



Community & Economic Development Department

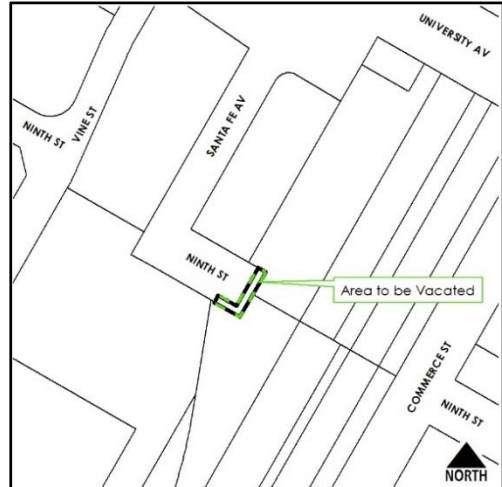
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Planning Division

**PLANNING COMMISSION HEARING DATE: JANUARY 9, 2020**

**AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

<i>Case Number</i>	<b>P19-0353</b> (Street Vacation)	
<i>Request</i>	To consider a Street Vacation to vacate an approximately 514 square foot L-shaped segment of public right-of-way at the terminus of Ninth Street, to facilitate the expansion of the existing Riverside Downtown North Layover Facility.	
<i>Applicant</i>	Hector Casillas on behalf of the Riverside County Transportation Commission	
<i>Project Location</i>	A segment of Ninth Street, east of Santa Fe Avenue	
<i>APN</i>	N/A	
<i>Project Area</i>	514 square feet	
<i>Ward</i>	2	
<i>Neighborhood</i>	Eastside	
<i>General Plan Designation</i>	N/A	
<i>Zoning Designation</i>	N/A	
<i>Staff Planner</i>	Veronica Hernandez, Associate Planner 951-826-3965 <a href="mailto:vhernandez@riversideca.gov">vhernandez@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) subject to Section 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, as it can be seen with certainty that the project will have no significant effect on the environment; and
2. **RECOMMEND that the City Council APPROVE** Planning Case P19-0353 (Street Vacation), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibit 1).

**BACKGROUND**

The segment of Ninth Street to be vacated is designated in the General Plan 2025 as a 66-foot wide local street, with one travel lane in each direction. Ninth Street terminates at the railroad.

The proposed area to be vacated is surrounded by a vacant packing house to the north, an office building to the west (formerly Brightwood College), and an existing train car layover track to the east and south.

## PROPOSAL

The applicant is requesting approval of a Street Vacation to vacate an approximately 514 square foot L-shaped portion of Ninth Street to accommodate the expansion of the existing Riverside Downtown North Layover Facility. The expansion will accommodate the removal of the existing layover track, the installation of three new layover storage tracks with an overall storage capacity of three six-car train sets, and associated maintenance and infrastructure upgrades.

## PROJECT ANALYSIS

### STREET VACATION

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 or pedestrian traffic and is unnecessary for present or prospective public use.

The following facts are provided to support the proposed vacation of the subject portion of Ninth Street:

- The proposed area to be vacated will no longer be needed for street purposes or for access to adjacent parcels, as adequate access will be provided through the surrounding streets, including the remaining portion of Ninth Street, Santa Fe Street to the north, and Vine Street to the west. The existing power pole north of the area to be vacated will not be affected.
- The proposed area to be vacated is unnecessary for present or prospective public use or vehicular traffic. The only use for this segment of Ninth Street is for access to the existing train tracks and infrastructure – there is no public outlet on this street. The area to be vacated will not interfere with the existing drive aisle of the property to the south or impede any public movement.
- As stated above, properties to the north, south, and west of the proposed vacation will maintain public access from Santa Fe Street and Vine Street and the remaining segment of Ninth Street. The area to be vacated will not be necessary for access to any parcels.
- The proposed vacation will not impact access to any other parcels as 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, it can be concluded that the subject right-of-way is not needed for vehicular or pedestrian traffic or for present or prospective public use. The vacated right-of-way will be placed within the CR-SP – Commercial Retail and Specific Plan (Marketplace) Overlay Zones and designated C – Commercial 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.

## **FINDINGS SUMMARY**

The vacation of a segment of Ninth Street 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. The portion of Ninth Street proposed to be vacated is primarily used by the Riverside County Transportation Commission for access to the train tracks and infrastructure. Traffic on Ninth Street currently has no outlet to any other public streets. Vehicular and pedestrian traffic will continue to utilize the remaining segment of Ninth Street in the same manner as the existing condition.

## **ENVIRONMENTAL REVIEW**

Planning Division Staff has determined that the proposed street vacation is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, which stipulates that a project is exempt from CEQA if covered by the general rule that CEQA applies only to projects that have a potential for causing a significant effect on the environment. As the proposal involves the vacation of a local street, not identified as a major component of the local roadway network, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. Further, in that Ninth Street currently terminates at the train tracks, there would be no change to existing conditions.

## **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.

## **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. Location Map
3. General Plan Map
4. Zoning and Specific Plan Maps
5. Project Plans (Survey Plan and Water and Sewer Plan)
6. Legal Description and Plat Map
7. Existing Site Photos

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Prepared by: Veronica Hernandez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner, and Candice Assadzadeh, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASE:** P19-0353 (Street Vacation)

**Planning Division**

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

**Fire Department**

2. Fire access shall be maintained at all times. Any future gates shall be equipped with a Knox device. Minimum fire access width is 20 feet.

**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 ownerships are clearly identified in the Land Title History.
10. VC P19-0353 to be completed prior to issuance of the Certificate of Compliance.