



## City Council Staff Report

DATE: June 1, 2016

PUBLIC HEARING

SUBJECT: CONSIDERATION OF THE VACATION OF A PORTION OF CAHUILLA ROAD RIGHT-OF-WAY BETWEEN BARISTO ROAD AND RAMON ROAD LOCATED IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 15-07

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 a portion of the public right-of-way dedicated for Cahuilla Road between Baristo Road and Ramon Road.

### 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 A PORTION OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR A PORTION OF CAHUILLA ROAD RIGHT-OF-WAY, BETWEEN BARISTO ROAD AND RAMON ROAD LOCATED IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 15-07, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

ITEM NO. 1.A.

**BACKGROUND:**

On June 2015, Nola Properties, LLC, (now known as Martini Madness, LLC), managed by Lars Viklund, submitted an application to the Engineering Department to vacate a portion of the easterly right-of-way of Cahuilla Road located south of Baristo Road adjacent to their property. The right-of-way is shown on the Map of Palm Springs, filed November 21, 1887, at that time as records of San Diego County, and is shown as Orange Avenue between Lime Street (Baristo Road) and South Street (Ramon Road), as shown in on the Riverside County Assessor Parcel Map in Figure 1; a vicinity map with 500 feet radius buffer is shown in Figure 2.

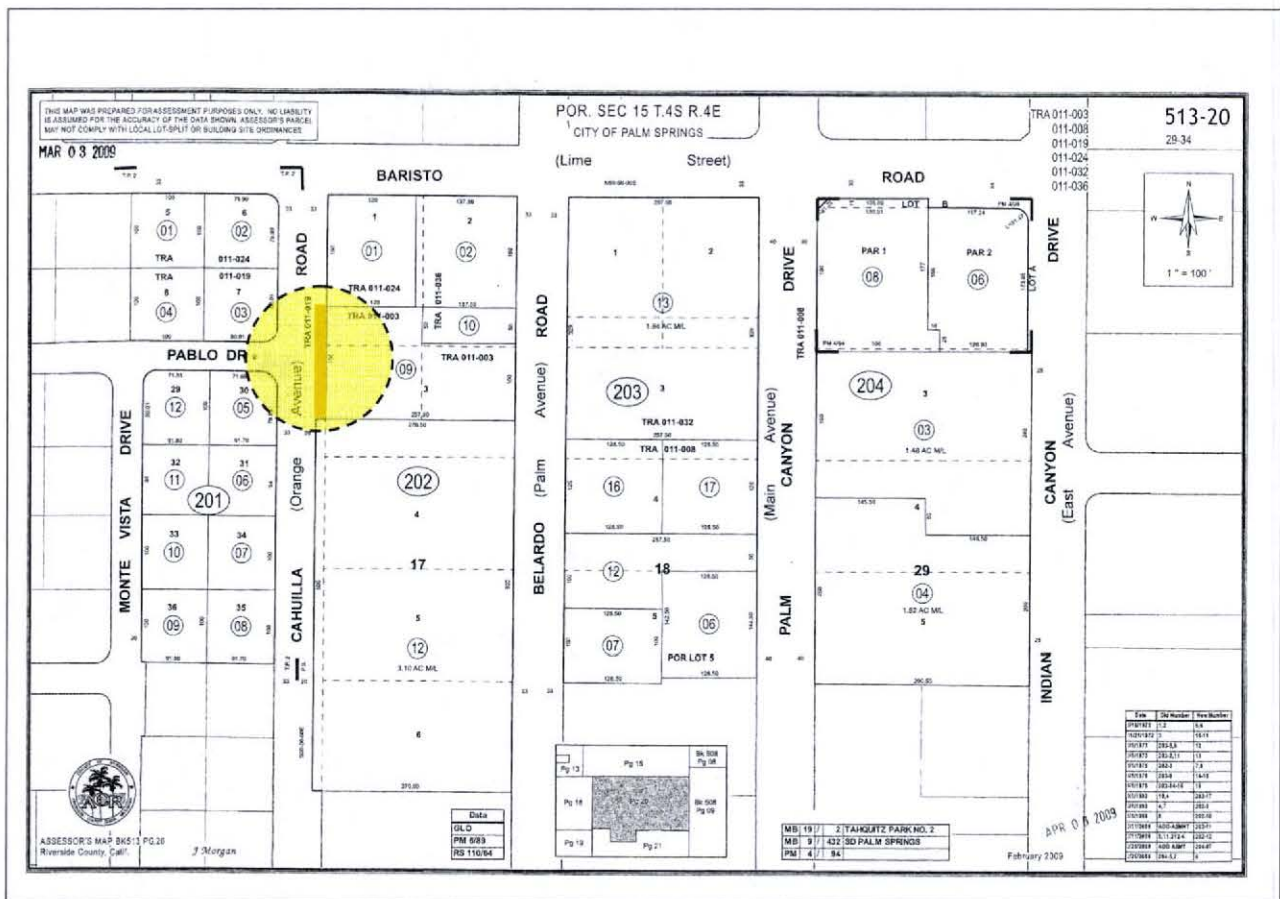


Figure 1



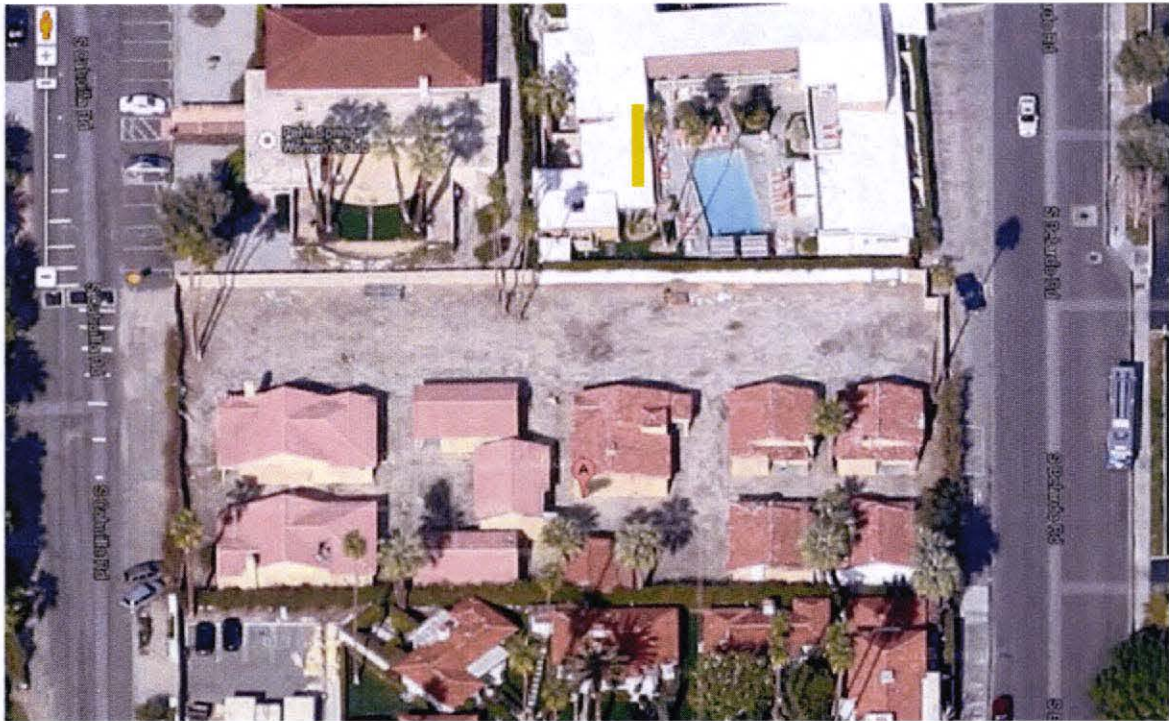


Figure 3

The requested vacation of the excess 13 feet of right-of-way along the east side of Cahuilla Road accommodates the new on-site parking spaces approved as part of the La Serena Villas development, as shown in Figure 4.

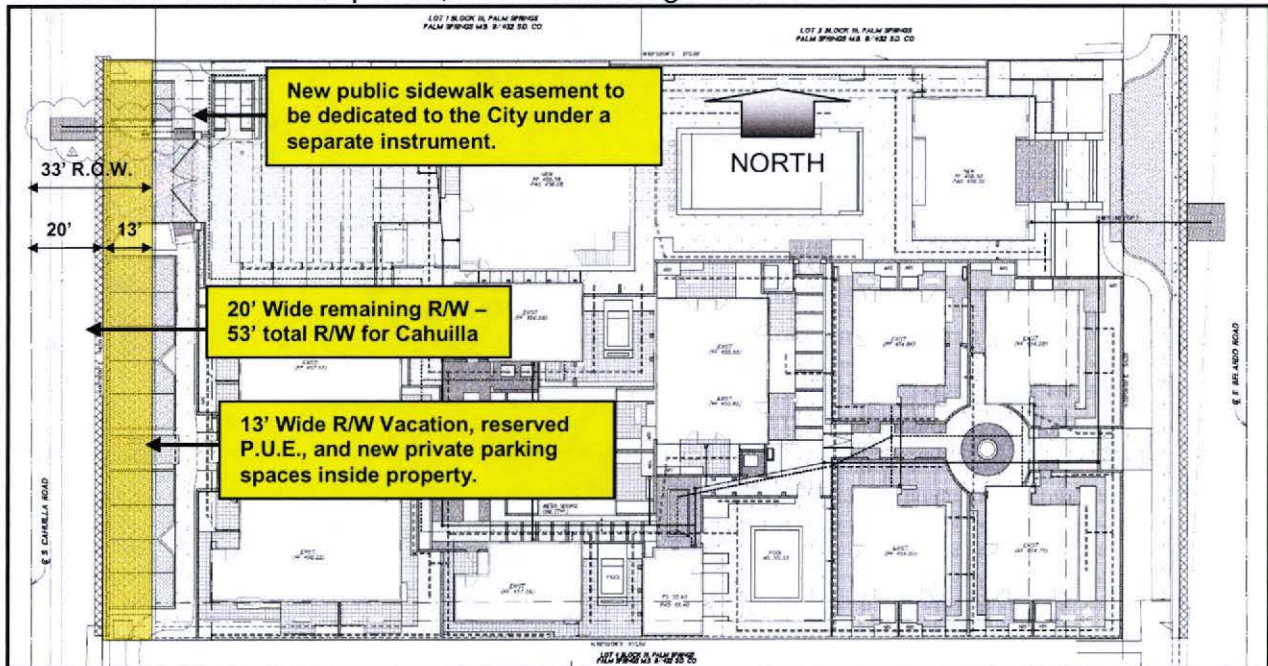


Figure 4

The requested right-of-way vacation is consistent with and aligns with a prior right-of-way vacation along Cahuilla Road approved for the Avalon Hotel; in October 2007, Resolution No. 22046 was approved by the City Council vacating 13 feet of public right-of-way within Cahuilla Road to facilitate improvements to the Avalon Hotel property just south of this site, as shown in Figure 5.



**Figure 5**

There is no existing curb, gutter, or sidewalk in the portion of Cahuilla Road being vacated; however, the La Serena Villas project will construct new street improvements to match and align with existing improvements adjacent to the Avalon Hotel. Public utility agencies have approved the right-of-way vacation pending reservation of a public utility easement (P.U.E.) within the vacated portion to allow for continued operation of gas, water, and electric facilities.

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 March 23, 2016, the City’s Planning Commission reviewed and recommended approval of the proposed right-of-way vacation, and adopted Resolution No. 6562 finding that Cahuilla Road is identified as a local road on the City’s 2007 General Plan, and that vacation and abandonment of the excess 13 feet of right-of-way would not conflict with the City’s General Plan.

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; the notices were posted along Cahuilla Road on May 17, 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.

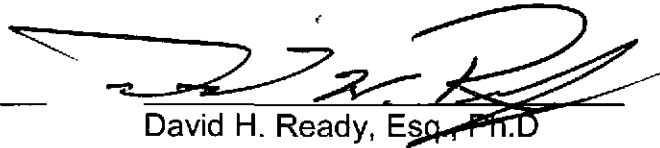
**FISCAL IMPACT:**

There is no direct fiscal impact associated with the requested right-of-way vacation.

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 A PORTION OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CAHUILLA ROAD LOCATED BETWEEN BARISTO ROAD AND RAMON ROAD LOCATED IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 15-07, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS AND DETERMINES:**

A. 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.

B. Pursuant to Section 8320 of the statute, the City Clerk administratively set a public hearing for June 1, 2016, for City Council consideration of vacating and closing to public use a 13 feet wide portion of the public right-of-way located on the east side of Cahuilla Road immediately adjacent to the property identified by Assessor's Parcel Number (APN) 513-202-009 located between Baristo Road and Ramon Road, (the "subject public right-of-way").

C. 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.

D. In accordance with Section 8313 of the statute, and California Government Code Section 65402, the proposed vacation and abandonment of a portion of the subject public right-of-way was submitted to and reported upon by the Planning Commission of the City of Palm Springs.

E. On March 23, 2016, the Planning Commission of the City of Palm Springs adopted Resolution No. 6562 determining that the proposed vacation and abandonment of the subject public right-of-way was in conformance with the Palm Springs General Plan.

F. The City Council did hold a public hearing as required by the statute, and has considered all evidence submitted concerning the subject public right-of-way, 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.

G. 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.

H. 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 above findings are all true and correct.

Section 2. The City Council does hereby find that the 13 feet wide portion of the public right-of-way located on the east side of Cahuilla Road immediately adjacent to the property identified by Assessor's Parcel Number (APN) 513-202-009 located between Baristo Road and Ramon Road is unnecessary for present or prospective public use.

Section 3. Subject to Section 4, the City Council does hereby vacate and abandon all the City's right, title and interest in the 13 feet wide portion of the public right-of-way located on the east side of Cahuilla Road immediately adjacent to the property identified by Assessor's Parcel Number (APN) 513-202-009 located between Baristo Road and Ramon Road, as described and shown on Exhibits "A" and "B", attached hereto and made a part hereof.

Section 4. The City of Palm Springs reserves and excepts from the foregoing vacation a public utility easement to operate and maintain sanitary sewer lines, domestic water lines, natural gas pipelines, communication cables, underground electrical conduits and facilities, and 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. Access over the vacated area shall be provided to the City and other utility owners as necessary for continued operation and maintenance of existing utilities, until such time as those utilities are removed or relocated as may be approved by the utility owner thereof.

Section 5. 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 13 feet wide portion of the public right-of-way located on the east side of Cahuilla Road immediately adjacent to the property identified by Assessor's Parcel Number (APN) 513-202-009 located between Baristo Road and Ramon Road, as described and shown on Exhibits "A" and "B", shall be deemed vacated, subject to Section 4, and closed to future public use.

Section 6. The City Council hereby determines that the action undertaken by this Resolution vacating and abandoning, subject to Section 4, all the City's right, title and interest in the 13 feet wide portion of the public right-of-way located on the east side of Cahuilla Road immediately adjacent to the property identified by Assessor's Parcel Number (APN) 513-202-009 located between Baristo Road and Ramon Road, 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 1st day of June, 2016.

\_\_\_\_\_  
DAVID H. READY, CITY MANAGER  
City of Palm Springs, California

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

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 June 1, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

**EXHIBIT "A"**  
**RIGHT OF WAY VACATION**  
**LEGAL DESCRIPTION**  
**R 15-07**

**PORTION "A"**

BEING A PORTION OF CAHUILLA ROAD (ORANGE AVENUE) AS SHOWN BY MAP OF PALM SPRINGS ON FILE IN BOOK 9 PAGE 432 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 17 OF SAID MAP OF PALM SPRINGS, THENCE SOUTH ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CAHUILLA ROAD A DISTANCE OF 150.00 FEET TO THE *TRUE POINT OF BEGINNING*;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH A DISTANCE OF 154.00 FEET;

THENCE WEST, A DISTANCE OF 13.00 FEET;

THENCE PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, NORTH A DISTANCE OF 154.00 FEET;

THENCE EAST, A DISTANCE OF 13.00 FEET TO THE TRUE POINT OF BEGINNING.

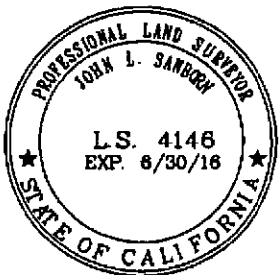
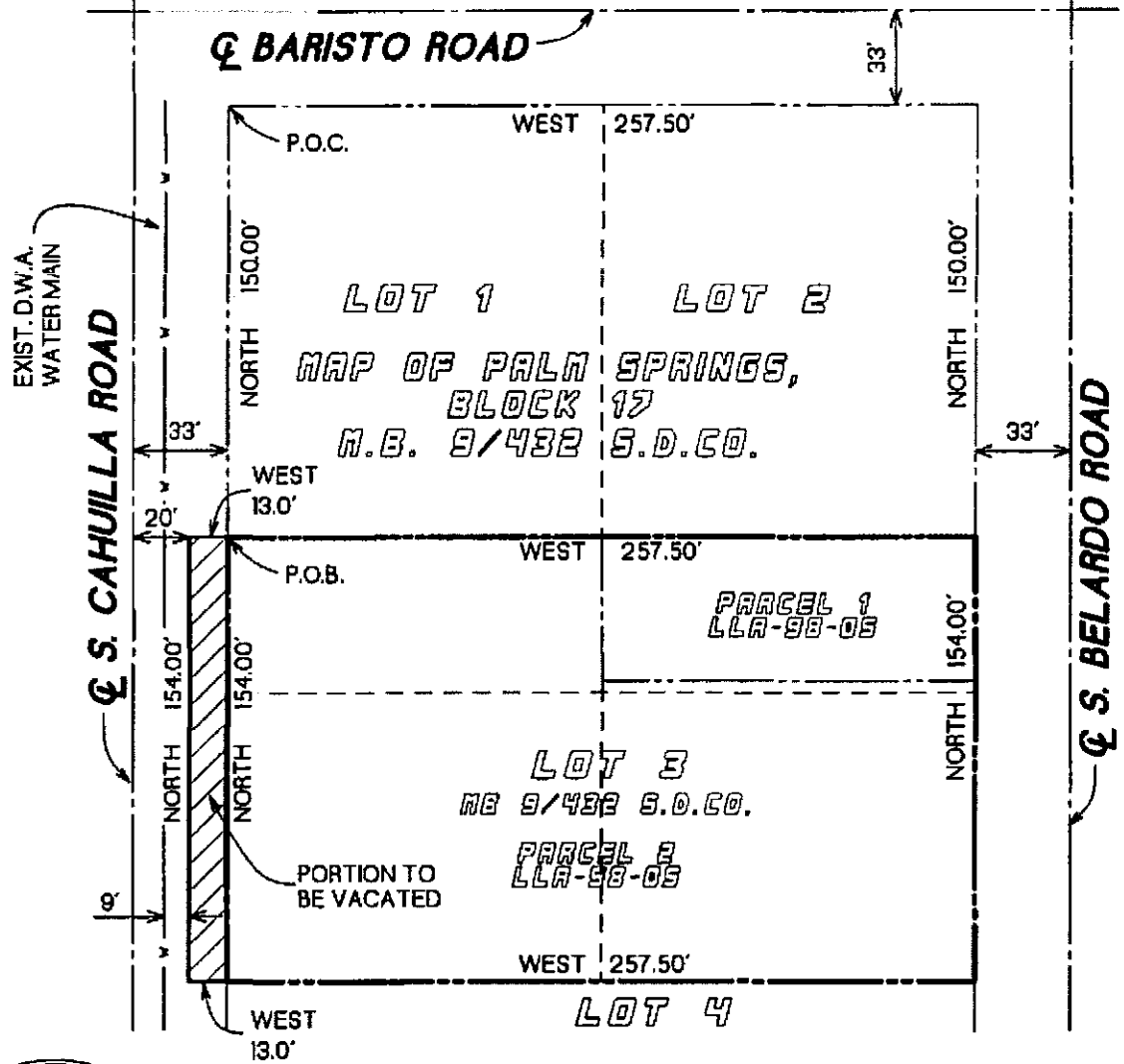
AREA OF VACATION CONTAINS 2,002 SQ. FT. (0.046 AC) MORE OR LESS

PREPARED BY  
SANBORN & CO., INC.

  
JOHN L. SANBORN, PLS 4146  
7/10/2015 WO 14-110



EXHIBIT "B"



CITY OF PALM SPRINGS  
PUBLIC WORKS & ENGINEERING  
DEPARTMENT

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
7987  
CITY ENGINEER P.L.S.

VACATION RIGHT-OF-WAY

DESIGN BY: J.L.S. SCALE: 1" = 60' FILE NO.: R 15-07

LEGAL DESCRIPTION:  
SEE EXHIBIT "A"

CHECKED BY: J.L.S. W.O. # 14-110 SHEET NO.: 1 OF 1

**CITY OF PALM SPRINGS  
PUBLIC NOTIFICATION**



---

Date: June 1, 2016

Subject: R 15--12

---

**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 May 20, 2016, and May 27, 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 May 17, 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  
CITY FILE R 15-07**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a Public Hearing at its meeting on June 1, 2016. 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 portions of the public right-of-way for a portion of Cahuilla Road, 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 15, Township 4 South, Range 4 East; City File R 15-07; an application made through the City of Palm Springs.

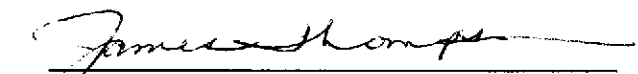
**COMMENTS:** At the hearing, any person may present oral or written testimony. The City Council will consider all objections or protests, if any, to the applications. Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made 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 92262

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, Department of Public Works and Engineering, (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**  
**LEGAL DESCRIPTION**  
**R 15-07**

**PORTION "A"**

BEING A PORTION OF CAHUILLA ROAD (ORANGE AVENUE) AS SHOWN BY MAP OF PALM SPRINGS ON FILE IN BOOK 9 PAGE 432 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 17 OF SAID MAP OF PALM SPRINGS, THENCE SOUTH ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CAHUILLA ROAD A DISTANCE OF 150.00 FEET TO THE *TRUE POINT OF BEGINNING*;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH A DISTANCE OF 154.00 FEET;

THENCE WEST, A DISTANCE OF 13.00 FEET;

THENCE PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, NORTH A DISTANCE OF 154.00 FEET;

THENCE EAST, A DISTANCE OF 13.00 FEET TO THE TRUE POINT OF BEGINNING.

AREA OF VACATION CONTAINS 2,002 SQ. FT. (0.046 AC) MORE OR LESS

PREPARED BY  
SANBORN & CO., INC.

  
JOHN L. SANBORN, PLS 4146  
7/17/15 WO 14-110



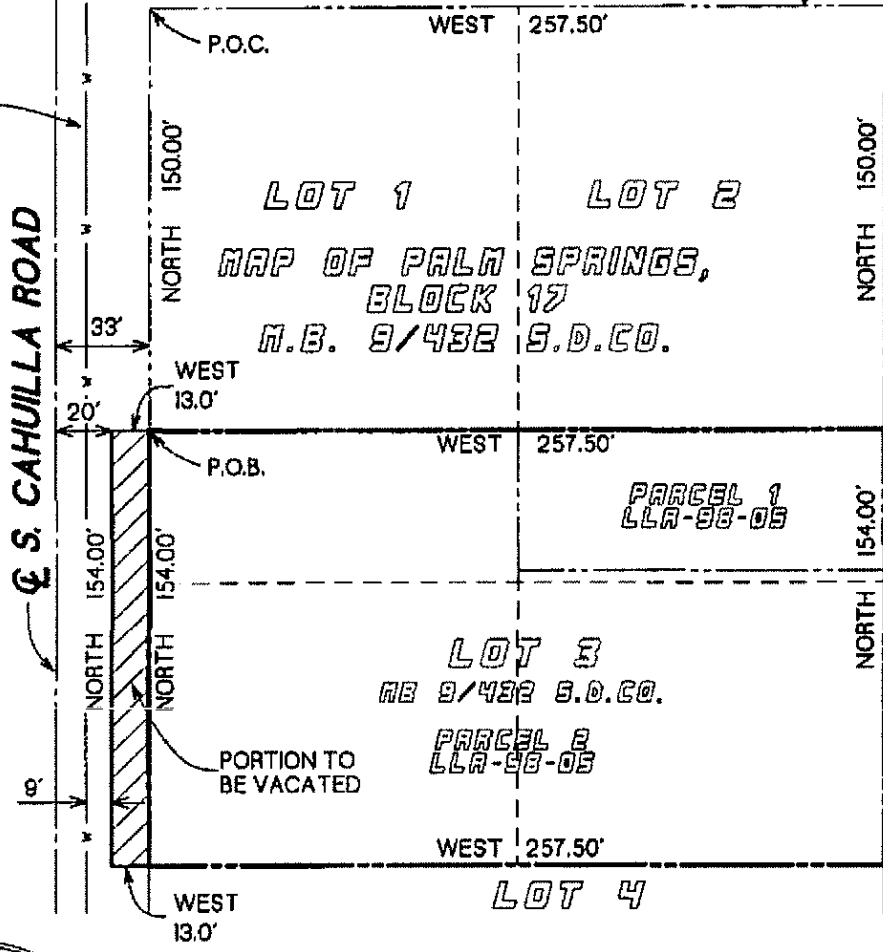
EXHIBIT "B"

☐ BARISTO ROAD

EXIST. D.W.A.  
WATERMAIN

☐ S. CAHUILLA ROAD

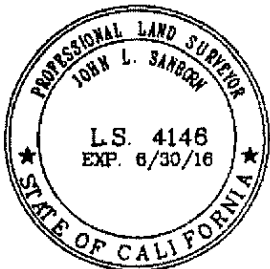
☐ S. BELARDO ROAD



LOT 1      LOT 2  
MAP OF PALM SPRINGS,  
BLOCK 17  
M.B. 9/432 S.D.CO.

PARCEL 1  
LLA-98-08

LOT 3  
M.B. 9/432 S.D.CO.  
PARCEL 2  
LLA-98-08



CITY OF PALM SPRINGS  
PUBLIC WORKS & ENGINEERING  
DEPARTMENT

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER      7987 P.L.S.

VACATION RIGHT-OF-WAY

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY: J.L.S.	SCALE: 1" = 60'	FILE NO.: R 15-07
CHECKED BY: J.L.S.	W.O. # 14-110	SHEET NO.: 1 OF 1

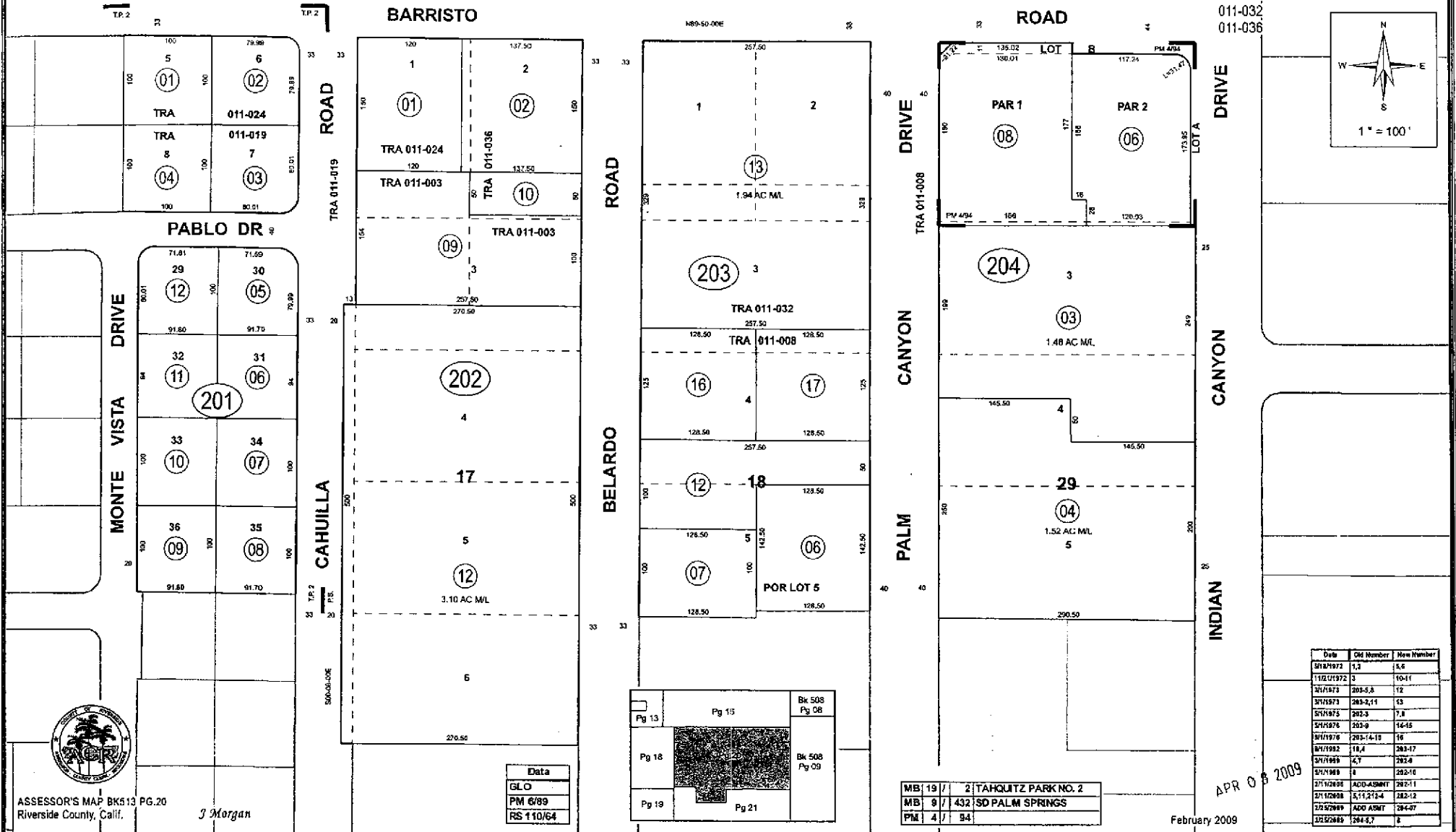
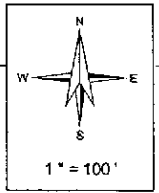
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

POR. SEC 15 T.4S R.4E  
CITY OF PALM SPRINGS

TRA 011-003  
011-008  
011-019  
011-024  
011-032  
011-036

513-20  
29-34

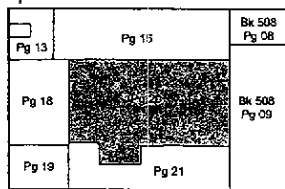
MAR 03 2009



ASSESSOR'S MAP BK 513 PG. 20  
Riverside County, Calif.

J Morgan

Data	
GLO	
PM	6/89
RS	110/64



MB	19	/	2	TAHQITZ PARK NO. 2
MB	9	/	432	SD PALM SPRINGS
PM	4	/	94	

APR 08 2009

February 2009

Date	Old Number	New Number
01/27/93	1,3	1,5
11/10/92	3	10-11
2/1/92	205-5,8	12
3/1/92	205-2,11	13
01/18/95	202-3	7,8
01/18/96	203-0	14-15
01/19/96	203-14-15	16
01/19/92	118,4	203-17
01/19/99	4,7	202-9
01/19/99	8	202-10
01/19/2006	ADD-ASMT	202-11
01/10/2008	5,11,21-24	202-12
02/02/2009	ADD-ASMT	204-07
02/02/2009	204-3,7	8