



Planning Commission Staff Report

DATE: February 10, 2016

SUBJECT: DUANE SMITH AND STEFANE BARBEAU REQUEST THE VACATION AND ABANDONMENT OF A PORTION OF A PUBLIC RIGHT-OF-WAY ON GIRASOL AVENUE ADJACENT TO 2800 VISTA GRANDE; LOT 29 OF AMENDED MAP OF CHINO VISTA, CASE 7.1441 (ENGINEERING FILE R 15-10).

FROM: Department of Public Works and Engineering

SUMMARY

The Planning Commission to consider a request by Duane Smith and Stefane Barbeau to vacate and abandon a portion of an existing Public Right-of-Way (R.O.W) on Girasol Avenue adjacent to Lot 29 on Amended Map of Chino Vista (Map Book 21, Pages 33).

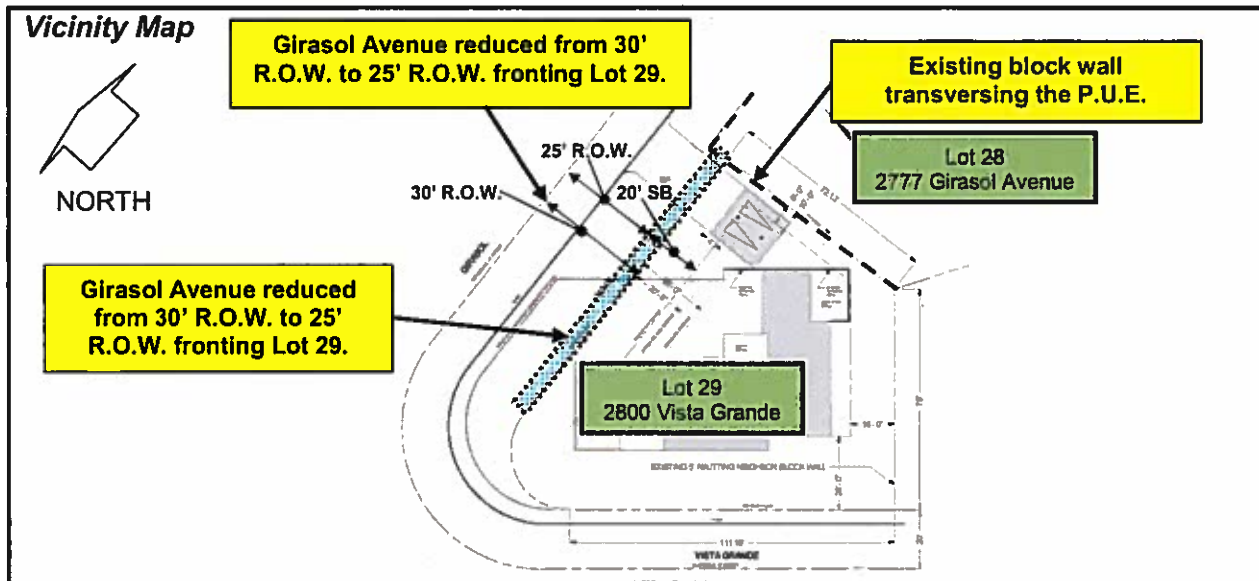
RECOMMENDATION:

The Planning Commission to find that the proposed vacation and abandonment is consistent with the 2007 City of Palm Springs General Plan.

BACKGROUND:

| <i>Most Recent Ownership</i> | |
|---|--|
| 07/17/2014 | Duane Smith and Stefane Barbeau, a Married Couple as Joint Tenants |
| <i>Notification</i> | |
| None | Public Notification is not required for this proposal |
| <i>Field Check</i> | |
| October 2015 | Staff visited the site to observe existing conditions. |
| <i>Site Area</i> | |
| Net Area – Lot 29 | Lot 29 Amended Map of Chino Vista (Map Book 21, Pages 33): 10,454 S.F. (0.24 acres) R1 |
| Net Area | R.O.W. Vacation: 556 S.F. (0.01 Ac.) |
| Gross Area – Lot 29 | Lot 29 + R.O.W. Vacation: 11,010 S.F. (0.25 acres) R1 |
| <i>Related Relevant City Actions by Planning, Fire, Building, etc...</i> | |
| 10/14/2015 | Submitted proposed R.O.W. Vacation to Public Utility Agencies for review and comment/approval. |

| | |
|------------|--|
| 11/19/2015 | Responses from public utility agencies received. All approved proposed 5 feet wide vacation of portion of R.O.W. on Girasol Avenue fronting Lot 29 with no conditions. |
|------------|--|



PROJECT DESCRIPTION:

The proposed project by Duane Smith and Stefane Barbeau, is a request to vacate and abandon a portion of a Public Right-of-Way R.O.W. on Girasol Avenue adjacent to Lot 29 on Amended Map of Chino Vista (Map Book 21, Pages 33). The vacation and abandonment will reduce that portion of Girasol Avenue from 30' R.O.W. to 25' R.O.W. (Half Street).


ANALYSIS:

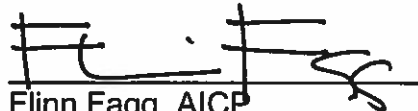
The applicants are in the process of remodeling their home located at 2800 Vista Grande (Lot 29). A new carport fronting Girasol Avenue is being proposed to be added in the remodeling plans. The required front yard setback for the property is 25 feet from the property line to the front of the garage. On October 8, 2014, an Administrative Minor Modification request was approved by the Director of Planning Services granting a reduction of the required front yard setback along Girasol Avenue from 25 feet to 20 feet; the side yard setback was also granted a reduction from 10 feet to 8 feet. The proposed vacation of 5 feet of this portion of the right-of-way would allow the corner of the 20 feet by 20 feet carport to fall 4 feet within the new 20 feet setback from the new right-of-way/property line location. Girasol Avenue is designated as a local street within the 2007 General Plan. The minimum street width is 25 feet for a local (residential) half-street right-of-way. Also, there is an existing block wall separating the property from the one to the east at 2777 N. Girasol Avenue (Lot 28). This lot transverses the public utility easement between the two properties, encroaching on the applicants' property by 4 feet from the property line. The home at 2777 N. Girasol Avenue was built in 1947; it is

assumed that the block wall was built shortly after that date. There are no permits on record for the block wall in the Building Department.

CONCLUSION:

Staff contacted all relatable public utility agencies and none of them had any facilities within the proposed area to be vacated; no objections were raised to the vacation. Approval of the right-of-way vacation for the property will allow the applicant to construct the new carport within City's development standards. Staff recommends that the Planning Commission make the appropriate finding as contained in the attached resolution and approve the proposed vacation consistent with the City's 2007 General Plan per Section 65402(a) of the California Government Code.


Sr Felipe Primera
Senior Engineering Assistant


Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Planning Commission Draft Resolution
2. Exhibit "A" and "B"
3. Amended Map of Chino Vista (Map Book 21, Pages 33)

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT A REQUEST TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN GIRASOL AVENUE ADJACENT TO LOT 29 OF AMENDED MAP OF CHINO VISTA, MAP BOOK 21, PAGE 33, R.C.R., IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, IS CONSISTENT WITH THE CITY'S 2007 GENERAL PLAN; (CASE 7.1441 - ENGINEERING FILE R 15-10).

WHEREAS, Duane Smith and Stefane Barbeau, a Married Couple as Joint Tenants, have filed an application to vacate a portion of Public Right-of-Way (R.O.W.) on Girasol Avenue adjacent to Lot 29 on Amended Map of Chino Vista (Map Book 21, Pages 33), on September 10, 2015; and

WHEREAS, the portion of the Public R.O.W. being vacated is described in Exhibit "A" and shown on Exhibit "B"; and

WHEREAS, a 25 feet wide Public R.O.W. will remain on Girasol Avenue, shown as "Lot A", on Amended Map of Chino Vista (Map Book 21, Pages 33); and

WHEREAS, Section 65402(a) of the California Government Code requires that no public street or public easement shall be vacated or abandoned if the adopted general plan applies thereto until the location, purpose and extent of such easement 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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby finds that the vacation of a portion of Public Right-of-Way on Girasol Avenue adjacent to Lot 29 on Amended Map of Chino Vista (Map Book 21, Pages 33) is consistent with the City's 2007 General Plan.

ADOPTED this 10th day of February, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Flinn L. Fagg, AICP
Director of Planning Services

EXHIBIT "A"
RIGHT OF WAY VACATION
LEGAL DESCRIPTION

VACATED AREA

THAT CERTAIN PORTION OF LOT "A" OF AMENDED MAP OF CHINO VISTA, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 21, PAGE 33, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF RIVERSIDE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 29 OF SAID AMENDED MAP OF CHINO VISTA, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID LOT "A";

THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE N 89°38'00 W, A DISTANCE OF 111.28 FEET TO THE NORTHWEST CORNER OF SAID LOT 29;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, N 00°22'00" E, A DISTANCE OF 5.00 FEET;

THENCE EASTERLY AND PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE, S 89°38'00 E, A DISTANCE OF 111.20 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 29;

THENCE S 00°33'30" E, A DISTANCE OF 5.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED VACATED AREA CONTAINS 566 S.F. OR 0.01 AC., MORE OR LESS.

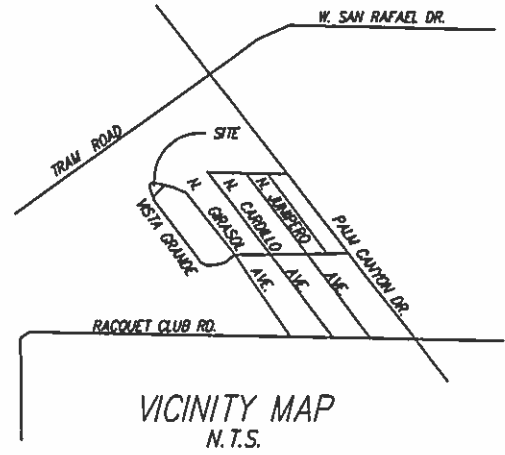
FOR GRAPHICAL PURPOSES SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO ALL COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS, RIGHTS OF WAY, EASEMENTS, OR EXCEPTIONS OF RECORD, IF ANY.

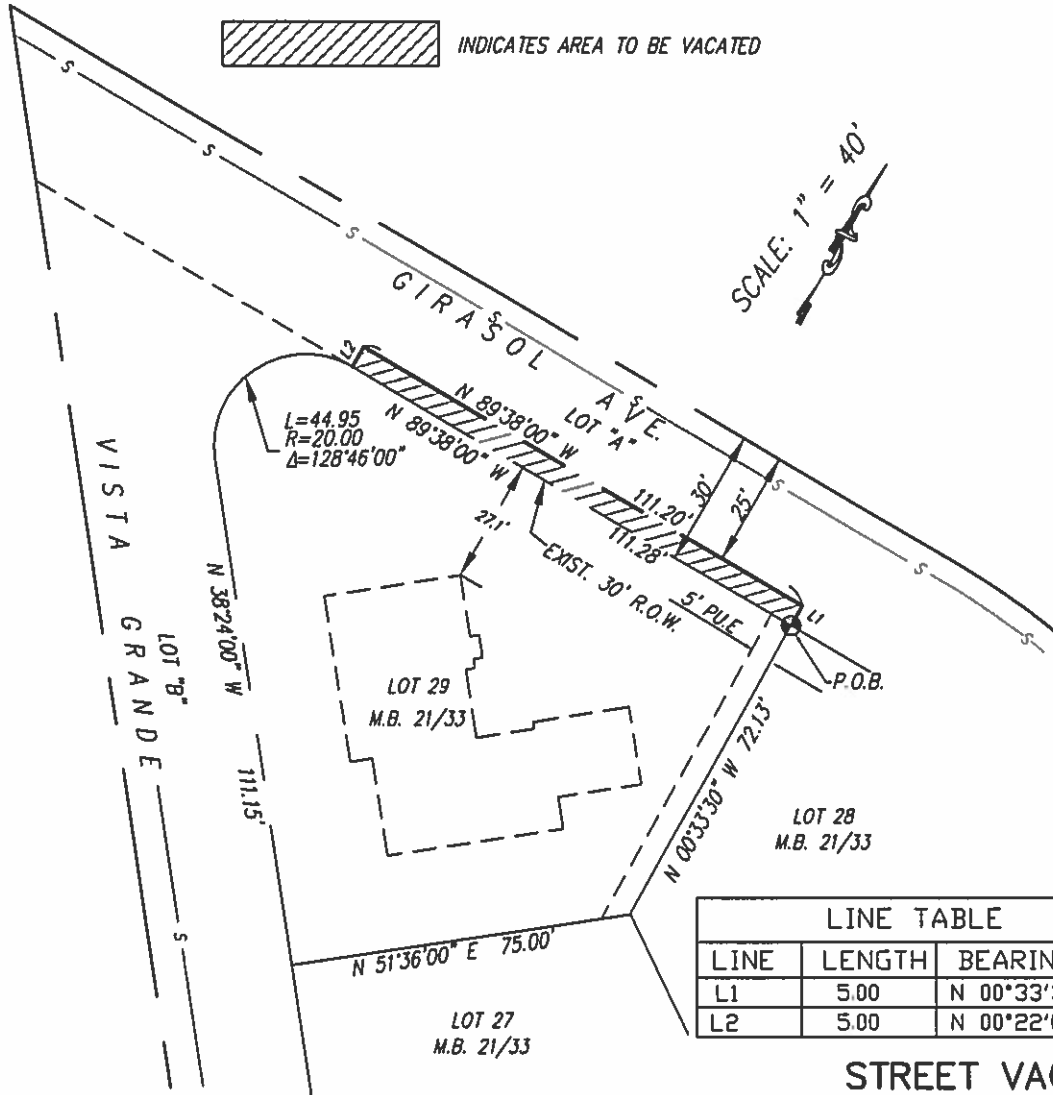
NOTE:
THIS PLAT WAS PREPARED FROM RECORD DATA AND DOES NOT REPRESENT A SURVEY OF THE PROPERTY SHOWN HEREON. THIS MAP HAS BEEN APPROVED UPON THE EXPRESSED CONDITION THAT BUILDING PERMITS SHALL NOT BE ISSUED FOR ANY DEVELOPMENT WITHIN THIS ADJUSTMENT PLAT UNTIL NECESSARY DEDICATIONS, IF ANY, HAVE OCCURRED.

NOTE:
THERE MAY BE EASEMENTS OF RECORD DELINEATED AND REFERENCED ON THE UNDERLYING MAP, OR THERE MAY BE EASEMENTS WITHIN THE AREA BEING ADJUSTED THAT ARE NOT SHOWN ON THIS DOCUMENT THAT COULD ENCUMBER SAID PARCEL HEREIN.

EXHIBIT "B"



 INDICATES AREA TO BE VACATED



SCALE: 1" = 40'

| LINE TABLE | | |
|------------|--------|---------------|
| LINE | LENGTH | BEARING |
| L1 | 5.00 | N 00°33'30" W |
| L2 | 5.00 | N 00°22'00" E |

STREET VACATION PLAT



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

7987
CITY ENGINEER P.L.S. DATE

LEGAL DESCRIPTION:
SEE EXHIBIT "A"

| | | |
|-------------|--------------------|----------------------|
| DESIGN BY: | SCALE: 1" = 40' | FILE NO.: 4092 |
| CHECKED BY: | | SHEET NO.: 1 OF 1 |

