

Planning Commission Staff Report

DATE:

March 6, 2016

SUBJECT:

THE AGUA CALIENTE BAND OF CAHUILLA INDIANS PLANNING DEPARTMENT REQUESTS THE VACATION AND ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN CALLE ENCILIA AND ANDREAS ROADS SHOWN ON THE AGUA CALIENTE RESERVATION MAP, NOVEMBER 1948, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST;

(ENGINEERING FILE R 15-12).

FROM:

Department of Public Works and Engineering

SUMMARY

Applicants request to vacate and abandon a portion of a Public Right-of-Way (R.O.W.) within Calle Encilia between Calle Amado and Tahquitz Canyon Way and Andreas Road between Calle Encilia and Calle El Segundo. The action requests Planning Commission to find that the requested right-of-way vacation is consistent with 2007 General Plan in accordance with California Government Code Section 65402 and California Streets and Highways Code 8313.

RECOMMENDATION:

Find the vacation and abandonment of a portion of a public Right-of-Way within portions of Calle Encilia and Andreas Road, designated as a Local Street, is consistent with the 2007 City of Palm Springs General Plan.

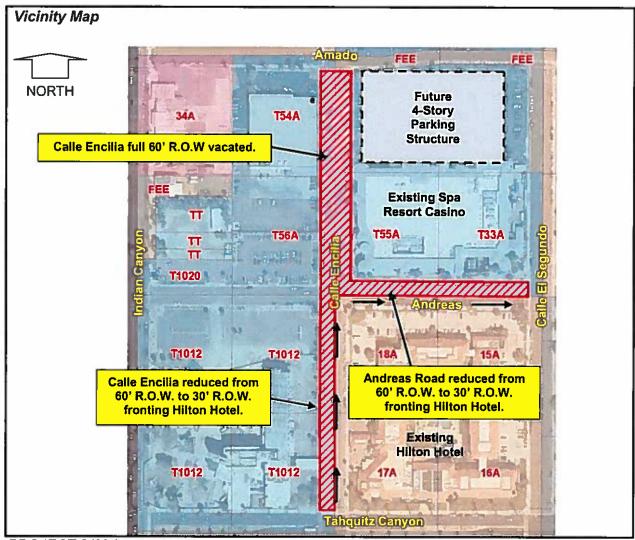
BACKGROUND:

Most Recent Ownership		
November 1948	Agua Caliente Band of Cahuilla Indians (Federal Dept. of Interior)	

	Notification
None	Public Notification is not required for presentation to Planning Commission to review vacation

Field Check			
December 2015	Staff visited the site to observe existing conditions.		
Site Area			
Calle Encilia &	D O W Venetice A 2 E40 C E (0.00 A-)		
Andreas Road	R.O.W. Vacation Area: 3,540 S.F. (0.08 Ac.)		

Related Relevant City Actions by Planning, Fire, Building, etc		
01/04/2016	Submitted proposed R.O.W. Vacation to Public Utility Agencies for review and comment/approval.	
03/02/2016	As of this date, not all public utility companies have responded.	



PROJECT DESCRIPTION:

The Agua Caliente Band of Cahuilla Indians (Tribe) applied for various street right-of-way vacations near the Spa Resort Casino on November 30, 2015. These streets are located within Section 14, Township 4 South, Range 4 East, San Bernardino Base and Meridian. The Tribe requests that the City vacate the full width of Calle Encilia from Amado Road to Andreas Road, the west half of Calle Encilia from Andreas Road to Tahquitz Canyon Way, and the north half of Andreas Road from Calle Encilia to Calle El Segundo. The full width of Andreas Road from Indian Canyon Drive to Calle Encilia was previously vacated by the City to the Tribe in

December 1996. The purpose for the right-of-way vacation of the aforementioned streets is to allow consolidation of the Tribe's properties for future development by the Tribe of a new retail/entertainment/hotel project. This development is bounded on the north by Amado Road, the west by Indian Canyon Drive, on the east by Calle El Segundo, and to the south by Tahquitz Canyon Way. The existing Hilton Hotel Palm Springs is also located on the southeast corner within this area and takes up about one-quarter of the bounded space. The un-vacated portions of the Calle Encilia and Andreas Road border the Hilton Hotel, along the west and north, respectively. It is anticipated that these remaining half-streets will be converted to one-way streets with street parking (adjacent to Hilton Hotel property) and will continue to service the Hilton Hotel.

ANALYSIS:

The Agua Caliente Tribe of Cahuilla Indians Planning Department is still in the process of developing plans for the new downtown "Spa Hotel". In preparation of these plans the Tribal Planning Department wishes to vacate portions of streets within Section 14. The Tribe has started enhancements to differentiate the new main entrance to the Spa Casino at the northeast corner of Calle Encilia and Andreas Road. There are existing public utilities within Calle Encilia and Andreas Road. Vacation of the public right-of-way for these streets will reserve a public utility easement (PUE) for these facilities.

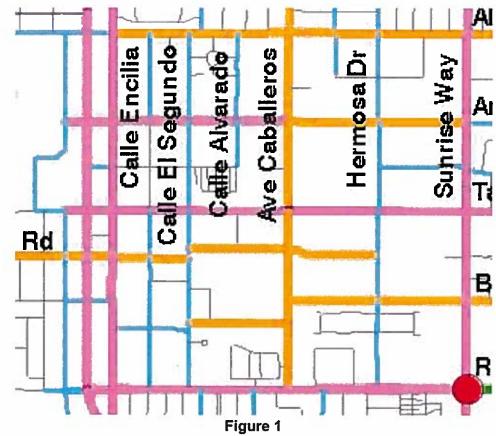
Vacation of Andreas Road and Calle Encilia have been anticipated as part of the Tribe's development of its properties in Section 14, and were identified as part of the overall scope of the "Agua Caliente Indian Gaming Facility," Planned Development District No. 232 ("PDD 232"), approved by the City Council on September 7, 1994. At that time, the Planning Commission and City Council had reviewed and approved a Mitigated Negative Declaration for various actions, including a General Plan Amendment to revise the classifications for Andreas Road and Calle Encilia from Secondary Thoroughfare and Collector roadways to facilitate approval of PDD 232. At that same time, the former Community Redevelopment Agency for the City of Palm Springs ("RDA") and the Tribe entered into a Disposition and Development Agreement ("DDA") that also identified vacation of these two City streets in two phases, with Phase I identified as that part of Andreas Road between Indian Canyon Drive and Calle Encilia; and with Phase II identified as Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia betwee Amado Road and Tahquitz Canyon Way. The Phase I right-of-way vacation of Andreas Road was officially vacated by the City Council on December 18, 1996.

Vacation of these streets in Section 14 is consistent with the 2007 City of Palm Springs General Plan action items and goals for the reduction of vehicular traffic; an increase in shuttle services between activity centers, and the expansion of pedestrian routes from the Downtown area to hotels and resort amenities.

The Land Use Element section of the General Plan designates Residential High Density Land use within Section 14 and allows 43 hotel rooms per acre. A portion of 126 Acres of Mixed Use Central Business District falls within Section 14. Land Use Action Item 7.1 (Pg. 2-29) reads, in part, "...to ensure that new development in Section 14 contributes to and enhances the City's goal of a destination resort."

The Circulation Element of the General Plan (Pg. 4-34) identifies a goal to encourage pedestrian facilities to "...create a critical lifeline between the retail shops Downtown and the City's resort amenities such as the Convention Center, casino, and hotels." Circulation Element Action Goal CR3.1 reads, "Develop a transit route (bus, jeep, jitney, shuttle) to circulate people between...hotels...key activity centers...and Downtown-oriented residential areas to reduce traffic and parking congestion in the Downtown." Most of the policy goals and action items to the Air Quality Element section of the General Plan (Pgs. 7-13 & 7-14) are associated with reduction of vehicular traffic and encouragement of pedestrian-friendly sidewalks and bikeways.

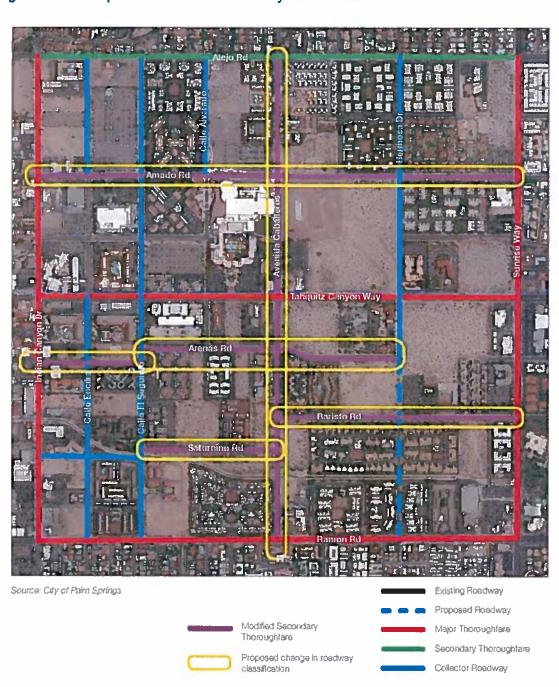
The currently adopted Circulation Element of the General Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in the Circulation Element Map in Figure 1.



(Note, local streets are shown as non-colored [gray] lines).

In July 2014 the City Council approved the update to the Section 14 Specific Plan, and Figure 5-7 of the Specific Plan identifies the proposed roadway classifications of streets within Section 14, as shown here:

Figure 5-7 Proposed Section 14 Roadway Classifications



Although the Tribe has not released its conceptual plans for redevelopment of the area, the Tribe has provided a letter to the City, dated January 19, 2016, upon vacating these streets the Tribe has committed to maintaining these streets open for vehicular traffic to maintain access to those properties that require them, (namely the US Post Office and the Hilton Hotel). The Tribe has provided a conceptual plan showing how reconstruction of Andreas Road and Calle Encilia is envisioned to provide continued two-way access on Calle Encilia from Tahquitz Canyon Way to the main entrance of the Hilton Hotel, with one-way northbound access maintained up to Andreas Road, and one-way eastbound access maintained from Calle Encilia to Calle El Segundo around the Hilton Hotel as shown in Attachment 1.

CONCLUSION:

The designations of Andreas Road and Calle Encilia are identified as local streets on the Circulation Element of the City's General Plan, and in the Section 14 Specific Plan. Therefore, abandoning and vacating these local streets would be consistent with the goals and policies of the General Plan and Section 14 Specific Plan, and is consistent with the intent of PDD 232 which envisioned these streets as being vacated and incorporated into the Tribe's Agua Caliente Indian Gaming Facility as originally approved by the City in 1994.

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, staff recommends that the Planning Commission find that the vacation and abandonment of the subject portions of public right-of-way are consistent with the City's 2007 General Plan and Section 14 Specific Plan.

SUBMITTED:

Marcus L. Fuller, MPA, P.E., P.L.S. Assistant City Manager/City Engineer Flinn Fagg, AICP Director of Planning Services

Attachments:

- 1. Tribal Letter and Conceptual Street Plan
- 2. Resolution

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



January 19, 2016

Marcus Fuller, MPA, PE, PLS Assistant City Manager/City Engineer CITY OF PALM SPRINGS 3200 E. Tahquitz Canyon Way Palm Springs, California 92262

RE: Calle Encilia and Andreas Road Right-of-Way Easement Vacations

Dear Mr. Fuller:

Thank you for meeting with Tribal Staff on November 30, 2015, to discuss the Right-of-Way/Easement Vacation Application submitted by the Tribe on November 5, 2015. As we discussed during the meeting, there are no plans to immediately close Calle Encilia and Andreas Road, and these streets will continue to remain open to the public until no longer needed. As a result, public access to the Post Office and the Hilton Hotel will be maintained at all times.

Please let me know if you have any questions.

Sincerely,

Margaret E. Park, AICP

Margaret

Director of Planning & Natural Resources

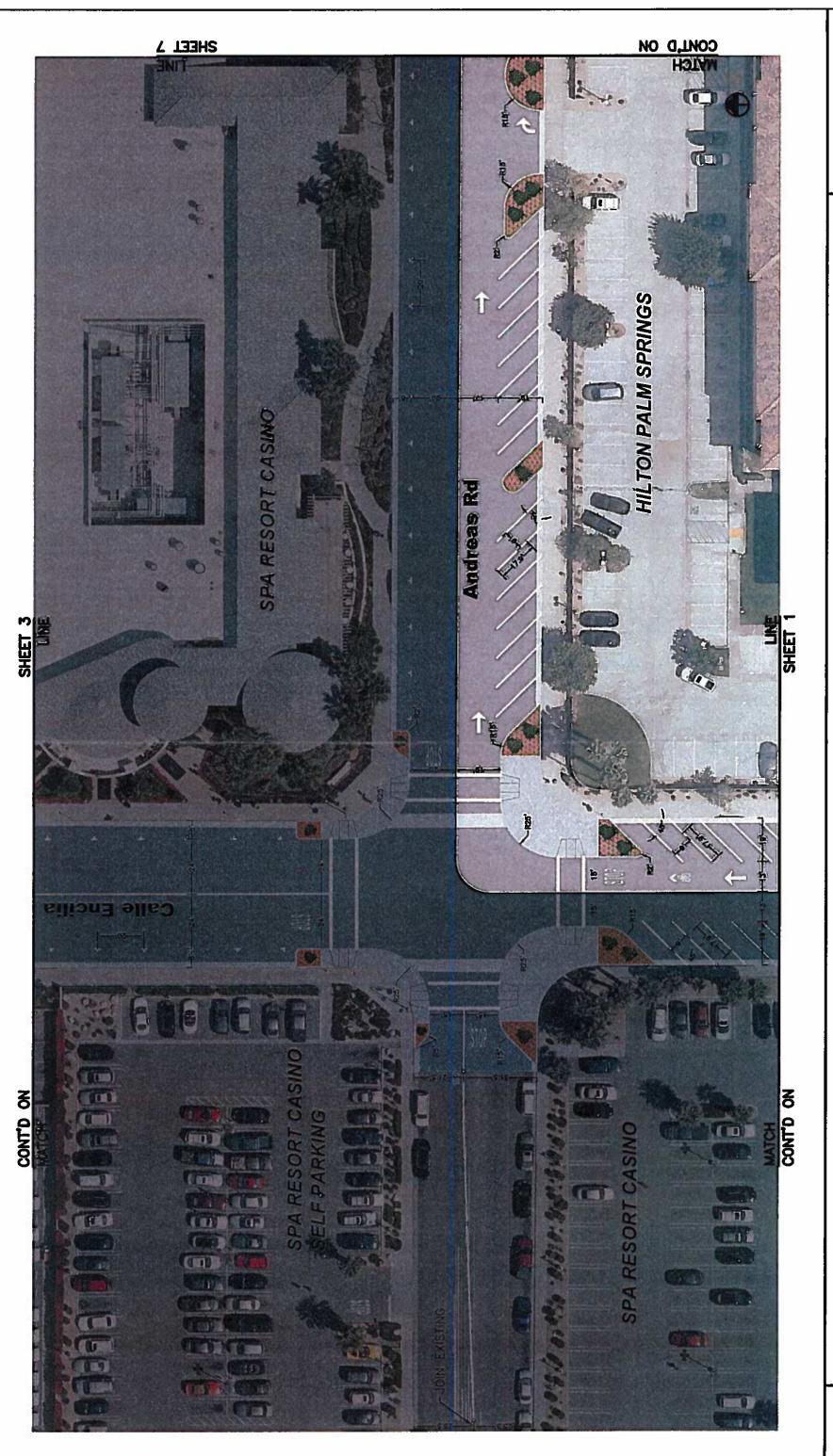
AGUA CALIENTE BAND OF CAHUILLA INDIANS

MEP/dm

C: Tribal Council

Tom Davis, Chief Planning & Development Officer Flinn Fagg, Director of Planning Services, City of Palm Springs





SCALE SHEET n 14 On-Street Angled Parking Conceptual Design Calle Encilia at Andreas Road Section

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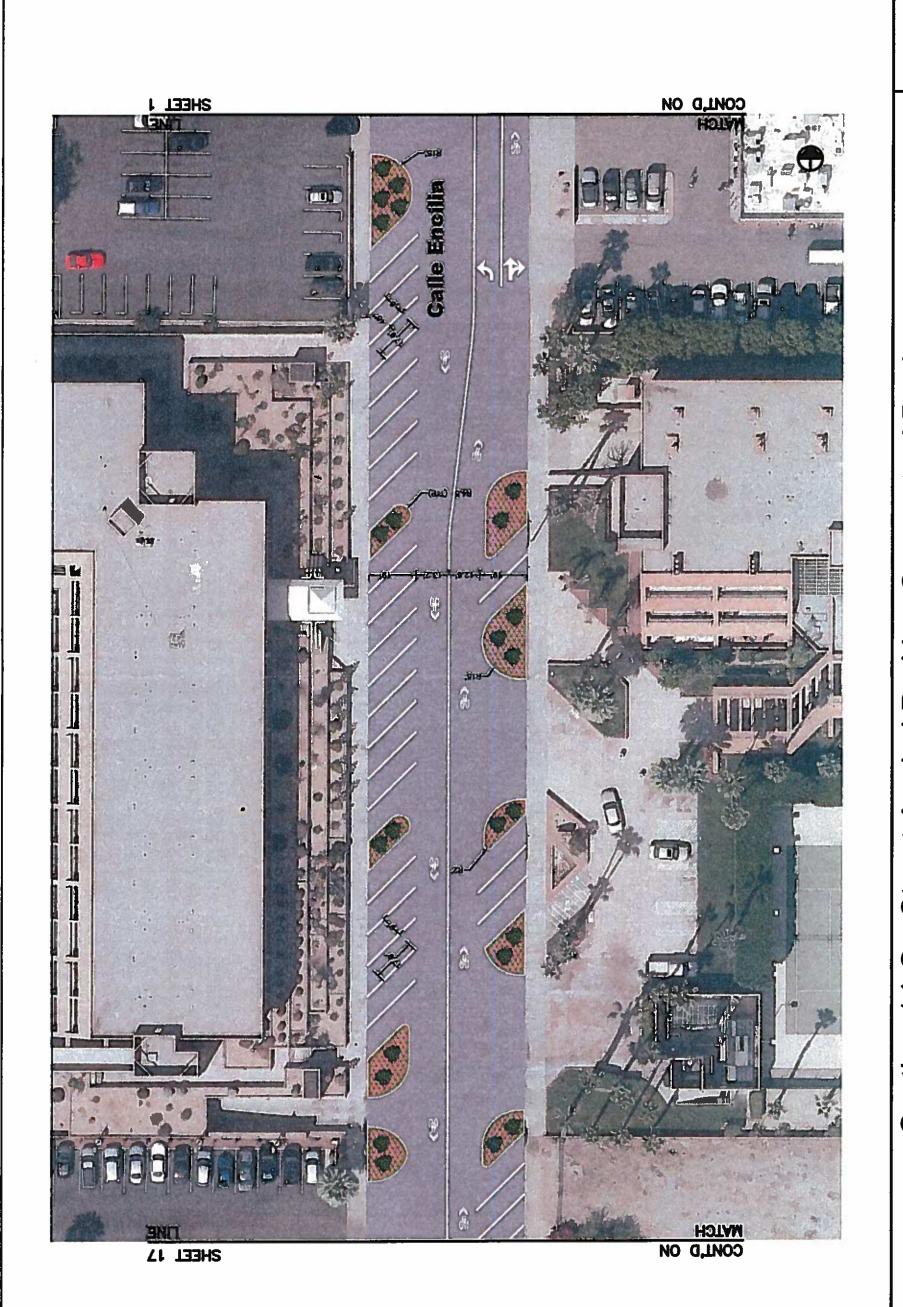
Section 14 On-Street Angled Parking Conceptual Design Calle El Segundo at Andreas Road

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Calle Encilia Between Tahquitz Canyon Way and Arenas Road Section 14 On-Street Angled Parking Conceptual Design

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SHEET

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RESOLUTION NO.	
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING A REQUEST TO VACATION AND ABANDON A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN CALLE ENCILIA AND ANDREAS ROADS SHOWN ON THE AGUA CALIENTE RESERVATION MAP, NOVEMBER 1948, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST; (ENGINEERING FILE R 15-12).

WHEREAS, the Agua Caliente Band of Cahuilla Indians, (the "Tribe"), has filed an application requesting that the City consider vacating and abandoning portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Andreas Road between Amado Road and Tahquitz Canyon Way, as described in Exhibit "A" and shown on Exhibit "B"; and

WHEREAS, vacation of Andreas Road and Calle Encilia have been anticipated as part of the Tribe's development of its properties in Section 14, and were identified as part of the overall scope of the "Agua Caliente Indian Gaming Facility," Planned Development District No. 232 ("PDD 232"), previously reviewed and recommended for approval by the Planning Commission, and approved by the City Council on September 7, 1994; and

WHEREAS, the former Community Redevelopment Agency for the City of Palm Springs ("RDA") and the Tribe entered into a Disposition and Development Agreement ("DDA") that also identified vacation of portions of Andreas Road and Calle Encilia in two phases, with Phase I identified as that part of Andreas Road between Indian Canyon Drive and Calle Encilia, and with Phase II identified as Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia between Amado Road and Tahquitz Canyon Way; and

WHEREAS, the Phase I right-of-way vacation of Andreas Road between Indian Canyon Drive and Calle Encilia was officially vacated by the City Council on December 18, 1996; and

WHEREAS, the currently adopted Circulation Element of the General Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in the Circulation Element Map; and

WHEREAS, the currently adopted July 2014 Section 14 Specific Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in Figure 5-7 thereof; 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 8313(a) of the California Streets and Highways Code 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; 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.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that the vacation and abandonment of portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Andreas Road between Amado Road and Tahquitz Canyon Way, as described in Exhibit "A" and shown on Exhibit "B", is consistent with the 2007 Palm Springs General Plan and the July 2014 Section 14 Specific Plan.

ADOPTED this 6th day of March, 2016.

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

Flinn L. Fagg, AICP Director of Planning Services City of Palm Springs, California

EXHIBIT "A"

VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA IN BETWEEN TAHQUITZ CANYON WAY AND AMADO ROAD AND ANDREAS ROAD IN BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, ALL BEING A PORTION OF THE NORTHWEST ONE QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERDIAN, COUNTY OF RIVERSIDE, LOCATED IN THE CITY OF PALM SPRINGS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF ANDREAS ROAD AND CALLE ENCILIA OF PARCEL MAP NO. 15314, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 86, PAGE 100 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE, SOUTH 00°04'01" EAST, ALONG THE CENTERLINE OF CALLE ENCILIA OF SAID PARCEL MAP A DISTANCE OF 597.70 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 60.00 FEET NORTH OF THE CENTERLINE OF TAHQUITZ CANYON WAY OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID TAHQUITZ CANYON WAY:

THENCE, SOUTH 89°58'59" WEST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 60.02 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS NORTH 00°01'01" WEST;

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°03'00", A DISTANCE OF 31.43 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'01" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 577.87 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE CENTERLINE OF ANDREAS ROAD OF SAID PARCEL MAP:

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 40.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY SAID ANDREAS ROAD:

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 25.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 133.59 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 89°44'57" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 436.36 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'39", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 55.00 FEET SOUTH OF THE CENTERLINE OF AMADO ROAD OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF AMADO ROAD;

THENCE, SOUTH 89°45'04" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 118.70 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS SOUTH 03°28'37" EAST;

THENCE, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°35'48", A DISTANCE OF 30.22 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET EAST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY SAID CALLE ENCILLIA:

THENCE, SOUTH 00°04'25" EAST, ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 549.88 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20 FEET:

THENCE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'32", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSETFAFA 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY SAID ANDREAS ROAD:

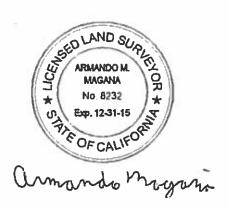
THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 458.30 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET;

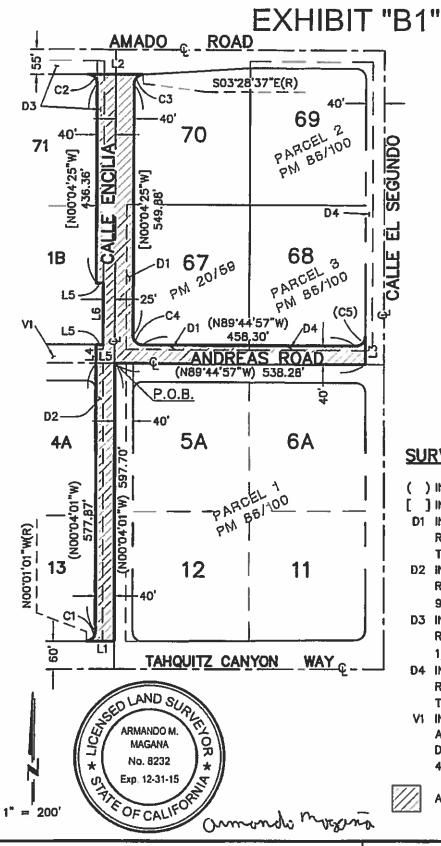
THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°19'38", A DISTANCE OF 31.53 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF CALLE EL SEGUNDO OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE EL SEGUNDO;

THENCE, SOUTH 00°04'35" EAST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 60.12 FEET TO A POINT ON THE CENTERLINE OF SAID ANDREAS ROAD;

THENCE, NORTH 89°44'57" WEST, ALONG SAID CENTERLINE A DISTANCE OF 538.28 FEET TO THE POINT OF BEGINNING;

SAID AREA CONTAINS 92,355 SQUARE FEET OR 2.12 ACRES, MORE OR LESS.





LINE TABLE			
LINE	BEARING	LENGTH	
L1	(N89°58'59"E)	60.02'	
L2	(N89°45'04"W)	118.70	
L3	(N00°04'35"W)	60.12'	
L4	[N00'04'25"W]	40.00'	
L5	(N89'44'57"W)	15.00'	
L6	[N00'04'25"W]	133.59'	

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	
C1	20.00'	90'03'00"	31.43'	
C2	20.00'	89*40'39"	31.30'	
C3	20.00	86"35"48"	30.23	
C4	20.00'	89'40'32"	31.30'	
(C5)	20.00'	9019'38"	31.53'	

SURVEYOR NOTES:

- () INDICATES RECORD DATA PER PM 86/100 [] INDICATES RECORD DATA PER PM 20/59
- D1 INDICATES RIGHT OF WAY DEDICATION. RECORDED 11/3/75 AS INS. NO. 136182 TO THE CITY OF PALM SPRINGS.
- D2 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO. 222 REC'D 9/20/62.
- D3 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO 438 REC'D 1/26/70.
- D4 INDICATES RIGHT OF WAY DEDICATION. RECORDED 10/31/78 AS INS. NO. 229764 TO THE CITY OF PALM SPRINGS.
- VI INDICATES RIGHT OF WAY VACATION ON ANDREAS ROAD BETWEEN INDIAN CANYON DRIVE AND CALLE ENCILIA PER INS. NO. 485832 REC'D 12/27/96



AREA TO BE VACATED



Engineering, Planning, Environmental Sciences and Management Services

40004 Cook St. Suile 4 Palm Desert, CA 92211 Tel. (760) 341-6660 Fax (760) 346-6118

In The City Of Palm Springs, CA

VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA AND ANDREAS ROAD

