

PLANNING COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA



**CALL AND NOTICE OF SPECIAL MEETING
AGENDA**

TO:	Dennis Woods, Chair	Michael Hirschbein
	Peter Moruzzi, Vice Chair	Douglas Hudson
	Doug Donenfeld	Maria Song
	Grace Garner	

NOTICE IS HEREBY GIVEN, that the Planning Commission of the City of Palm Springs will conduct a Special Meeting beginning at 2:30 pm, Wednesday, March 27, 2019, in the Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The purpose of this meeting is to discuss the following item:

- PUBLIC COMMENT:**
Pursuant to the Brown Act public comment limited to Item that appears on the Call and Notice of Special Meeting. Three (3) minutes are allowed for each speaker.
- JAMES MILLIGAN FOR A REQUEST TO ABANDON AND VACATE THE RIGHT-OF-WAY FOR A PORTION OF BISNAGA AVENUE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST (ENG. R 18-09).**
RECOMMENDATION: Approve and find vacation of a public right-of-way is consistent with the 2007 General Plan.

ADJOURNMENT:

The Planning Commission will adjourn to the regular meeting at 1:30 pm, Wednesday, April 10, 2019, City Hall, Council Chamber, 3200 E. Tahquitz Canyon Way.

AFFIDAVIT OF POSTING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, Terri Hintz, Administrative Coordinator, of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the Planning Commission, provided to all parties who have requested such notice, posted at City Hall before 12:00 pm, March 25, 2019, as required by established policies and procedures.

Terri Hintz, Administrative Coordinator
City of Palm Springs, California

Meeting Date: 03/27/2019

Subject

JAMES MILLIGAN FOR A REQUEST TO ABANDON AND VACATE THE RIGHT-OF-WAY FOR A PORTION OF BISNAGA AVENUE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST (ENG. R 18-09).

RECOMMENDATION: Approve and find vacation of a public right-of-way is consistent with the 2007 General Plan.

Attachments

Item 2A_Special Mtg Eng R-18-09



Planning Commission Staff Report

DATE: March 27, 2019

SUBJECT: APPLICANT REQUESTS TO ABANDON AND VACATE THE RIGHT-OF-WAY FOR A PORTION OF BISNAGA AVENUE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (R 18-09).

FROM: Department of Engineering Services

SUMMARY

Applicant request to abandon and vacate a portion of the public right-of-way for Bisnaga Avenue within the Araby Tract in the southern portion of Palm Springs (City). Engineering Services requests Planning Commission to find requested summary vacation of a public right-of-way consistent with the latest City of Palm Springs General Plan per Section 8313 of California Streets and Highways Code.

RECOMMENDATION:

Approve request above and find vacation of a public right-of-way 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.

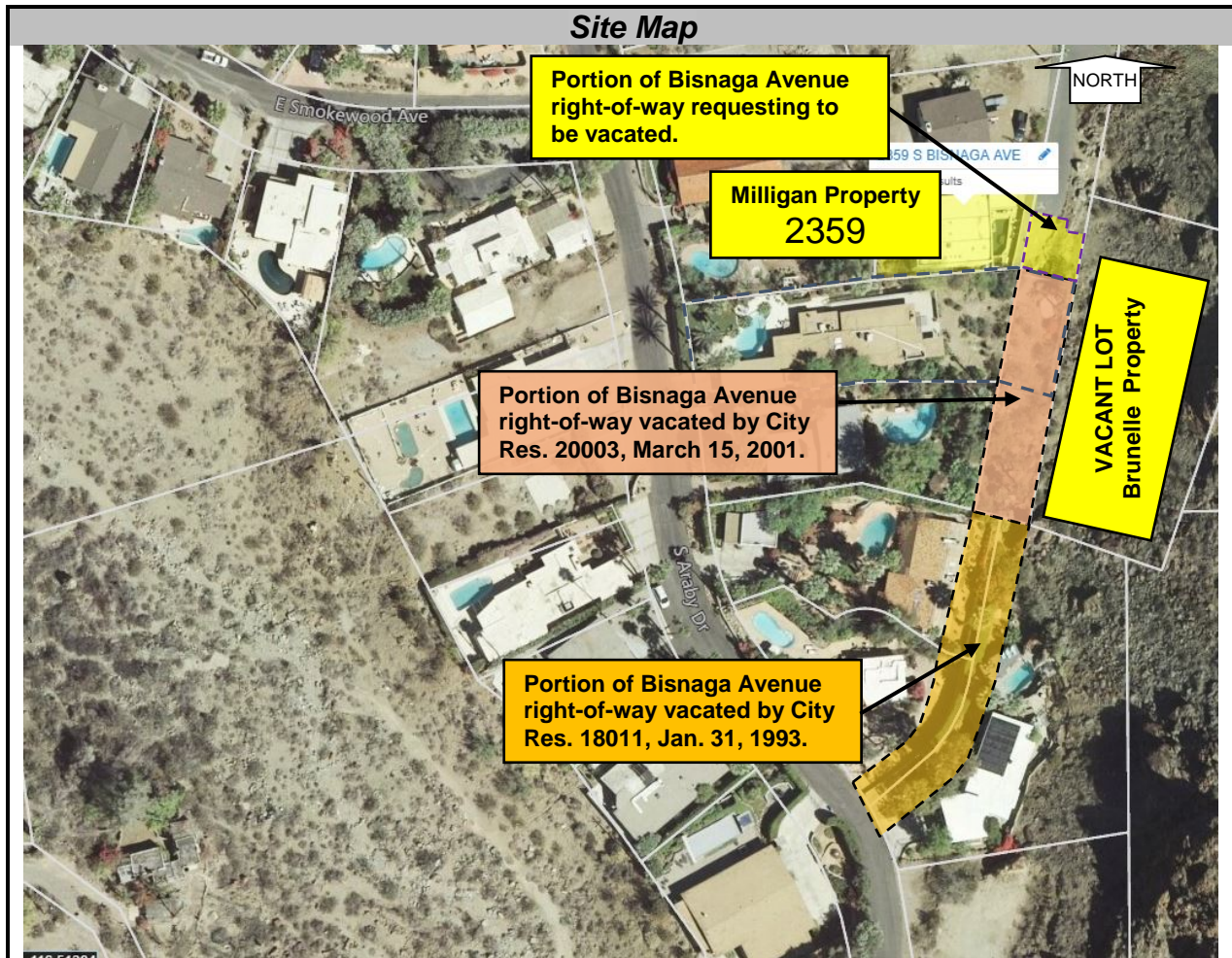
BACKGROUND:

<i>Most Recent Ownerships</i>	
December 2017	James & Janine Milligan Revocable Living Trust

<i>Field Check</i>	
July 2018	Staff visited the site to observe existing conditions.

<i>Site Area</i>	
Bisnaga Avenue	R.O.W. Vacation Area: 1840 S.F. (0.04 Ac.+/-)

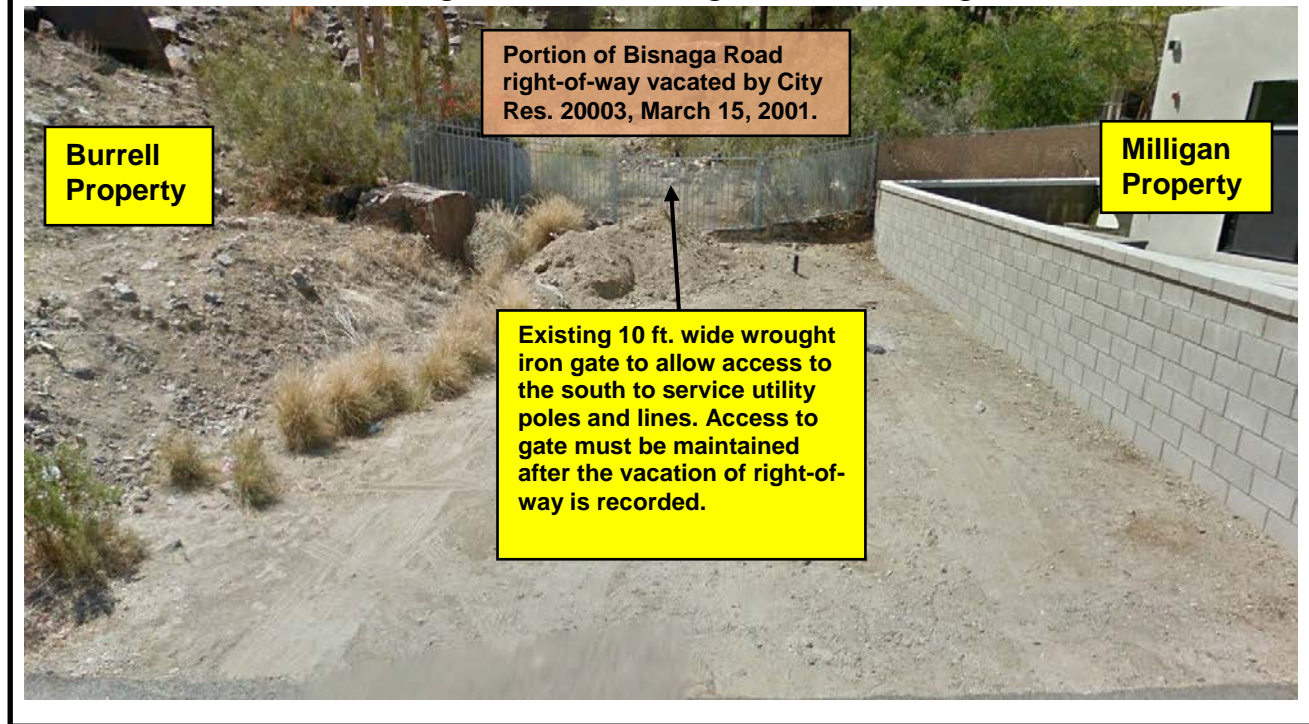
<i>Related Relevant City Actions by Engineering, Planning, Fire, Building, etc...</i>	
August 2018	Submitted proposed R.O.W. Vacation to Public Utility Agencies for review and comment/approval.
Sept-Dec 2018	All public utility agencies approved vacation of R.O.W. Frontier (OH), Southern California Edison (OH), and SoCal Gas (UG) and they have requested easements for their facilities in the area.



PROJECT DESCRIPTION:

James Milligan, owner of 2359 Bisnaga Avenue applied to vacate public right-of-way for Bisnaga Avenue adjoining their property. The applicant and the vacant property to the east (Brunelle property) are the last properties that require access from Bisnaga Avenue. Mr. Brunelle verified, via email, this vacation will not affect his future property development. The specific area for vacation is described in Exhibit "A" and shown on Exhibits "B" and "C". Portions of the right-of-way for Bisnaga Avenue to the south of their property were vacated previously in 1993 and 2001. All properties to the south of the applicant now take access off of Araby Trail. The two lots to the south of the subject property vacated the entire width of vacated right-of-way and constructed fences to the eastern side of the vacated portions. These lots, along with the applicants' property have prescriptive rights over Bisnaga Avenue right-of-way as part of the original Araby Tract. The Brunelle property was not part of the original Araby Tract and as such does not have rights to half of the vacated right-of-way adjoining his lot. The Planning Director requested a 20 ft. wide access at the Burrell property from Bisnaga Avenue and the applicant complied.

Exhibit 1: Looking South on the alignment of Bisnaga Avenue



ANALYSIS:

Public utility companies were contacted and Veolia Wastewater N.A., Desert Water Agency, responded they have no facilities in the area and have no objections to the vacation of the right-of-way. Southern California Edison, Southern California Gas (Sempra), Spectrum, and Verizon also approved the vacation, but requested a public utility easement for existing utilities and poles that must be accessed for maintenance that runs southerly of the proposed vacation of Bisnaga Avenue. The attached resolution will reserve a portion of the proposed right-of-way vacation for a public utility easement to allow access by utility vehicles for maintenance of existing poles and utility lines to the south of Mr. Milligan's property. Any fencing along the northerly perimeter of the vacated right-of-way must have a minimum 10 feet wide gate, or removable section, for access to the utilities and poles southerly of this area.

CONCLUSION:

Pending approval by the Planning Commission, the proposed vacation area will be posted with a notice for a public hearing and approval by City Council as an agenda item. The Planning Staff recommends approval by the Planning Commission to find requested vacation of a public right-of-way for Bisnaga Avenue 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.



Felipe Primera
City of Palm Springs
Senior Engineering Assistant



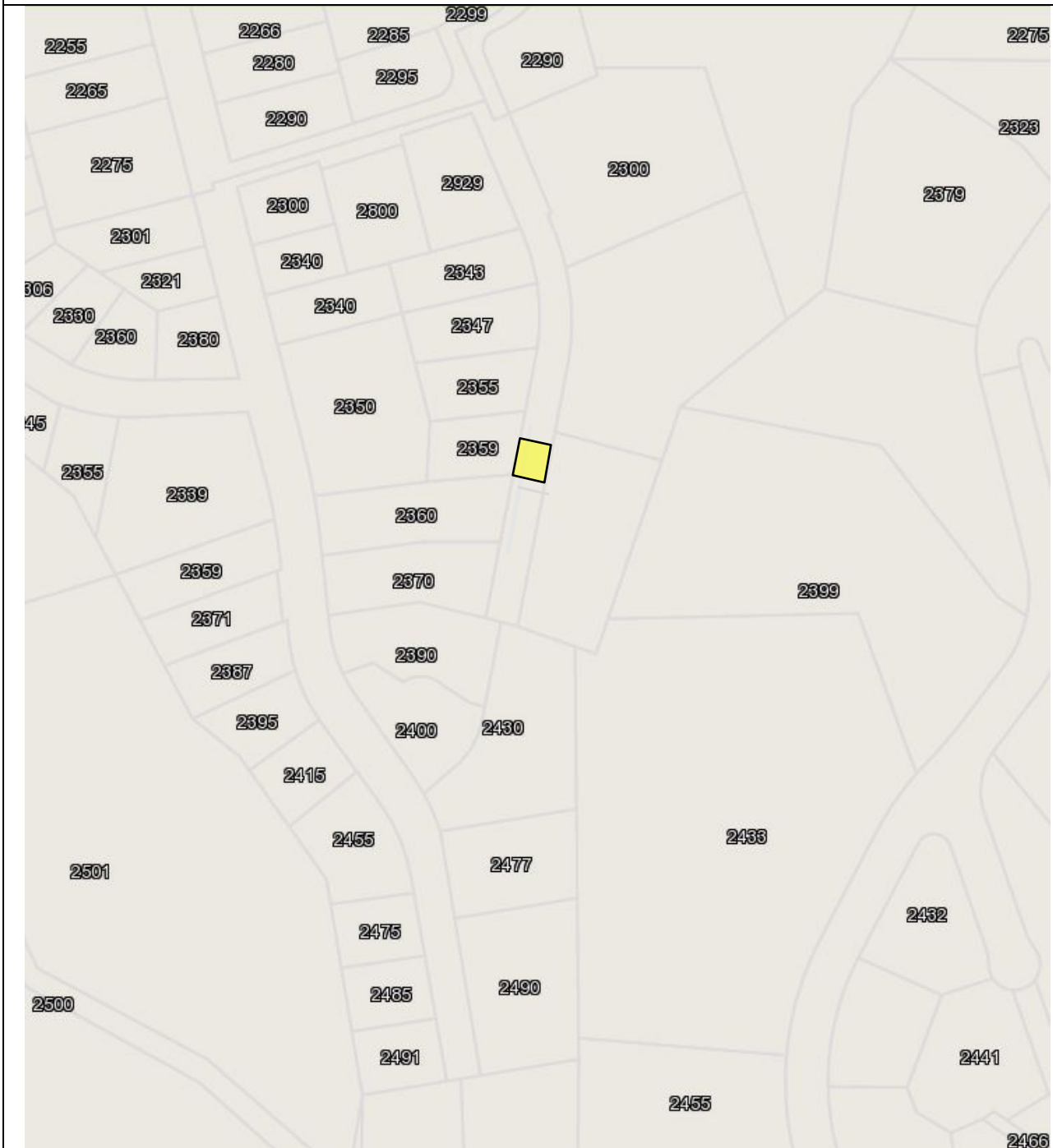
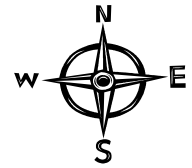
Flinn Fagg, AICP
City of Palm Springs
Director of Planning Services

Attachments:

1. Exhibit "A" and "B"
2. Vicinity Map
3. Resolution



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS
2359 S Bisnaga Avenue

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING A REQUEST TO VACATE THE PUBLIC RIGHT-OF-WAY FOR A PORTION OF BISNAGA AVENUE, SECTION 25 TOWNSHIP 4 SOUTH, RANGE 4 EAST; (ENG. FILE R 18-09).

WHEREAS, James Milligan filed an application to vacate a portion of public right-of-way for Bisnaga Avenue adjoining 2359 S Bisnaga Avenue (APN 510-241-013).

WHEREAS, the public right-of-way for a portion of Bisnaga Avenue being vacated is described in Exhibit "A" and shown on Exhibit "B"; and

WHEREAS, Division 9, Part 3, Chapter 2, Section 8313, of the Streets and Highways Code of the State of California requires proposed vacation of a street, highway, or public service easement be 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 or part thereof; and

WHEREAS, an easement for public utilities will be reserved to maintain access to utility poles to the property to the south of right-of-way vacation described in Exhibit "A", and shown on Exhibit "B" will be reserved; 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 determines that the vacation of a public right-of-way for a portion of Bisnaga Avenue is consistent with the 2007 Palm Springs General Plan.

ADOPTED this 27th day of March, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

EXHIBIT "A"
LEGAL DESCRIPTION
OF RIGHT OF WAY VACATION
R 18-09

ALL THAT REAL PROPERTY IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING A PORTION OF BISNAGA AVENUE, AS SHOWN IN THE ARABY TRACT, BEING A SUBDIVISION IN A PORTION OF THE SE 1/4 AND OF THE NE 1/4 OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, AS RECORDED IN MAP BOOK 13 PAGES 61 AND 62 OFFICIAL RECORDS OF RIVERSIDE COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF BISNAGA AVENUE, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 15, BLOCK "D" OF SAID ARABY TRACT, MAP BOOK 13, PAGES 61 AND 62;

THENCE N 11° 03' 05" E, ALONG THE WESTERLY LINE OF BISNAGA AVENUE, A DISTANCE OF 46.00 FEET;

THENCE LEAVING THE WESTERLY LINE OF BISNAGA AVENUE AND OVER BISNAGA AVENUE ON A PERPENDICULAR BEARING OF S 78° 56' 55" E, A DISTANCE OF 25.00 FEET TO A COMPUTED POINT IN BISNAGA AVENUE;

THENCE PARALLEL WITH THE WESTERLY LINE OF BISNAGA AVENUE, ON A BEARING OF S 11° 03' 05" W, A DISTANCE OF 7.49 FEET TO A COMPUTED POINT IN BISNAGA AVENUE;

THENCE S 78° 56' 55" E, A DISTANCE OF 15.00 FEET, TO A POINT IN THE EASTERLY LINE OF BISNAGA AVENUE, SAID POINT IN THE EASTERLY LINE OF BISNAGA AVENUE IS ALSO IN THE WESTERLY LINE OF DOCUMENT NUMBER DOC # 1999-297087 OFFICIAL RECORDS OF RIVERSIDE COUNTY;

THENCE S 11° 03' 05" W, ALONG THE EASTERLY LINE OF BISNAGA AVENUE, A DISTANCE OF 38.51 FEET;

THENCE LEAVING THE EASTERLY LINE OF BISNAGA AVENUE AND OVER BISNAGA AVENUE ON A BEARING OF N 78° 56' 55" W, A DISTANCE OF 40.00 FEET TO THE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,728 SQUARE FEET.

EXHIBIT "B" ATTACHED HERETO AND BY IT'S REFERENCE MADE A PART HEREOF.

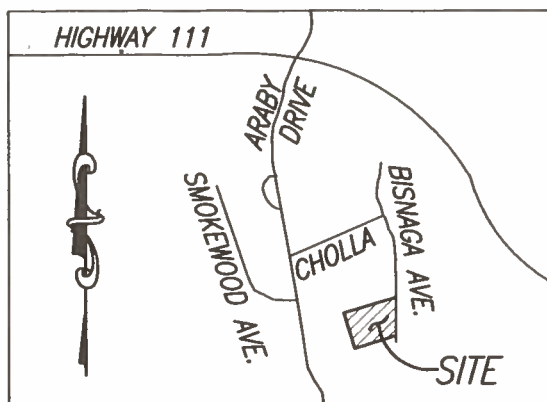


STEVEN J. VAN, PLS 6500
EXP 6/30/2019

3/3/19
DATE

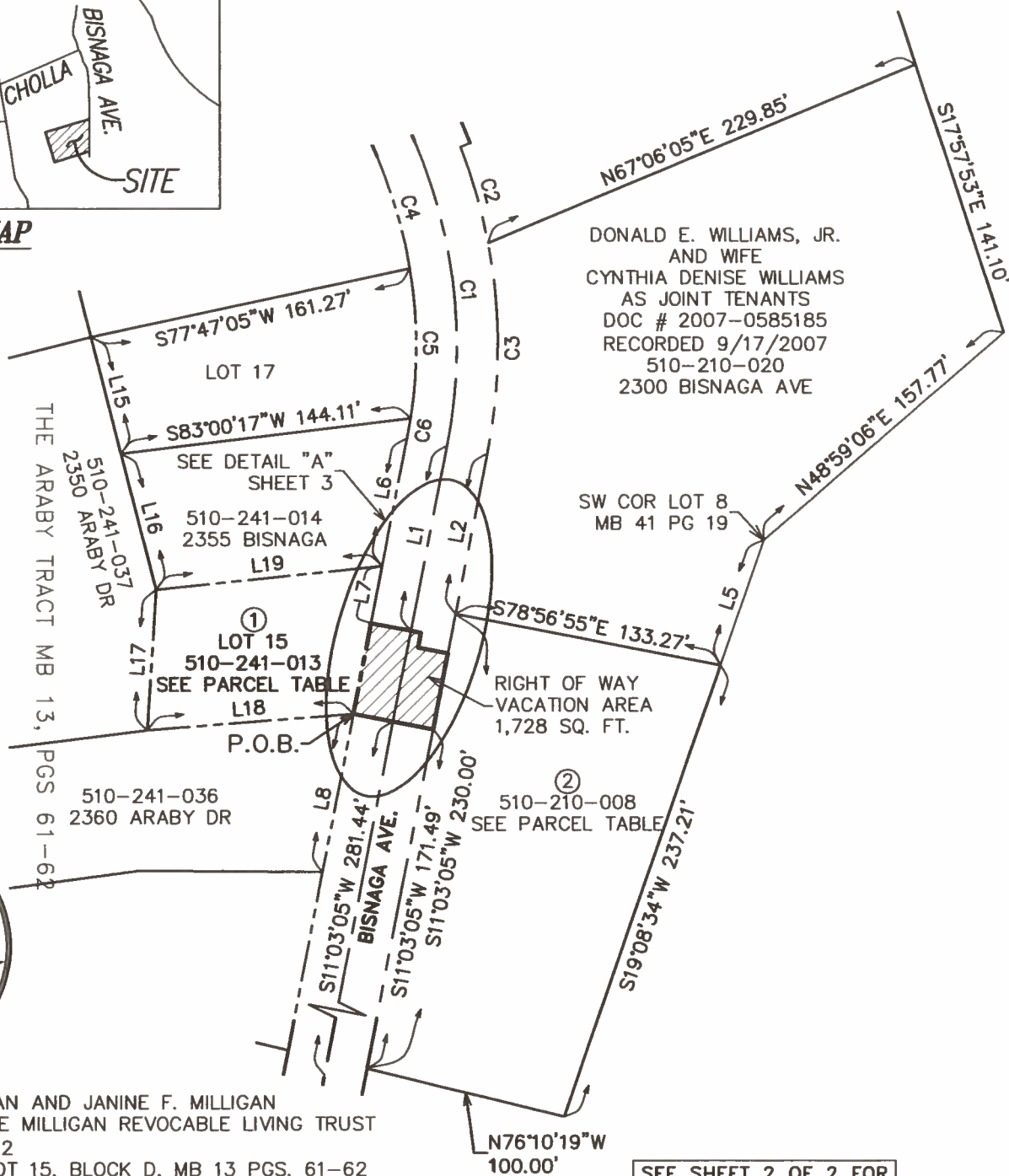


R18-09



VICINITY MAP
N.T.S.

EXHIBIT "B"
RIGHT-OF-WAY VACATION
R 18-09



1. JAMES D. MILLIGAN AND JANINE F. MILLIGAN
TRUSTEES OF THE MILLIGAN REVOCABLE LIVING TRUST
DATED 8/20/2012
510-241-013, LOT 15, BLOCK D, MB 13 PGS. 61-62
2359 BISNAGA AVE
2. THE LORIS LIVING TRUST, DONALD J. O'LEARY,
TRUSTEE DATED 12/22/1995
DOC # 1999-297087, 510-210-008
2300 BISNAGA AVE

SEE SHEET 2 OF 2 FOR
LINE AND CURVE TABLES

SCALE 1" = 80'



CITY OF PALM SPRINGS ENGINEERING SERVICES

APPROVED:

Erik T. Howard

3/11/19

DATE
7648
PLS

ERIK T. HOWARD, ENGINEERING RESOURCES INC.

LEGAL DESCRIPTION
SEE EXHIBIT "A"

DRAWN BY:
SA

SCALE:
1"=80'

CPS FILE NO.
R18-09

CHECKED BY:
AF

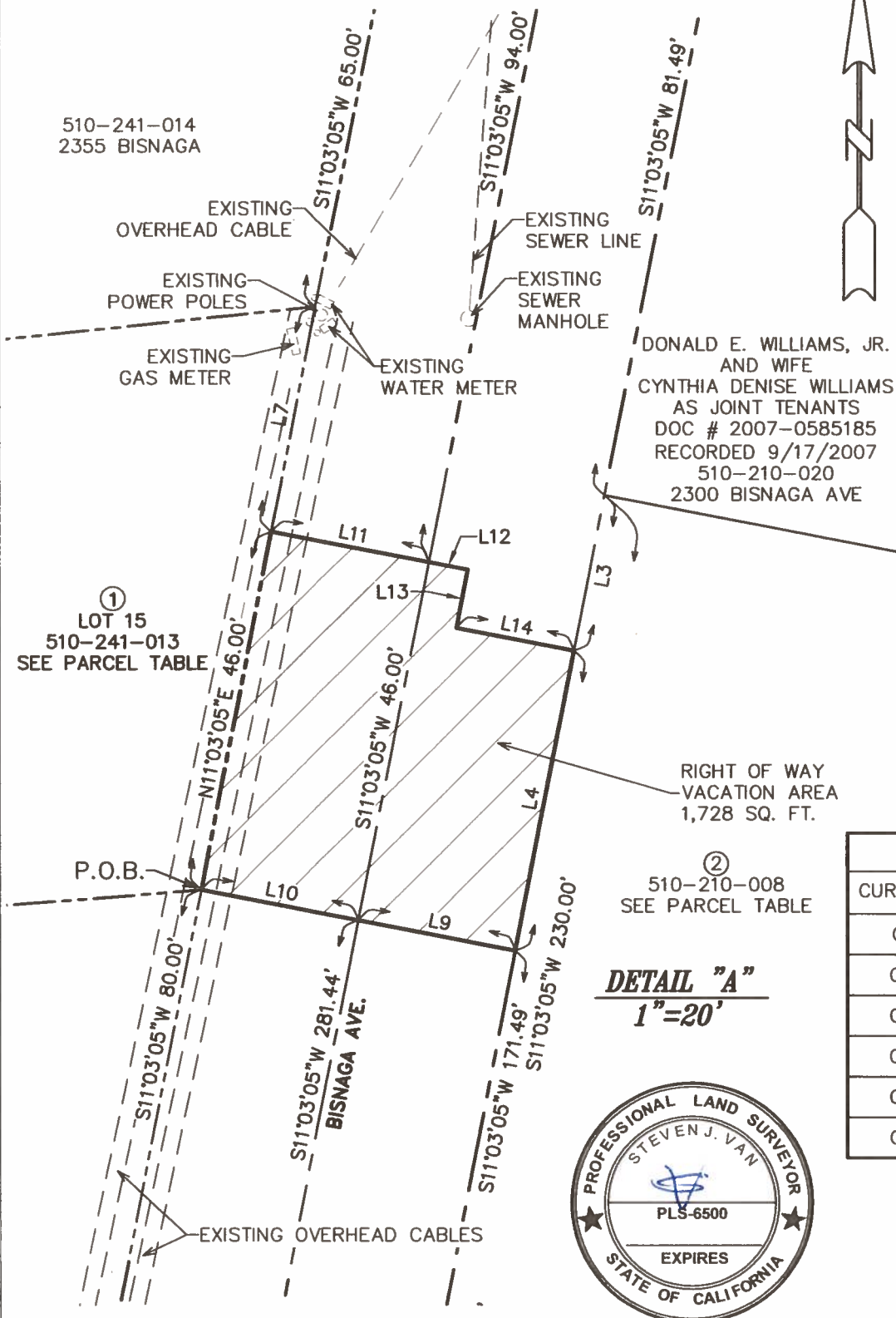
DATE:
03/04/2019

SHEET NO 2 OF 3

EXHIBIT "C"

RIGHT-OF-WAY VACATION

R 18-09



LINE TABLE		
LINE #	LENGTH	BEARING
L1	94.00	S11° 03' 05"W
L2	81.49	S11° 03' 05"W
L3	20.00	S11° 03' 05"W
L4	38.51	S11° 03' 05"W
L5	65.87	N19° 09' 51"E
L6	65.00	S11° 03' 05"W
L7	29.00	S11° 03' 05"W
L8	80.00	S11° 03' 05"W
L9	20.00	N78° 56' 55"W
L10	20.00	N78° 56' 55"W
L11	20.00	S78° 56' 55"E
L12	5.00	S78° 56' 55"E
L13	7.49	S11° 03' 05"W
L14	15.00	S78° 56' 55"E
L15	60.00	N14° 18' 55"W
L16	70.00	N14° 18' 55"W
L17	70.00	N3° 36' 10"E
L18	101.89	S85° 30' 08"W
L19	112.17	S83° 59' 31"W

CURVE TABLE			
CURVE #	ARC	RADIUS	DELTA
C1	155.29	262.08	33° 57' 00"
C2	50.00	282.08	10° 09' 21"
C3	105.64	282.08	21° 27' 28"
C4	58.44	242.08	13° 49' 54"
C5	75.00	242.08	17° 45' 06"
C6	10.00	242.08	2° 22' 00"

CITY OF PALM SPRINGS ENGINEERING SERVICES

APPROVED:

E. Howard

3/11/19

DATE

7648

PLS

ERIK T. HOWARD, ENGINEERING RESOURCES INC.

LEGAL DESCRIPTION
SEE EXHIBIT "A"

DRAWN BY:
SA

SCALE:
1"=20'

CPS FILE NO.
R18-09

CHECKED BY:
AF

DATE:
03/04/2019

SHEET NO 3 OF 3

Felipe Primera

From: Jim Milligan <jamesdonaldmilligan@icloud.com>
Sent: Wednesday, January 23, 2019 2:57 PM
To: Felipe Primera
Subject: Fwd: 2359 Bisnaga, Palm Springs

Sent from my iPhone

Begin forwarded message:

From: Everett Brunelle <valueman760@gmail.com>
Date: January 23, 2019 at 2:15:17 PM PST
To: Jim Milligan <jamesdonaldmilligan@icloud.com>
Subject: Re: 2359 Bisnaga, Palm Springs

YES JIM,

THANK YOU FOR THE NOTIFICATION THAT YOU BUYING OR TAKING
CONTROL THE PROPERTY IN FRONT OF YOUR HOUSE WILL NOT EFFECT MY
PROPERTY DEVELOPMENT.

THANK YOU

EVERETT BRUNELLE

On Wed, Jan 23, 2019 at 1:24 PM Jim Milligan <jamesdonaldmilligan@icloud.com> wrote:

Hi Everett

I'm sending this email to inform you I am vacationing the property adjacent to yours. The city just wants you to be abreast of this purchase. You will still have easement to your property if you develop in the future.

Thanks

Jim Milligan

Sent from my iPhone

--

Everett Brunelle

Broker Associate

Pacific Shores Real Estate Inc.

949 632-8726

******This email originated outside of City of Palm Springs. Please use caution when opening attachments, clicking links or responding to requests for information.******