOR VIA CHICA AND VALMONTE NORTE
ADJACENT TO 333 E. VALMONTE NORTE**

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, in accordance with Chapter 3, Part 3, Division 9, of the California Streets and Highways Code, will hold a Public Hearing to consider vacating a portion of the right-of-way dedicated for Via Chica and Valmonte Norte adjacent to 333 E. Valmonte Norte, attached hereto and made a part hereof; City File R 09-20; an application made through the City of Palm Springs.

A Public Hearing to consider vacation of the subject public right-of-way shall be held on April 21, 2010. The City Council meeting begins at 6:00 P.M. in the City Council Chamber of City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice can be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council of the City of Palm Springs by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

If any individual or group challenges the proposed right-of-way vacation action in court, issues raised may be limited to only those issues raised at the Public Hearing described in the notice or in written correspondence submitted at, or prior to the City Council Hearing.

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Marcus Fuller, Assistant Director of Public Works/Assistant City Engineer, Department of Public Works and Engineering, (760) 323-8253, ext. 8744.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253, ext. 8742.

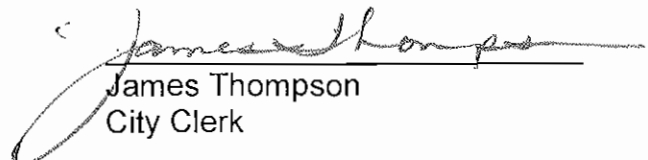

James Thompson
City Clerk

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

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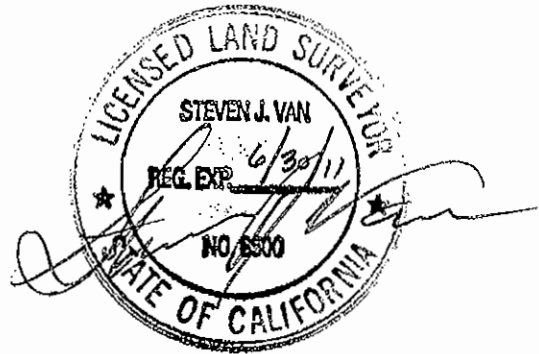
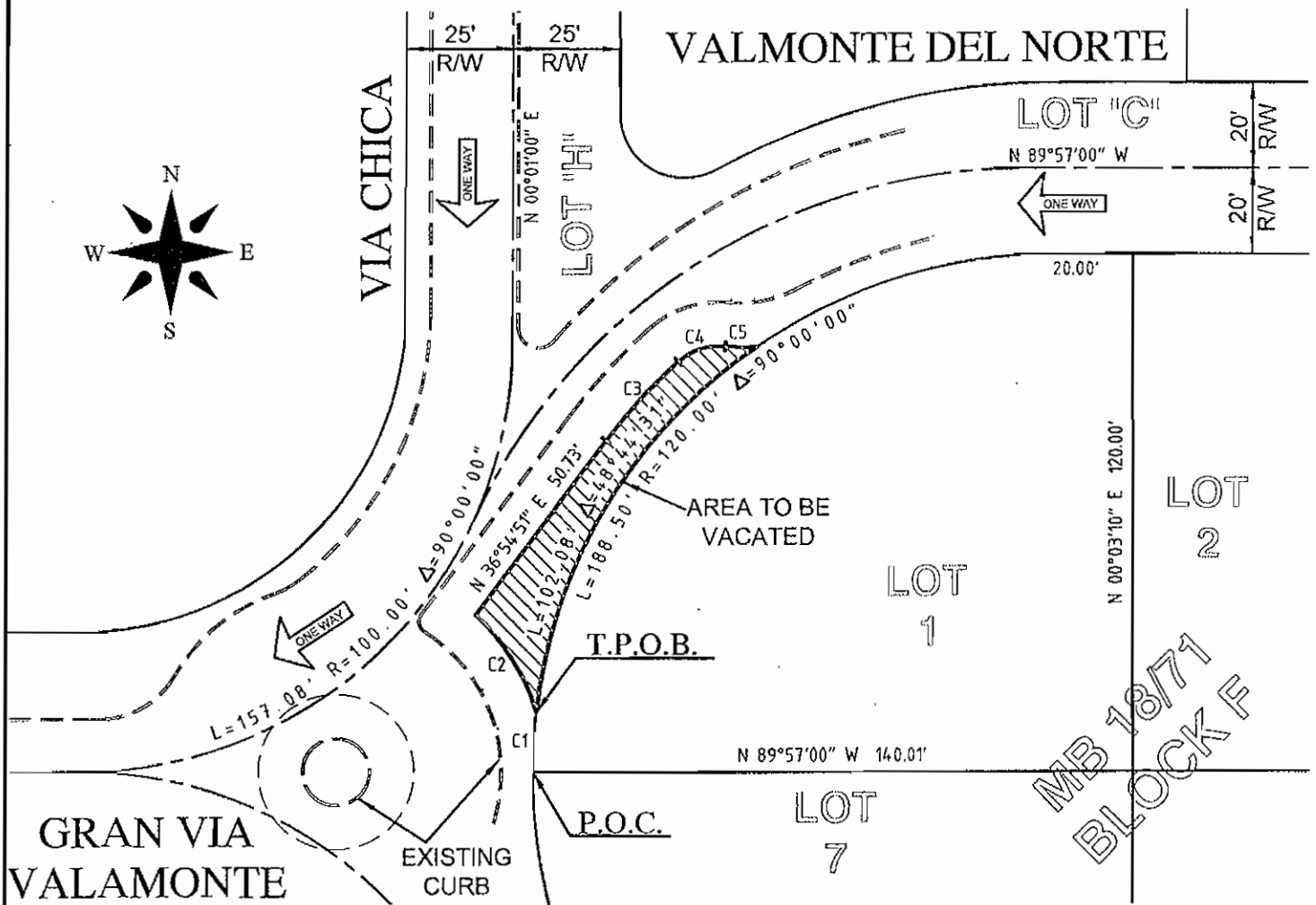



EXHIBIT "B"



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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: <i>Murray Fulls</i> 3/16/10 ASST. DIRECTOR OF PUBLIC WORKS/ ASST. CITY ENGINEER	DATE 7987 P.L.S.
		DESIGN BY: SJV	SCALE: 1" = 40'
LEGAL DESCRIPTION: RIGHT-OF-WAY VACATION SEE EXHIBIT "A"		CHECKED BY: 9000.12	SHEET NO.: 1 OF 1