

REPORT TO THE PLANNING COMMISSION



DATE: November 12, 2019

TITLE: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, FINDING THAT THE VACATION OF ORTEGA DRIVE FOR PUBLIC ROADWAY PURPOSES, GENERALLY LOCATED BETWEEN ELISEO ROAD AND AGUA CAYENDO ROAD, IS CONSISTENT WITH THE GENERAL PLAN.

Prepared by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from Planning Commission;
- 3) Take Public testimony;
- 4) Planning Commission discussion and questions to Staff; and
- 5) Adopt "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, FINDING THAT THE VACATION OF ORTEGA DRIVE FOR PUBLIC ROADWAY PURPOSES, GENERALLY LOCATED BETWEEN ELISEO ROAD AND AGUA CAYENDO ROAD, IS CONSISTENT WITH THE GENERAL PLAN."

DISCUSSION

The vacation of a public street is governed by the Streets and Highways Code of the State of California. A "vacation" is "the complete or partial abandonment or termination of the public right to use a street" per the Streets and Highways Code Section 8309. A City may utilize general vacation procedures to vacate any excess right-of-way of a street not required for street or highway purposes per Streets and Highways Code Section 8320. The following steps are required in order to process a non-summary street vacation:

1. City Council adopts a Resolution of Intent to Vacate a street, which Resolution sets a hearing date for City Council consideration of the vacation- **this was done on November 5, 2019.**
2. The City Clerk must notice the public hearing in accordance with Section 8320 of the Streets and highways Code;
3. Pursuant to the Resolution, the City Engineer, or designee, must also post the street with the notice of vacation in accordance with the provisions of Streets and Highways Code Section 8323;
4. After the Resolution of Intent to Vacate is adopted, the Planning Commission shall make a recommendation to the City Council on whether or not the location, purpose and extent of the proposed street vacation is in conformance with the General Plan- **this is the purpose of this item and Resolution.**
5. Then, the City Council must conduct the public hearing on the vacation and after the hearing may adopt a resolution vacating the street, and/or may instruct the City Clerk not to record the resolution of vacation until conditions have been met, and;
6. The street vacation is complete after the City Clerk causes a certified copy of the resolution to be recorded in the Office of the Riverside County Recorder.

On October 23, 2019, City staff received a request from Maria Lease for the City to vacate Ortega Drive located between Eliseo Road and Agua Cayendo Road. Ortega Drive is currently a public road and public Right-of-Way. Staff completed an inspection of the street and found the street to be closed off from vehicular access from both sides with temporary barricades. Based

on overly grown weeds and debris on the street, the street segment showed signs that it had not been used for public access in years. The purpose of this street vacation is to privatize the portion of Ortega Drive where Maria Lease owns parcels on both sides of the street. If vacated, the use of the street in favor of the City for public right-of-way purposes across the parcels on both sides of the street would be lifted and the area of the former street would then be able to be used for future development, subject to any required public utility easements and any conditions imposed by the City as part of the proposed vacation. Ortega Drive aligns from East to West direction, extending from Eliseo Road to Agua Cayendo Road; it is approximately 480 feet in length and 50 feet in width. Maria Lease owns all parcels that abut Ortega Drive to the north and south of the entire street segment. As a result, no other property owner would be directly affected by the proposed street vacation.

On November 5, 2019, the City Council passed a Resolution declaring its intention to vacate Ortega Drive located between Eliseo Road and Agua Cayendo Road, which it owns in fee ("Subject Street"), for public roadway street purposes located in accordance with the procedures contained in the Streets and Highways Code Section 8320 et seq. for non-summary vacation. The Planning Commission was directed by the City Council to review this street vacation and determine in a report whether the proposed street vacation is in conformance with the General Plan pursuant to Government Code Section 65402.

FISCAL IMPACT

If approved after the required public processes, the City's road maintenance costs would be slightly reduced as a result of not being required to maintain the vacated portion of Ortega Drive.

EXHIBIT(S)

1. Proposed Resolution