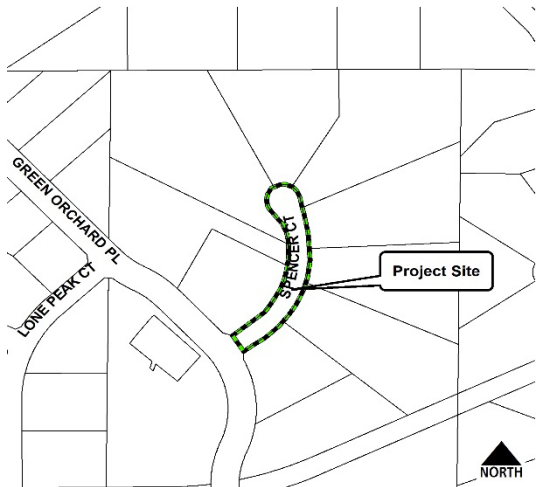




**PLANNING COMMISSION HEARING DATE: OCTOBER 13, 2022  
AGENDA ITEM NO.: 5**

**PROPOSED PROJECT**

<b>Case Number</b>	<b>PR-2021-001180</b> (Street Vacation and Street Name Change)	
<b>Request</b>	To consider the following entitlements:  1. Street Vacation to vacate Spencer Court, a public street consisting of 0.84-acres, approximately 500 feet in length and 60 feet in width; and  2. Street Name Change of Spencer Court from "Spencer Court" to "Aryana View Court".	
<b>Applicant</b>	Shahvand Aryana of Spencer Ct. W2, LLC	
<b>Project Location</b>	Spencer Court, situated on the east side of Green Orchard Place between Lone Peak Court and Crystal View Terrace	
<b>APN</b>	N/A	
<b>Project Area</b>	0.84-acres	
<b>Ward</b>	4	
<b>Neighborhood</b>	Alessandro Heights	
<b>General Plan Designation</b>	N/A	
<b>Zoning Designation</b>	N/A	
<b>Staff Planner</b>	Alyssa Berlino, Associate Planner 951-826-5628 <a href="mailto:aberlino@riversideca.gov">aberlino@riversideca.gov</a>	

**RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (Common Sense) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **RECOMMEND that the City Council APPROVE** Planning Case PR-2021-001180 (Street Vacation and Street Name Change), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibit 1).

## BACKGROUND

Spencer Court is an existing fully improved cul-de-sac, approximately 500-foot-long, with pavement, gutter, curb, and sidewalks. Spencer Court serves nine parcels, lots 2 - 10, of Tract Map No. 31502. The Tract Map identified Spencer Court as "Lot A" and dedicated the street to the City for "public use for public street and public utility purposes".

Surrounding land uses include single family residential to the north, east, west, and the White Gates Reservoir to the south (across Green Orchard Place).

## PROPOSAL

The applicant is proposing a Street Vacation to facilitate future street improvements for a gated residential community and a Street Name Change from "Spencer Court" to "Aryana View Court".

No physical improvements are requested with the project; however, a conceptual street plan has been provided to demonstrate the intent of the future proposed improvements. The future improvements include but are not limited to: 1) construction of an electronic vehicle gate with a circular vehicular turnaround; 2) pedestrian access on both sides of the street, via two gates; 3) enhanced paving; and 4) three decorative water features. The conceptual street plan for the future improvements are being reviewed under a separate Landscape and Irrigation Design Review application (Planning Case DP-2021-01551).

Staff is also processing separate Design Review applications for six new single-family residences on Spencer Court (Planning Cases PR-2022-001333, PR-2022-001340, PR-2022-001381, PR-2022-001421, PR-2022-001426, and PR-2022-001428). Variances for building height and number of stories are also being considered for two of the new single-family residences.

## PROJECT ANALYSIS

### ***Street Vacation***

The applicant is proposing the vacation of Spencer Court which consists of 0.84-acres, approximately 500 feet in length and 60 feet in width, to facilitate the future street improvements.

Pursuant to State law, specifically Public Streets, Highways, and Services Easements Vacation Law (commencing with Section 8300 of the Streets and Highway Code and Section 21101 of the Vehicle Code of the State of California), the City may regulate traffic on its public streets, alleys, and walkways only to the extent expressly authorized. The law permits the City to vacate a street, alley, or walkway only upon a finding supported by substantial evidence that the right-of-way is no longer needed for vehicular traffic and is unnecessary for present or prospective vehicular use.

The following facts are provided related to the proposed vacation of Spencer Court:

- The proposed street to be vacated will not be needed to provide access to the public. The subject street is a cul-de-sac that currently provides access to nine parcels fronting the street. If vacated, the street will revert back to "Lot A" to be maintained by the Homeowners Association, as conditioned; will continue to provide access to the adjacent parcels; and will not impact access to any other parcels.
- The proposed street to be vacated is unnecessary for present or future public use. If vacated, the street will revert back to "Lot A" and will be maintained by the Homeowners Association, as conditioned, providing access to the residents within the cul-de-sac and emergency services only.
- The proposed street to be vacated will not alter the primary access to any of the existing lots and access will remain the same for all properties within the cul-de-sac and for the

properties surrounding the cul-de-sac. The subject street will remain as the only point of access for the parcels. No adjacent parcels will be impacted by the street vacation.

- The proposed vacation will not impact access to any other parcels. All other streets will remain in their current configuration, and the proposed vacation will not impact vehicular or pedestrian circulation.

Based on the findings above, the subject right-of-way is not needed for public vehicular or pedestrian traffic. If vacated, the right-of-way will revert to "Lot A", per the original Tract Map, and will be maintained by the Homeowners Association, as conditioned. In addition, there are only two property owners that own the land that is served by Spencer Court. One of the owners is the applicant and the other has signed a petition and general application in support of the street vacation. There are no objections to the proposed street vacation from the property owners that take access from Spencer Court. The vacated right-of-way will be placed within the RC – Residential Conservation Zone and the HR – Hillside Residential land use designation based on the City's General Plan.

In compliance with State Law and local ordinance, should the Planning Commission approve the proposed Street Vacation, the City Council will consider a Resolution of Intent to set a public hearing to consider the vacation at a date not sooner than 15 days following adoption of the Resolution of Intent. At least 15 days prior to the public hearing date established with the Resolution of Intent, a notice will be posted at all intersections and at points occurring each 300 feet along the affected roadway segment.

### **Street Name Change**

The proposed Street Name Change from "Spencer Court" to "Aryana View Court" is consistent with all applicable requirements set forth in Chapter 19.900 - Street Name Change.

The subject street currently provides access to nine out of the ten parcels that were created with Tract Map No. 31502. The map was recorded, and the right-of-way was improved in 2008, however, all the lots have remained vacant.

Nine of the ten parcels are proposed to be part of a gated, private community. The future community is intended to include custom-built residences with enhanced landscaping and entrance improvements. The applicant is requesting to change the existing street name to be reflect the character of the future development. As previously mentioned, there are only two property owners that own the land that is served by Spencer Court. Both property are in agreement with the proposed Street Name Change.

## **FINDINGS SUMMARY**

The Street Vacation and Street Name Change of Spencer Court will not impact access or circulation to surrounding properties or to the City's overall circulation element.

The project, as proposed, will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area. Any vehicle or pedestrian traffic that may have used Spencer Court previously would be residents who live on the cul-de-sac and access will be maintained.

The proposed street vacation will allow the developer to provide a gated entrance to a small private community and will allow for future improvements to enhance the aesthetics of the neighborhood.

## **ENVIRONMENTAL REVIEW**

The Planning Division of the Community & Economic Development Department has determined that this proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to

Section 15061(b)(3) (Common Sense) of the CEQA Guidelines, as it can be seen with certainty that there is no possibility the project will have a significant effect on the environment.

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding this project.

## STRATEGIC PLAN ALIGNMENT

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 2 – Community Well Being (Goal 2.3 – Strengthen neighborhood identities and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide).

This item aligns with each of the five Cross-Cutting Threads, as follows:

1. *Community Trust* – The City's transparent entitlement process encourages public participation.
2. *Equity* – The proposed project furthers the City's support of geographic diversity.
3. *Fiscal Responsibility* – All fiscal responsibility for the proposed project is borne by the applicant.
4. *Innovation* – The proposed project enhances the aesthetics of the neighborhood by providing exceptional improvements not normally possible on a public street.
5. *Sustainability and Resiliency* – The Street Vacation will alleviate the need for the City to service and maintain the street saving valuable resources.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Existing Site Photos
3. Location Map
4. General Plan Map
5. Zoning Map
6. Legal Description and Plat Map
7. Conceptual Street Plan
8. Street Name Change Exhibit

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Prepared by: Alyssa Berlino, Associate Planner

Reviewed by: Candice Assadzadeh, Senior Planner

Approved by: Mary Kopaskie-Brown, Acting Deputy Director and City Planner



# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

## EXHIBIT 1 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

**PLANNING CASE:**      **PR-2021-001180** (Street Vacation and Street Name Change)

### **Planning Division**

1. There shall be a one-year time limit in which to satisfy the conditions and finalize this action.

*Prior to Recordation of the Vacation Resolution:*

2. The applicant shall prepare and record a revision to the Covenants, Conditions, and Restrictions (CC&R's) to establish a Homeowners Association (HOA) which shall be responsible for the care and maintenance of the private street and any associated improvements for the development, subject to the approval of the Planning Division and the City Attorney's Office.

### **Public Works**

*Conditions to be fulfilled prior to case finalization, unless otherwise noted:*

3. All conditions placed upon this case must be fulfilled prior to the recording of the vacation resolution by the City Clerk. The case is not finalized until the City Clerk records the Vacation Resolution.
4. If the disposition of land is other than by operation of law the applicant shall have quitclaim deeds exchanging the property prepared to the satisfaction of Planning, City Attorney's Office and Public Works Departments. All necessary parcel descriptions and plats shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California. Descriptions and plats are required to be on 8.5-inch by 11-inch format.
5. Council authorizes the City Manager to execute quitclaims documents on behalf of the City of Riverside to extinguish the desired public rights within the vacated right of way that does not revert by operation of law.
6. Prior to finalization of the case, the applicant shall provide the appropriate documentation that the lender(s) / trustee(s) has (have) agreed to modify any Trust Deed(s) to reflect the reconfigured parcel(s).
7. Property transfers to the final proposed parcel configurations must be accomplished concurrently with the finalization of this case.  
  
Ownership of the property shall remain undivided prior to recordation of the Certificate of Compliance for Lot Line Adjustment.
8. All recording fees of the Riverside County Recorder, including transfer documents, grants of right-of-way and the Certificate of Compliance for Lot Line Adjustment are the responsibility of the applicant.
9. Applicant shall prepare Grant Deeds that have each owner grant to themselves each of the parcels in their final configuration. This requirement is necessary to ensure that the final parcel configurations and ownership's are clearly identified in the Land Title History.
10. VC PR-2021-001180 to be completed prior to issuance of the Certificate of Compliance.

11. A Public Utility Easement (PUE) will be reserved over the entire area of the vacation.

**Public Utilities – Water**

12. Easements for public water facilities will be reserved across the entire vacated right of way.