



PLANNING COMMISSION STAFF REPORT

DATE: October 25, 2023 **CONSENT AGENDA**

SUBJECT: A REQUEST FOR A GENERAL PLAN CONFORMITY FINDING FOR VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY, SHOWN AS LOT D & LOT C, CROSSLEY TRACT, MB 32/44, SECTION 29, TOWNSHIP 4, RANGE 4 EAST (ENG. FILE R 22-04-2230).

FROM: Development Services Department – Engineering Division

SUMMARY:

The Planning Commission is being requested to review an application by LaWanda Roy (Applicant) to abandon and vacate a portion of the public right-of-way for Martha Street and Marguerite Street, with her property being at the northeast corner of the intersection of said streets. In accordance with Section 8313 of California Streets and Highways Code, the Planning Commission must find that the requested Vacation of Public Easement is consistent with the current City of Palm Springs General Plan.

RECOMMENDATION:

Approve the request, finding that vacating a portion of public Right-of-Way (ROW), while reserving a portion for Public Utility Easement (PUE), is consistent with 2007 General Plan per Division 9, Part 3, Chapter 2, Section 8313, of the Streets and Highways Code of the State of California and pursuant to Section 65402 of the California Government Code.

PROJECT DESCRIPTION:

A 60 ft. wide public road for as Martha Street (Lot D), and Marguerite Street (Lot C), is shown within Crossley Tract, Map Book 32/44. The proposed vacation of the easterly end of Martha Street would not interfere with any existing road improvements as the road turns northerly as Marguerite Street, as shown on said Crossley Tract.

BACKGROUND INFORMATION:

When the tract was recorded with the County Clerk on December 20, 1956, the Crossley Tract was under the jurisdiction of Riverside County, and not within Palm Springs city boundary. The said tract shows Lots A-D as 34th Avenue, Lawrence Street, Marguerite Street, and Martha Street, respectively, as public roads. However, the Riverside County Board of Supervisors specifically did not accept the dedication of said Lots A-E as public

county roads. On May 5, 1982, the Palm Springs City Council approved Resolution No. 14198, directing the City Clerk to notify the Local Agency Formation Commission (LAFCO), of their approval to Annexation No. 22 and the annexation of the Crossley Tract, including all lots, public easements, and public roadways as shown on the recorded tract map.

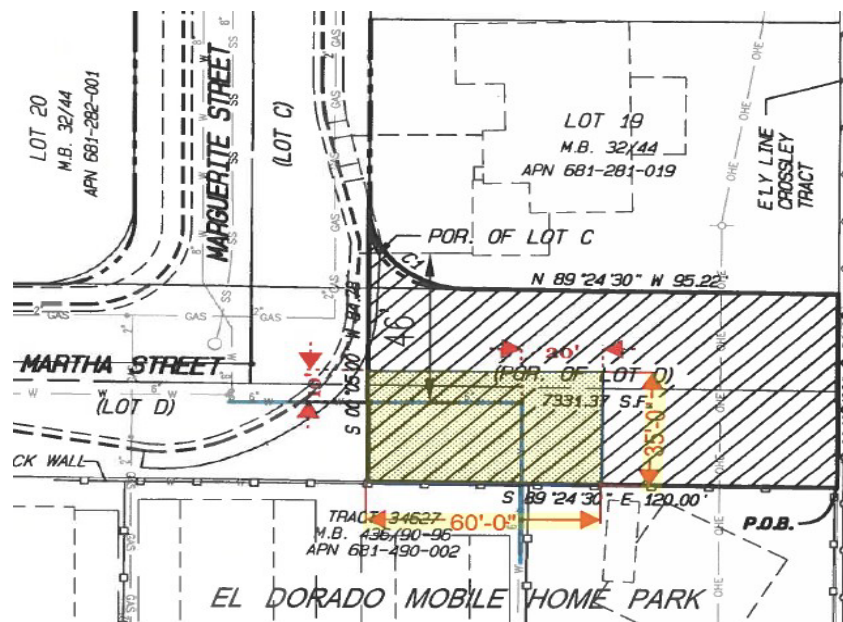
The applicant's property is shown as Lot 19 on said Crossley Tract, property at the northeast corner of the intersection of Marth Street (Lot D) and Marguerite Street (Lot C). The applicant has requested vacation of this portion of Martha Street and a portion of Marguerite Street so that they may pursue permits to construct an Accesory Dwelling Unit (ADU). The proposed vacation of the easterly end of Martha Street would not interfere with any existing road improvements as the road turns northerly as Marguerite Street on said Crossley Tract.

Most Recent Ownership Change	
8/06/2018	LaWanda Sue Roy

Local public utility companies were contacted with a legal description of the vacation area seeking a response approving or opposing the vacation. The following public utilities approved the requested vacation with no conditions by citing no facilities in the area:

- Veolia N.A.
- Frontier Communications
- Southern California Edison
- Southern California Gas
- Spectrum-Charter Communications

Desert Water Agency responded that they have waterlines within the proposed vacation area and requests an easement for their facilities. Specifically, they are requesting a 60 feet by 35 feet public utility easement for their facilities within the southwest corner of the proposed vacation. Since this area becomes unbuildable for any structural improvements, it greatly reduces the applicant's options for a new ADU. However, the applicant wishes to proceed with the vacation of the public ROW for future development purposes.



ANALYSIS:

Public rights-of-way and public easements may be vacated by the City Council, after conducting a duly noticed public hearing, making certain findings, and otherwise following the process set forth in California Streets and Highways Code Sections 8300 et. seq. Before the City Council hears the matter, the Planning Commission (as the City's designated "planning agency") must first find that the proposed vacation is consistent with the City's General Plan and any applicable specific plans (Streets and Highways Code Section 8313; Government Code Section 65402). That is the purpose of this review.

According to the 2007 General Plan, there are no streets existing or proposed that would be impacted by the proposed vacation. The Circulation Plan, Figure 4-1 of the Circulation Element, does not identify a street beyond the existing intersection of said streets. Therefore, Staff recommends that the Planning Commission find the requested vacation to be consistent with the latest City of Palm Springs General Plan. Pending the Planning Commission's findings, the proposed vacation will be presented to the City Council as an agenda item.

ENVIRONMENTAL ANALYSIS:

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 accordance with Section 15061(b)(3) of the CEQA Guidelines, the vacation of Public Right-of-Ways and Public Easements are exempt from CEQA, as a common-sense exemption. Therefore, Notices of Exemption will be prepared and filed with the Riverside County Clerk.

CONCLUSION:

Staff recommends that the Planning Commission find the applicant's request for vacation of a portion of public right-of-way within Martha Street (Lot D) and Marguerite Street (Lot C), shown on Crossley Tract, MB 32/44, is in accordance with the 2010 General Plan update, in accordance with Division 9, Part 3, Chapter 2, Section 8313, of the Streets and Highways Code of the State of California and pursuant to Section 65402 of the Government Code, and to forward that determination to the City Council.

PREPARED BY:	Felipe Primera, Senior Engineering Technician
REVIEWED BY:	Christopher Hadwin, Director of Planning Services

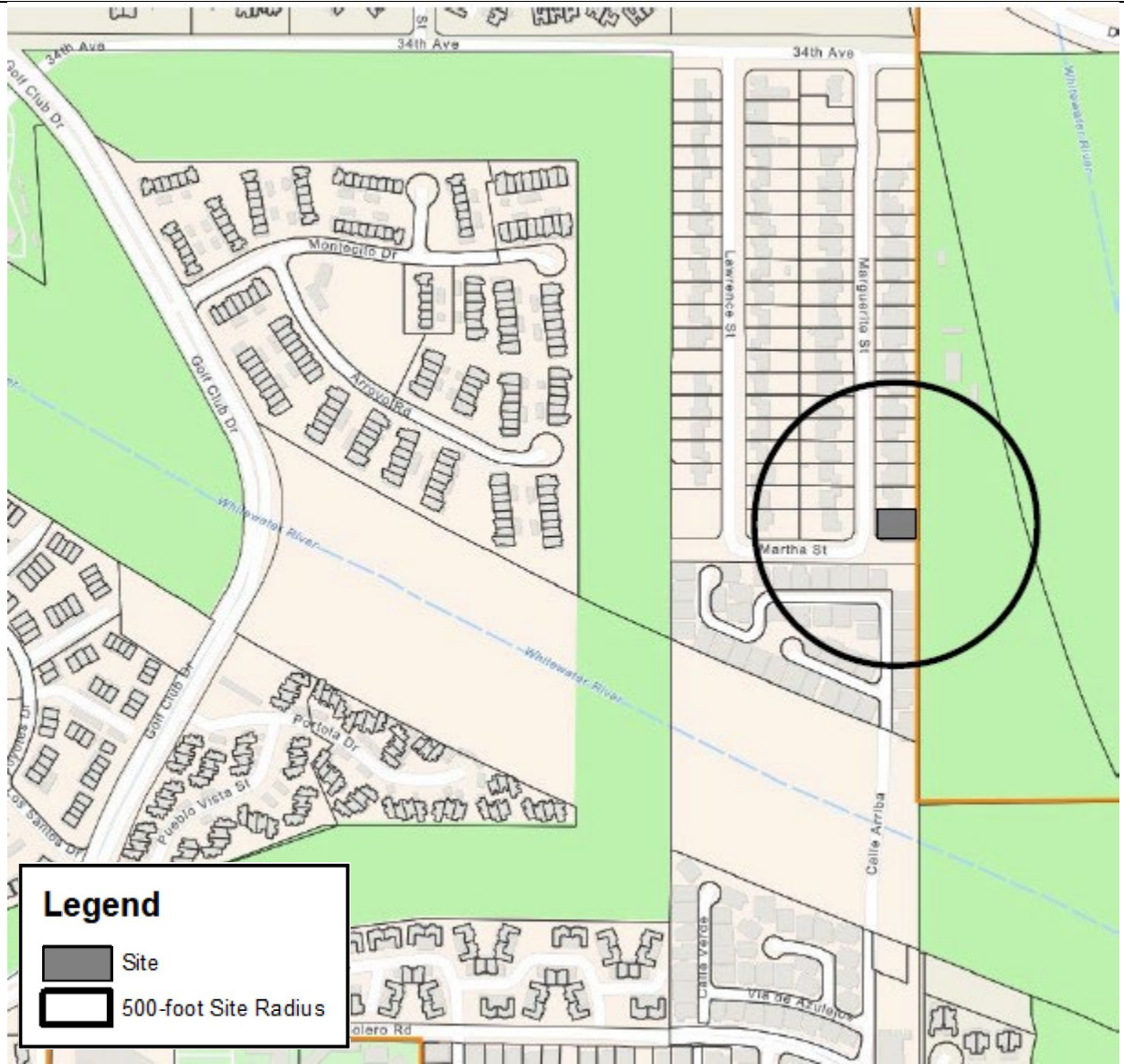
ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Resolution
4. Exhibits "A", "B", & "C"

ATTACHMENT 1



Department of Development Services Vicinity Map



CITY OF PALM SPRINGS

ATTACHMENT 2



AERIAL MAP

ATTACHMENT 3

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT THE VACATION OF A PUBLIC ROAD RIGHT-OF-WAY WITHIN MARTHA STREET (LOT D), AND MARGUERITE STREET (LOT C), OF CROSSLEY TRACT, MB 32/44, SECTION 29, TOWNSHIP 4, RANGE 4 EAST (ENG. FILE R 22-04-2230), WHILE RESERVING A PORTION FOR A PUBLIC UTILITY EASEMENT, IS CONSISTENT WITH THE CITY OF PALM SPRINGS GENERAL PLAN.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. LaWanda Roy ("Applicant") has filed an application to vacate a portion of public road right-of-way within Martha Street (Lot D) and Marguerite Street (Lot C), shown on Crossley Tract, Map Book 32/44, within Section 19, Township 4 South, Range 5 East, ("Application") with the City pursuant to Section 8313 of California Streets and Highways Code, said public road right-of-way being located in Section 19, Township 4 South, Range 5, East, within the City of Palm Springs, Riverside County, State of California.

B. On May 5, 1982, the Palm Springs City Council approved Resolution No. 14198 and Local Agency Formation Commission (LAFO) Annexation No. 22, which included the said Crossley Tract, its lots, public easements, and public roadways, to be included within the City of Palm Springs, Riverside County, State of California.

C. California Government Code Section 65402(a) provides that if a general plan or part thereof has been adopted, then no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the Planning Commission as to conformity with said adopted general plan or part thereof, and that the Planning Commission shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as

may be designated by the City Council.

D. On October 25, 2023, the Planning Commission held a regularly scheduled meeting and reviewed the subject Application.

E. In accordance with Section 15061(b)(3) of the CEQA Guidelines, the subject Application involves a Project that is exempt from CEQA, as a commonsense exemption. The vacation of a public utility easement will have no potential for causing a significant effect on the environment, as said area is unimproved and will remain improved if this application is approved.

THE PLANNING COMMISSION RESOLVES:

SECTION 1. That the findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

SECTION 2. Local public utility companies were contacted with a legal description of the proposed vacation seeking a response either approving or opposing the vacation. Most public utilities approved the requested vacation with no reservations by citing no facilities in the area. Desert Water Agency (DWA) requested an easement to protect its facilities.

SECTION 3. The western 60 feet, and southern 35 feet, of the proposed vacation area will be reserved for public utilities to protect DWA facilities, and any future public utilities, herein described and shown in Exhibit "C".

SECTION 3. According to the 2007 General Plan, there are no streets existing or proposed that would be impacted by the proposed vacation. The Circulation Plan, Figure 4-1 of the Circulation Element, does not identify any streets beyond the intersection and there is no planned need to retain the existing right-of-way for the future.

SECTION 4. Pursuant to California Government Code section 65402, the Planning Commission finds that the applicant's request to vacate a portion of public right-of-way for Martha Street (Lot C) and Marguerite Street (Lot D) within the Crossley Tract, recorded in Map Book 32/44, within Section 19, Township 4 South, Range 5 East, SBB&M, herein described in Exhibit 'A', and shown in Exhibit "B", and reserving a portion for a public utility easement, herein described and shown in Exhibit "C" is consistent with 2007 General Plan per Division 9, Part 3, Chapter 2, Section 8313, of the Streets and Highways Code of the State of California.

ADOPTED this 25th day of October, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

Christopher Hadwin
Director of Planning Services

ATTACHMENT 4

EXHIBIT "A"

APPROVED LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION
R 22-04-2230

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING PORTIONS OF LOT C AND LOT D OF CROSSLEY TRACT, RECORDED IN BOOK 32 OF MAPS, PAGE 44, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT D;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT D, NORTH 00°05'00" EAST, 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT D;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT D, NORTH 89°24'30" WEST, 95.22 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°30'15", AN ARC LENGTH OF 39.05 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT C;

THENCE SOUTHERLY ALONG THE SOUTHERLY PROLONGATION OF SAID EASTERLY LINE, SOUTH 00°05'00" WEST, 84.78 FEET TO THE SOUTHERLY LINE OF SAID LOT D;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE, SOUTH 89°24'30" EAST, 120.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 7331.37 S.F., 0.17 AC., MORE OR LESS.

SUBJECT TO ALL EXISTING CONDITIONS, RESERVATIONS, RESTRICTIONS, EASEMENTS, OFFERS OF DEDICATIONS, RIGHTS AND RIGHT OF WAYS OF RECORD, IF ANY.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

PREPARED BY ME OR UNDER MY SUPERVISION


ROBERT JOHN DAWSON, PLS

8-21-23
DATE

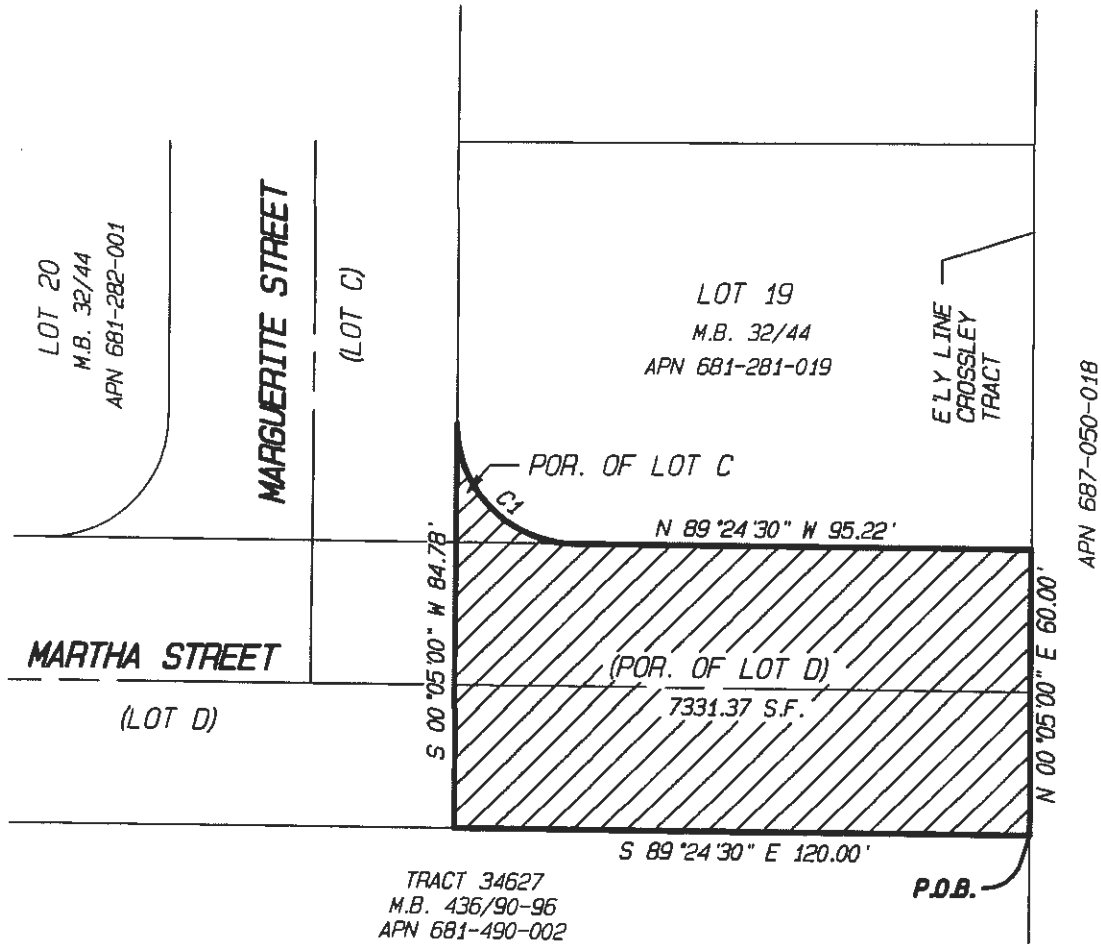


EXHIBIT "B"

RIGHT-OF-WAY VACATION
R 22-04-2230

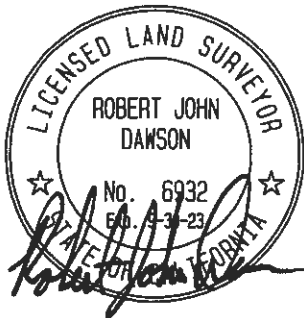
CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	89°30'15"	25.00'	39.05'



LEGEND

- P.O.B. INDICATES POINT OF BEGINNING
- INDICATES LIMITS OF VACATION
- ▨▨▨▨ INDICATES AREA OF VACATION



GRAPHIC SCALE

1" = 40'



CITY OF PALM SPRINGS
ENGINEERING SERVICES

APPROVED:

Erik Howard

7648 9/29/23

ERIK HOWARD, ENGINEERING RESOURCES INC.

P.L.S. DATE

LEGAL DESCRIPTION

SEE EXHIBIT "A"

DRAWN BY:

SCALE: 1" = 40'

CPS FILE NO.
R 22-04-2230

CHECKED BY:

DATE: 8/21/2023

SHEET NO. 1 OF 1




EXHIBIT "C"

RIGHT-OF-WAY VACATION

R 22-04-2230

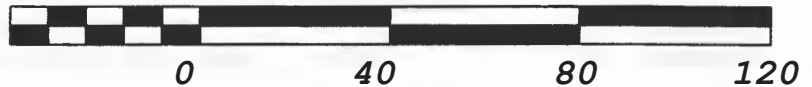


LEGEND

-  P.U.E. PUBLIC UTILITY EASEMENT
-  INDICATES LIMITS OF VACATION
-  INDICATES AREA OF VACATION



GRAPHIC SCALE 1"=40'



CITY OF PALM SPRINGS
 ENGINEERING SERVICES

PUBLIC UTILITY EASEMENT
RESERVED FOR RIGHT-OF-WAY VACATION

2230 MARGUERITE STREET
 PALM SPRINGS, CA 92264

DRAWN BY:

SCALE: 1" = 40'

CPS FILE NO.
 R 22-04-2230

CHECKED BY:

DATE: 10/4/2023

SHEET NO. 1 OF 1