



City Council Staff Report

DATE: February 17, 2016 PUBLIC HEARING

SUBJECT: CONSIDERATION OF THE VACATION OF PORTIONS OF CAMINO PAROCOLA RIGHT-OF-WAY AT THE END OF FERN CANYON DRIVE, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 14-26

FROM: David H. Ready, City Manager

BY: Public Works and Engineering Department

SUMMARY

The Streets & Highways Code of the State of California requires that the City hold a Public Hearing to discuss and review the vacation and abandonment of developed and actively used public rights-of-way or public service easements. After consideration of testimony received at the Public Hearing, the City Council can consider approval of the requested right-of-way vacation and abandonment of portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive.

RECOMMENDATION:

- 1) Open the public hearing and receive public testimony.
- 2) Close the public hearing, and 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 PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CAMINO PAROCOLA LOCATED ON THE EAST AND WEST SIDES OF FERN CANYON DRIVE, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 14-26, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

BACKGROUND:

In 1965, Tract 2726, a 10 lot residential subdivision was approved by the City on West Ramon Road, which constructed Fern Canyon Drive ending at a short segment of Camino Parocela, which at that time, was identified on the City's General Plan and intended to extend in an east-west alignment to provide access to vacant lands located on either side of Tract 2726. Subsequently, in 1991, Tract 25829, a 9 lot residential subdivision was approved by the City immediately adjacent to the west side of Tract 2726 which constructed a new local residential street terminating short of and not extending to Camino Parocela – which at that time had been eliminated from the City's General Plan in that area. The layout of these two residential subdivisions is shown in Figure 1, and an aerial view is shown in Figure 2, and a Vicinity Map is shown in Figure 3.

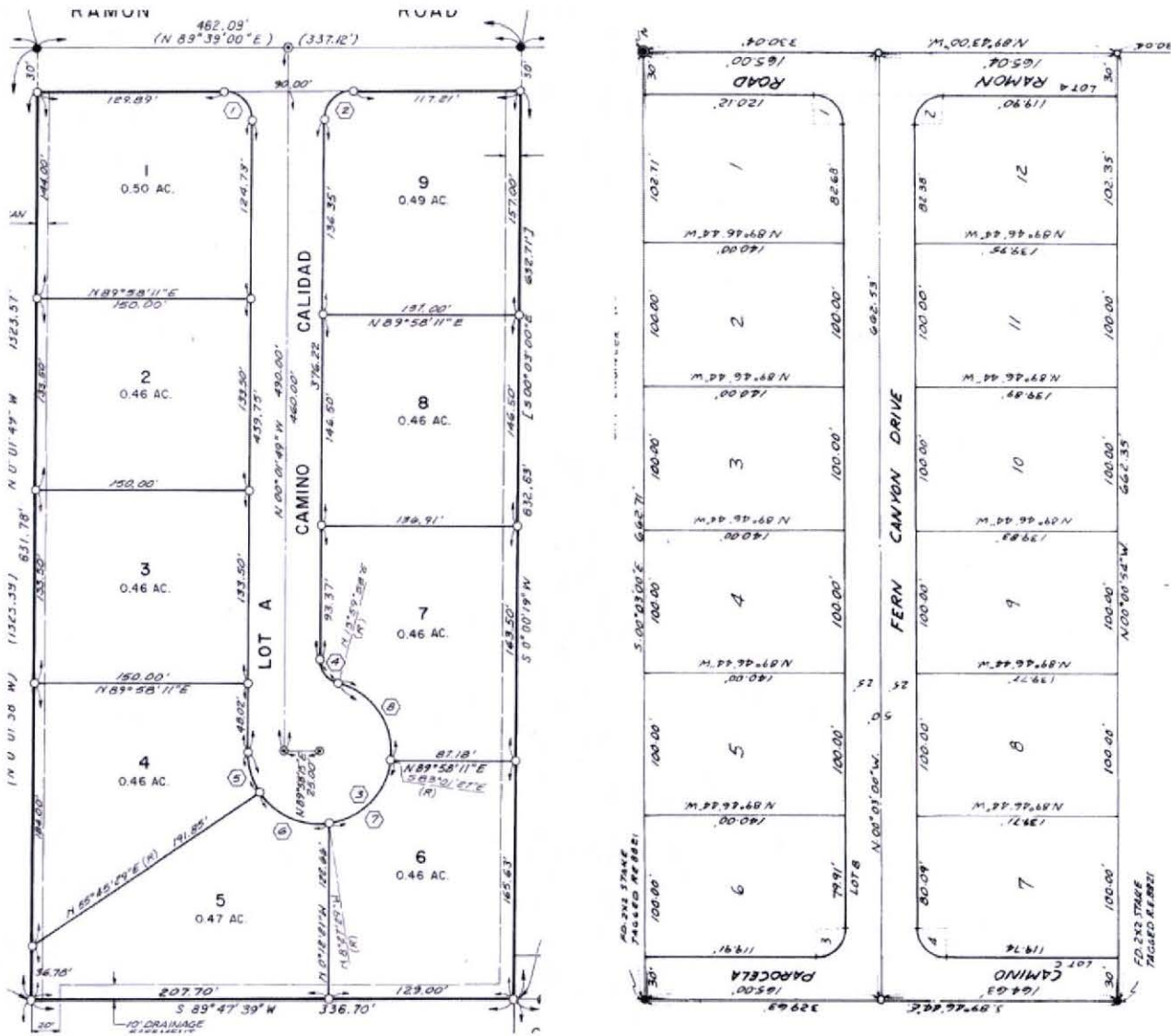


Figure 1

As shown in Figure 2, the segment of Camino Parocela established by Tract 2726 in 1965 remains an isolated public street segment with no connection to any other public street. Most recently, on November 19, 2014, the City Council approved Tentative Tract Map 36738 subdividing the vacant land immediately east of Tract 2726 into 20 residential lots with four separate local streets terminating short of and not extending to Camino Parocela. An exhibit showing Tentative Tract Map 36738 is shown in Figure 4; this project is currently under construction and further eliminates any possibility of extending Camino Parocela to the east.

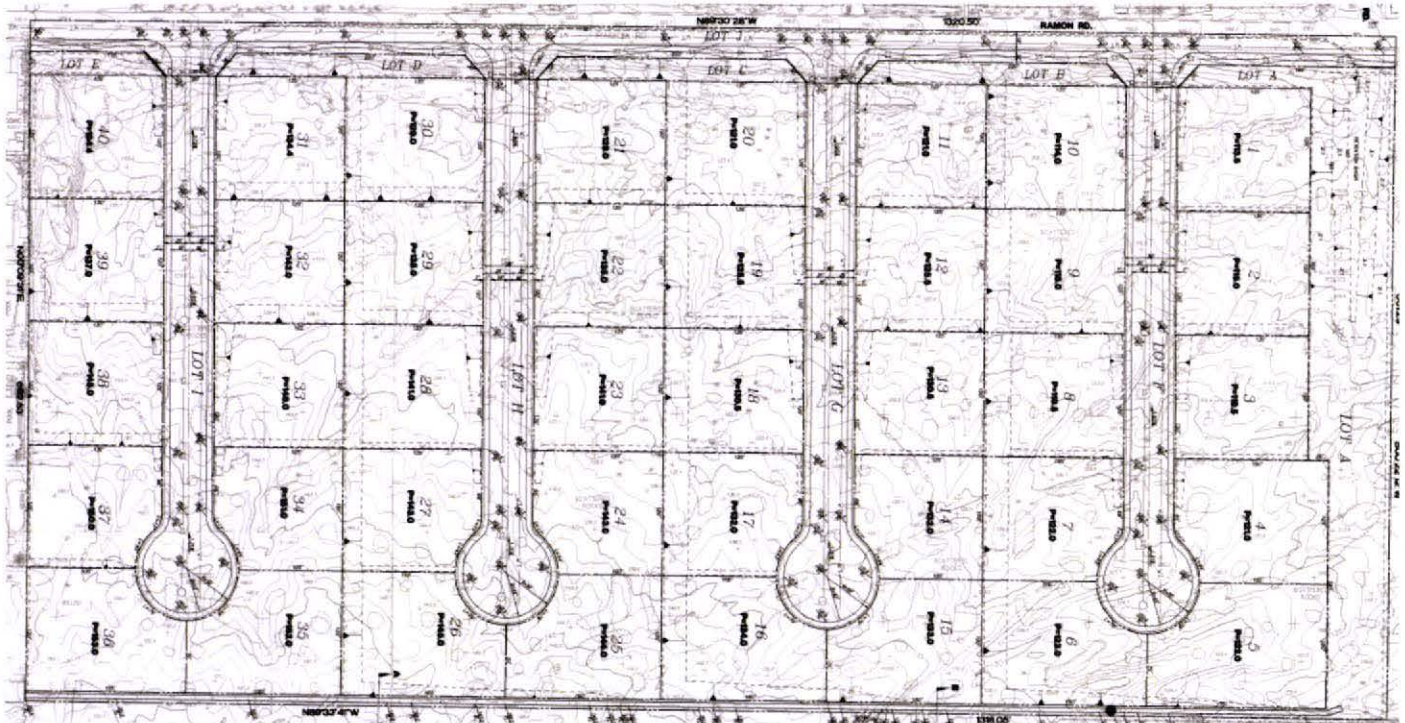


Figure 4

On December 3, 2014, Andrew and Diane Jessup, owners of the residential property located at 599 S. Fern Canyon Drive (at the northwest corner of Fern Canyon Drive and Camino Parocela), and the vacant property located at the northeast corner of Fern Canyon Drive and Camino Parocela, submitted an application to the City requesting that the City vacate the portions of Camino Parocela directly adjacent to their properties, as shown in Figure 5. The request retains a 130 feet long segment of Camino Parocela at the end of Fern Canyon Drive to maintain public access to the vacant 18 acres of land located south of Tract 2726 and Tract 36738, that would otherwise be landlocked as shown in Figure 6.

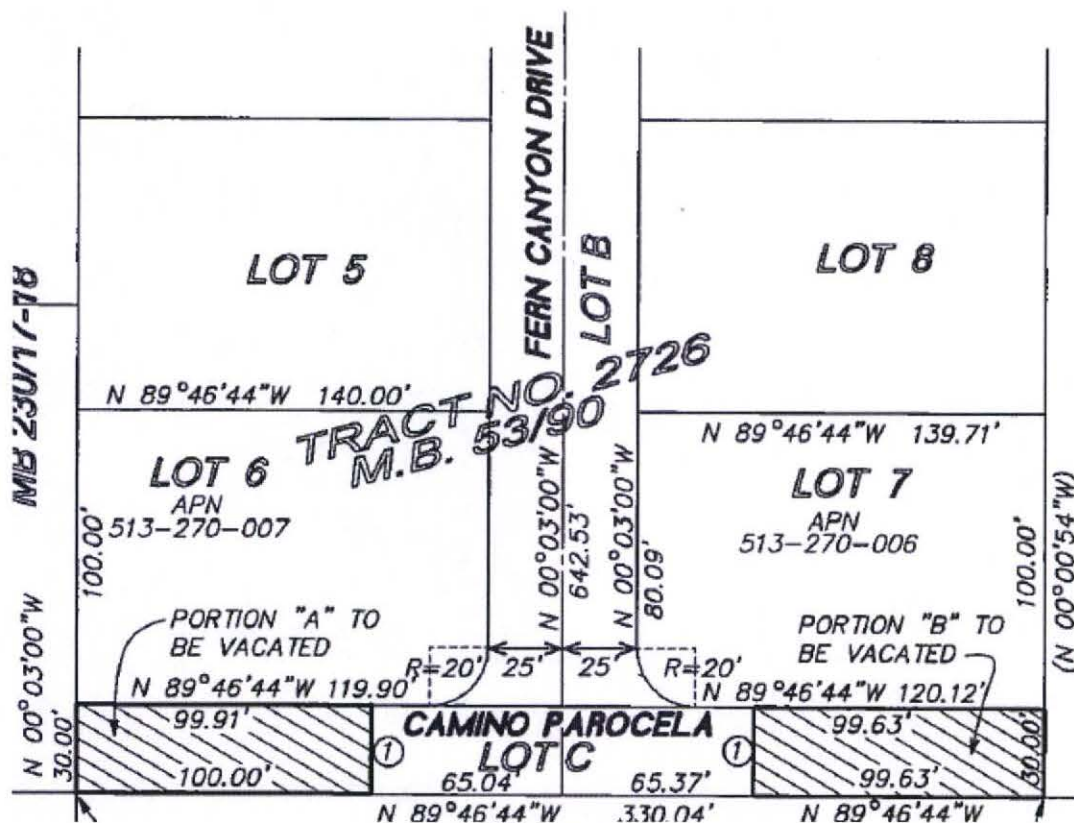


Figure 5

California Government Code Section 65402 requires that "...no street shall be vacated or abandoned...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 (the) adopted general plan or part thereof." Further, the California Streets and Highways Code Section 8313(a) requires that "If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement." Accordingly, on September 9, 2015, the City's Planning Commission reviewed and recommended approval of the proposed right-of-way vacation, finding that the road is identified as a local road on the City's 2007 General Plan, and that its vacation and abandonment would not conflict with the General Plan.



Figure 6

The City has submitted the requested right-of-way vacation to all public utility agencies, and has confirmed that public utilities consisting of a public water line owned by Desert Water Agency ("DWA") are located within the area to be vacated. DWA has requested that as a condition of the requested right-of-way vacation that the applicant be required to pay DWA for the cost to abandon and relocate its public water line in that area. Additionally, the City Engineer is requiring that as a condition of the requested right-of-way vacation that the applicant reconstruct the existing street improvements to provide for a reconfigured street termination as required by the City Engineer. These obligations

are recommended as part of the Resolution prepared for the City Council's consideration and adoption, and must be satisfied prior to implementing the requested right-of-way vacation.

Section 8320 of the California Streets and Highways Code, (the "Code"), allowed the City Clerk to administratively schedule a public hearing for the City Council's consideration of the requested right-of-way vacation. Section 8322 of the Code requires that notice of the public hearing be published for at least two successive weeks prior to the public hearing; public notice was published accordingly in the *Desert Sun*. Further, Section 8323 of the Code requires that at least two weeks prior to the public hearing, notices of the requested right-of-way vacation be posted conspicuously along the line of the street proposed to be vacated (at least 3 notices, not more than 300 feet apart); The notices were posted along Camino Parocela on January 28, 2016.

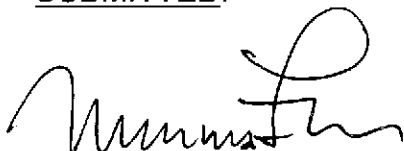
ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Therefore, in accordance with Section 15301(c), staff has determined that approval of the requested right-of-way vacation is considered categorically exempt from CEQA.

FISCAL IMPACT:

All costs associated with removal and reconstruction of existing utilities and street improvements will be the responsibility of the applicant.

SUBMITTED:



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D
City Manager

Attachments: Resolution

ATTACHMENT 1

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 PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CAMINO PAROCOLA LOCATED ON THE EAST AND WEST SIDES OF FERN CANYON DRIVE, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 14-26, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIROMENTAL QUALITY ACT (CEQA).

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 February 17, 2016, for City Council consideration of vacating and closing to public use portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive; 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, in accordance with Section 8313 of the statute, and California Government Code Section 65402, the proposed vacation and abandonment of portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive was submitted to and reported upon by the Planning Commission of the City of Palm Springs; and

WHEREAS, on September 9, 2015, the Planning Commission of the City of Palm Springs adopted Resolution No. 6526 determining that the proposed vacation and abandonment of portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive was in conformance 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 portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive, 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; and

WHEREAS, Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"), and pursuant

to the CEQA Guidelines, Section 15301 "Existing Facilities," Class 1 projects consist of the minor alteration of existing public structures or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, in accordance with Section 15301(c) of the CEQA Guidelines, the City Council has determined that approval of the requested right-of-way vacation is considered categorically exempt from CEQA.

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

Section 1. The City Council does hereby find that portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive are unnecessary for present or prospective public use.

Section 2. Subject to Sections 3, 4, 5, and 6 herein, the City Council does hereby vacate and abandon all the City's right, title and interest in the portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive, as described and shown on Exhibits "A" and "B", attached hereto and made a part hereof.

Section 3. The owners, lessees, or agents of the property located at 599 S. Fern Canyon Drive (Assessor Parcel Number 513-270-007) and the vacant property (Assessor Parcel Number 513-270-006) located adjacent to the subject portions of the public right-of-way dedicated for Camino Parocela to be vacated, shall be required to submit street improvement plans identifying the removal of existing street improvements and construction new street improvements as may be necessary to facilitate the requested right-of-way vacation, as required and approved by the City Engineer, and shall be responsible for all costs associated therewith.

Section 4. The owners, lessees, or agents of the property located at 599 S. Fern Canyon Drive (Assessor Parcel Number 513-270-007) and the vacant property (Assessor Parcel Number 513-270-006) located adjacent to the subject portions of the public right-of-way dedicated for Camino Parocela to be vacated, shall be required to remove and reconstruct existing street improvements, as identified on street improvement plans for the reconstructed portions of Camino Parocela, as approved by the City Engineer, and shall be responsible for all costs associated therewith.

Section 5. The owners, lessees, or agents of the property located at 599 S. Fern Canyon Drive (Assessor Parcel Number 513-270-007) and the vacant property (Assessor Parcel Number 513-270-006) located adjacent to the subject portions of the public right-of-way dedicated for Camino Parocela to be vacated, shall be required to remove and relocate the existing domestic water facilities located within the vacated area, subject to the approval of the Desert Water Agency, and shall be responsible for all costs associated therewith.

Section 6. In the event the obligations set forth in Sections 3, 4 and 5 herein above are not fulfilled to the satisfaction of the City Engineer or Desert Water Agency within three (3) years of the date of the adoption of this Resolution, the action taken by the adoption of this Resolution vacating and abandoning all the City's right, title and interest in the portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive, as described and shown on Exhibits "A" and "B", shall be deemed null and void, and the action automatically rescinded.

Section 7. That, upon notification from the City Engineer that the obligations set forth in Sections 3, 4 and 5 herein above have been satisfied, 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. Upon recordation of this Resolution, the portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive, as described and shown on Exhibits "A" and "B", shall be deemed vacated and closed to future public use.

Section 8. The City Council hereby determines that the action undertaken by this Resolution vacating and abandoning all the City's right, title and interest in the portions of the public right-of-way dedicated for Camino Parocela located on the east and west sides of Fern Canyon Drive, as described and shown on Exhibits "A" and "B", is categorically exempt from CEQA pursuant to Section 15301(c) "Existing Facilities," as a Class 1 project consisting of the minor alteration of existing public structures or topographical features involving negligible or no expansion of use beyond that existing at the time of the City Council's determination.

ADOPTED this 17th day of February, 2016.

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 February 17, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

EXHIBIT "A"
RIGHT OF WAY VACATION
R 14-26

PORTION "A"

BEING A PORTION OF LOT "C" OF TRACT NO. 2726 AS FILED IN MAP BOOK 53 AT PAGE 90, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT "C", THE FOLLOWING TWO COURSES BEING ALONG THE WEST AND NORTH LINE OF SAID LOT "C";

THENCE NORTH 00°-03'-00" WEST A DISTANCE OF 30.00 FEET;

THENCE SOUTH 89°-46'-44" EAST A DISTANCE OF 99.91 FEET;

THENCE SOUTH 00°-03'-00" EAST A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF SAID LOT "C"

THENCE NORTH 89°-46'-44" WEST ALONG SAID SOUTH LINE A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS OF RECORD IF ANY.

AREA OF VACATION CONTAINS 2,988.90 SQ. FT. (0.0686 AC) MORE OR LESS

PREPARED BY
SANBORN AVE, INC.


JOHN L. SANBORN, PLS 4146
5/14/15 WO 08-181



EXHIBIT "A"
RIGHT OF WAY VACATION
R 14-26

PORTION "B"

BEING A PORTION OF LOT "C" OF TRACT NO. 2726 AS FILED IN MAP BOOK 53 AT PAGE 90, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT "C", THE FOLLOWING TWO COURSES BEING ALONG THE EAST AND NORTH LINE OF SAID LOT "C";

THENCE NORTH 00°-00'-54" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 89°-46'-44" WEST A DISTANCE OF 99.63 FEET;

THENCE SOUTH 00°-03'-00" EAST A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF SAID LOT "C"

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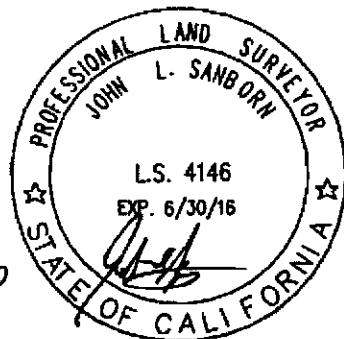
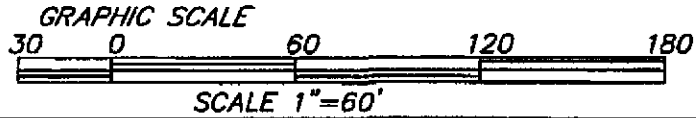
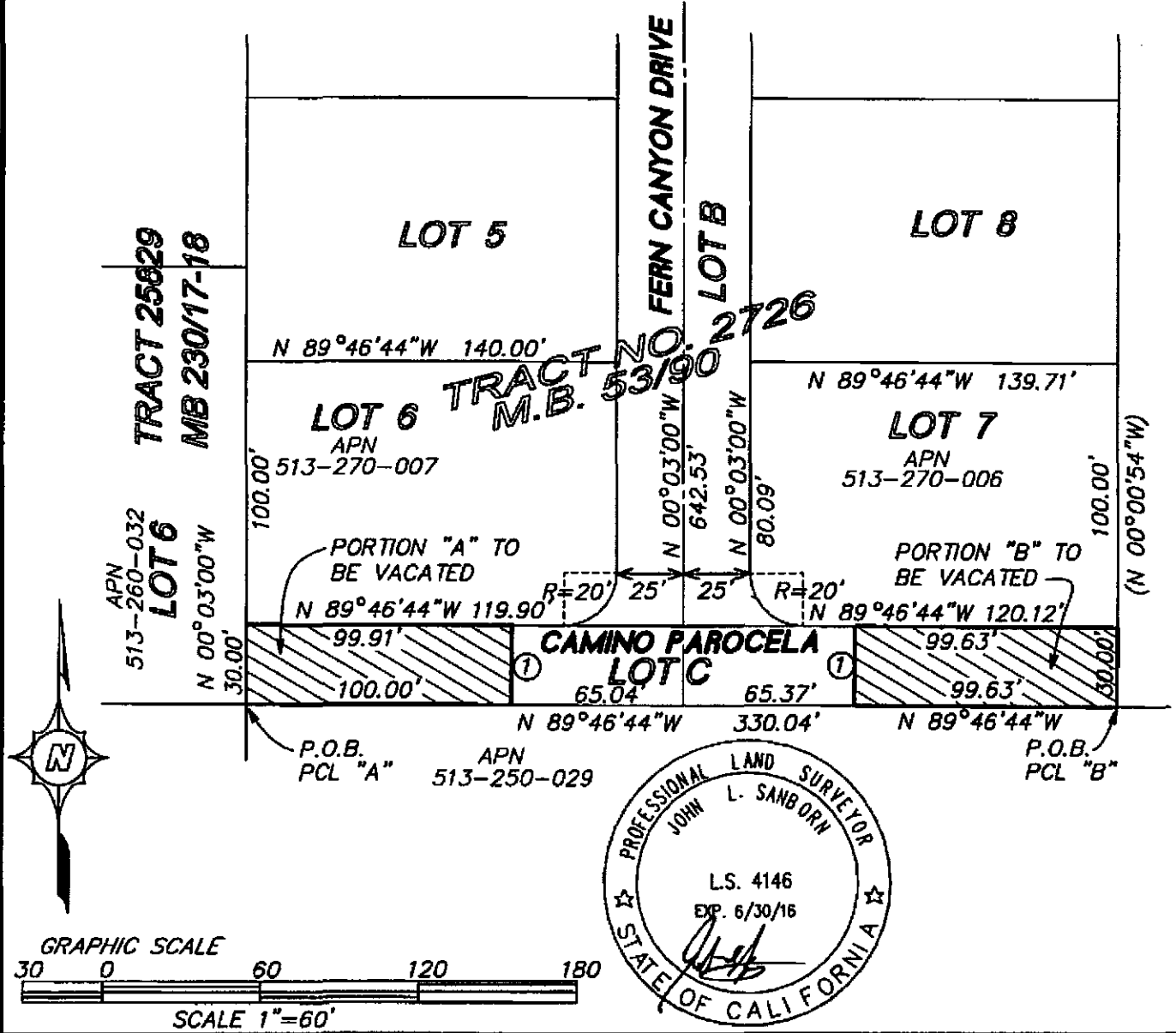
JOHN L. SANBORN, PLS 4146
5/14/15 WO 08-181



EXHIBIT "B"

DATA

○	DELTA/BEARING	LEN./DIST.
①	S 00°03'00" E	30.00'



<p style="text-align: center;">CITY OF PALM SPRINGS PUBLIC WORKS & ENGINEERING DEPARTMENT</p>	APPROVED:	
		DATE
		7987 R.C.E.
VACATION OF RIGHT-OF-WAY	DESIGN BY:	SCALE:
LEGAL DESCRIPTION: SEE EXHIBIT "A"	D.H.	1" = 60'
	CHECKED BY:	FILE NO.:
	J.L.S.	R 14-26
		W.O. #
		08-181
		SHEET NO.:
		1 OF 1

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**

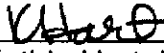


Date: February 17, 2016
Subject: Street Vacation
Camino Parocela at the end of Fern Canyon Drive

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, 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 January 30 and February 6, 2016.

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

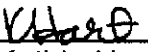


Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, 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 January 27, 2016.

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



Kathie Hart, MMC
Chief Deputy City Clerk

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a Public Hearing at its meeting on February 17, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider vacating a portion of public right-of-way dedicated for Camino Parocela at the end of Fern Canyon Drive, in accordance with Division 9, Part 3, Chapter 3, Section 8320, of the California Streets and Highways Code, more particularly described and shown on Exhibits "A" and "B", attached hereto and made a part hereof, all in Section 22, Township 4 South, Range 4 East; City File R 14-26; an application made through the City of Palm Springs.

REVIEW OF INFORMATION: The supporting documents regarding this matter 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.

COMMENTS: At the hearing, any person may present oral or written testimony. The City Council will consider all objections or protests, if any, to the applications. Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

City of Palm Springs
James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263

Any challenge of the proposed in court may be limited to raising only those issues raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the Public Hearing. (Government Code Section 65009(b)(2)).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Felipe Primera, Senior Engineering Assistant, (760) 323-8253, ext. 8742.

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

EXHIBIT "A"
RIGHT OF WAY VACATION
R 14-26

PORTION "A"

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SUBJECT TO EASEMENTS OF RECORD IF ANY.

AREA OF VACATION CONTAINS 2,988.90 SQ. FT. (0.0686 AC) MORE OR LESS

PREPARED BY
SANBORN A/E, INC.


JOHN L. SANBORN, PLS 4146
5/4/15 WO 08-181



EXHIBIT "A"
RIGHT OF WAY VACATION
R 14-26

PORTION "B"

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