

RESOLUTION NO. PC-2019-____

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.

WHEREAS, the City of Desert Hot Springs ("City") is a charter city and a political subdivision of the State of California; and

WHEREAS, California Streets and Highways Code Section 8312 provides that the legislative body of a local agency, including the City, may utilize general vacation procedures to vacate any excess right-of-way of a street not required for street or highway purposes; and

WHEREAS, 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; and

WHEREAS, the vacation of a right-of-way is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061 (b) (3) of the CEQA Guidelines because such vacations do not have the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission deems this Resolution appropriate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES RESOLVE, AS FOLLOWS:

Section 1. Recitals.

That the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. Proposed Vacation of Ortega Drive.

The area proposed to be vacated is commonly described as Ortega Drive, and is further shown in the map which is attached hereto and incorporated herein, as Exhibit "A."

Section 3. Planning Commission Review.

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.

Section 4. Planning Commission Findings/Report.

The Planning Commission hereby finds and reports that the Subject Street vacation is in conformation with the General Plan because it is not a street identified in the Circulation Element of the General Plan. As evidence of this, attached hereto and incorporated herein as Exhibit "B" is the map of the applicable portion of the Circulation Element of the General Plan.

Section 5. Compliance with CEQA.

That vacation of the Lot is exempt from CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines because such vacation does not have the potential for causing a significant effect on the environment.

Section 6. Severability.

That the Planning Commission declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 7. Effective Date.

That this Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Desert Hot Springs at a regular meeting held on the 12th day of November, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Emily Pearson
Planning Commission Secretary

PLANNING COMMISSION:

Larry Buchanan
Chair

APPROVED AS TO FORM:

Jennifer Mizrahi
City Attorney

EXHIBIT "A"

See Map Attached - Subject Street

EXHIBIT “B”

See Map Attached – Portion of Circulation Element