

RESOLUTION NO.

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A REQUEST TO CORRECT FINAL TRACT MAP 34165 BY DELETING CONDITIONS OF APPROVAL 7A, 7B, AND 7C RELATING TO THE INSTALLATION OF A LANDSCAPE TRAFFIC MEDIAN IN AVENIDA CABALLEROS, SECTION 14 (IL)/T4/R4.

WHEREAS, Nexus Development (O & M, LLC), ("Applicant") has filed an application pursuant to Municipal Code Section 9.63.150 (*Modification of Final Recorded Maps*). Pursuant this section, a Certificate of Correction may be issued for the purposes of modifying or amending any final subdivision map. The applicant has requested to modify final Tract Map 34165 by requesting the removal of the Conditions of Approval 7a, 7b, and 7c, from the City Council's April 12, 2010 approval of the Tentative Tract Map 34165 and the Planned Development District 5.1082 PDD 321 AMND, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider the map correction request for Case 5.1082 AMND PDD 321 & TTM 34165 AMND was given in accordance with applicable law; and

WHEREAS, on October 19, 2011, a public hearing on Case 5.1082 AMND PDD 321 & TTM 34165 AMND was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, and all written and oral testimony presented.

THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, on April 12, 2010, the City Council adopted a Mitigated Negative Declaration for this project.

SECTION 2: Municipal Code 9.63.150 states that when a correction requires the modification of a condition of approval, a public hearing shall be required of the City Council and all of the following findings must be made.

- 1) *Regarding the map or the property to which it pertains, there are changes in circumstances which make any or all of the conditions imposed upon the map no longer appropriate or necessary;*

Although the goals of the Section 14 Specific Plan and the City General Plan state that Avenida Caballeros should be an enhanced transportation corridor, the introduction of the proposed median on Avenida Caballeros is noted as an "optional" feature in the Specific Plan. The applicant has provided the landscaped parkway along the east side of Avenida

Caballeros which is required by the Section 14 Specific Plan. The Council has determined that the construction of the median island is no longer appropriate or necessary at this time.

- 2) *The proposed modifications will not impose any additional burden on the present fee owners of the property to which the map pertains;*

The applicant asserts that the imposition of the conditions of approval requiring the landscape median causes an economic hardship. The requested removal of the conditions will reduce the cost to the developer for improvements in the public right of way; thus no additional burden is imposed on the present fee owners of the subject parcel by the proposed deletion of Conditions 7a, 7b, and 7c.

- 3) *The proposed modifications will not alter any right, title, or interest in the real property to which the map pertains; and*

The request to remove Conditions of Approval 7a, 7b, and 7c will not alter any title interest or rights on the property to which the map pertains.

- 4) *The final map, as modified, conforms to the provisions of state law and the Palm Springs Municipal Code for the approval of subdivision or parcel maps.*

The proposed deletion of the three conditions of approval will not cause any non-conforming condition with respect to the City's Municipal Code or State of California Subdivision Map Act regulations.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case 5.1082 PD 321, TTM 34165 AMND; a request to remove Conditions of Approval 7a, 7b, and 7c (relating to a proposed landscape traffic median island from the south property line of the subject parcel to the southern edge of the driveway into the Palomino tract) from Tract Map 34165.

ADOPTED this sixteenth day of November, 2011.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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David H. Ready, City Manager

ATTEST:

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James Thompson, City Clerk

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 \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

RECEIVED  
CITY OF PALM SPRINGS

2011 OCT 24 AM 10:37

JAMES THOMPSON  
CITY CLERK

Gary Carlson  
901 Alejo Vista  
Palm Springs, Ca. 92262

October 14, 2011  
James Thompson\  
City Clerk  
3200 Tahquitz Canyon Way  
Palm Springs, Ca 92262

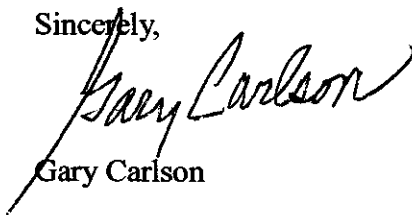
RE: CASE: 5.1082 AMND, PD 321, Tract map 34165

Dear Mr. Thompson,

When Alejo Vista was built in 2004/05 one of the conditions of construction was to provide a median on Aveienda Cabelleros at Alejo. The median strip provided traffic calming and prevented cars from speeding to pass other cars in both northerly and souternly directions. The median strip was attractive and helped traffic circulation at a fairly busy intersection. Someone decided it necessary to remove the median strip as Nexus developed The Morrison. The cost of the destroyed median strip was around \$40,000 to construct.

Now the median strip is gone and apparently Nexus wants to abandon the median strip along their project on Avenida Cabelleros. I believe The City should stick with the orginal master plan and not abandon the condition for The Morrison project. In fact, I would like to know what logic required the demolition of the orginal median on Avenida Cabelleros. I, also, think that if there was no valid reason to remove the orginal median strip, Nexus should be required to replce that median strip as well.

Sincerely,

  
Gary Carlson