



PLANNING COMMISSION HEARING DATE: NOVEMBER 14, 2019  
AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Number</i>	<b>P19-0461</b> (Street Vacation)	
<i>Request</i>	To consider a Street Vacation to vacate approximately 2.83 acres of public streets consisting of a segment of Diana Avenue, approximately 2,250 feet in length and 50 feet in width, and the entirety of Emily Court, approximately 130 feet in length and 60 feet in width.	
<i>Applicant</i>	Steve Smith of California Baptist University (CBU)	
<i>Project Location</i>	A segment of Diana Avenue and the entirety of Emily Court.	
<i>APN</i>	N/A	
<i>Project Area</i>	2.83 acres	
<i>Ward</i>	5	
<i>Neighborhood</i>	Ramona	
<i>General Plan Designation</i>	N/A	
<i>Zoning Designation</i>	N/A	
<i>Staff Planner</i>	Candice Assadzadeh, Senior Planner 951-826-5667 <a href="mailto:cassadzadeh@riversideca.gov">cassadzadeh@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 P19-0461 (Street Vacation), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibits 1).

BACKGROUND

The segment of Diana Avenue and Emily Court, proposed to be vacated, are designated in the General Plan 2025 as 66-foot-wide local streets, with one travel lane in each direction. Diana

Avenue terminates at the intersection with Monroe Street, whereas Emily Court terminates at the intersection with Diana Avenue. The proposed area to be vacated is surrounded by the CBU campus to the north; State Route 91 (SR-91) to the south and a Shell gas station to the east. A self-storage facility is located west of Diana Avenue across Monroe Street.

As a matter of information, the vacation of Diana Avenue between Adams Street and Monroe Street, including Wilma Court and Emily Court in their entirety (Planning Case P12-0309), was previously proposed in conjunction with the adoption of the original California Baptist University Specific Plan. While the Specific Plan was approved and implemented, the proposed Street Vacation was continued off-calendar to allow for additional coordination, but was ultimately withdrawn by CBU in May 2015.

## PROPOSAL

The applicant is requesting approval of a Street Vacation to vacate approximately 2.83 acres of public streets consisting of a segment of Diana Avenue, approximately 2,250 feet in length and 90 feet in width, and the entirety of Emily Court, approximately 130 feet in length and 60 feet in width. As a matter of clarity, a portion of Diana Avenue at Adams Street is not proposed to be vacated as part of this application, to ensure continual legal and physical access to the vehicle fuel station (Shell) located at 3502 Adams Street.

## 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 Diana Avenue and the entirety of Emily Court:

- 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 portions of Diana Avenue to the east and west, Monroe Street to the west, Adams Street to the east, and Magnolia Avenue to the north.
- The proposed area to be vacated is unnecessary for present or prospective public use or vehicular traffic. The only use for this segment of Diana Avenue and Emily Court is for CBU access. There are no other uses, residences or business that would require access to this portion of Diana Avenue or Emily Court. The residences on Wilma Court have access via Monroe Street to the West and a portion of Diana Avenue, which is excluded from this Vacation. Further, there are other thoroughfares to access public streets, such as Magnolia Avenue to the north, Adams Street to the east, and Monroe Street to the west. This portion of Diana Avenue is only used for ingress and egress to CBU or for cut through traffic. There are other City streets that can be utilized for the cut through traffic.
- As stated above, properties to the east and west of the proposed vacation will retain public access from Adams Street, Monroe Street and the remaining segments of Diana Avenue, and as such 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 east-west 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 CBUSP – California Baptist University Specific Plan and designated CBUSP – California Baptist University Specific Plan 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 Diana Avenue and the entirety of Emily 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. The portion of Diana Avenue and Emily Court proposed to be vacated are primarily used by CBU for ingress and egress to its campus. Any traffic to or from Monroe Street or Wilma Court that seeks to use Diana Avenue to access south bound Adams Street, will still have access to Adams Street via Magnolia Avenue or Indiana Avenue. There is currently no north bound access from Diana Avenue to Adams Street.

## **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 local streets, 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 Diana Avenue is primarily used by CBU, who will continue to utilize said street for its campus, there would be no change to existing conditions. For those vehicles that utilize Diana Avenue as cut through, they would utilize other City streets, Magnolia Avenue and Indiana Avenue, but those trips are minuscule and can be handled by those streets without a change in the level of service or vehicle miles traveled.

## **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 Map
5. Legal Description and Plat Map
6. Existing Site Photos

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Prepared by: Candice Assadzadeh, Senior Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: David Welch, Community & Economic Development Director



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASE:** P19-0461 (Street Vacation)

**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. An easement for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, place, operate, inspect, maintain, repair, replace and remove such underground communication facilities (including ingress thereto and egress therefrom) consisting of wires, cables, conduits, pipes, manholes, handholes, service boxes, aboveground markers, risers, service pedestals, underground and aboveground switches, fuses, terminals, terminal equipment cabinets, transformers with associated concrete pads, associated electrical conductors, necessary fixtures and appurtenances.
3. An easement shall be recorded in favor of the California Department of Transportation (Caltrans) for continued access along Diana Avenue to continue to keep access points for state highway maintenance.
4. An easement shall be recorded in favor of the Southern California Gas Company to ensure the continued operation of an existing gas pipeline beneath the area to be vacated, in accordance with Section No. 8330 of the Streets and Highways Code.

**Fire Department**

5. 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 Utilities – Electric**

6. If applicant decides to buy the street lights they must submit a request for a new service to a meter pedestal from Riverside Public Utilities. Cost of the street lights will be determined by the City. Applicant is responsible for all trenching, installation of conduit and sub-structures and all associated costs required to provide power to new meter pedestal.
7. Applicant has the option to operate the existing street lights as is and come under an agreement under Electrical Schedule LS-2 for Energy and Maintenance. If the applicant chooses this option they will not be allowed to add new street lights or modify any of existing street lights or luminaires.

8. Applicant has the option to operate the existing street lights as is and come under an agreement under Electrical Schedule LS-2 for Energy Only. If the applicant chooses this option they will not be allowed to add new street lights or modify any of existing street lights or luminaires.

### **Public Utilities – Water**

*Prior to recordation of the Vacation Resolution:*

9. Easements required for all existing public water infrastructure.

### **Public Works**

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

10. 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.
11. Prior to the date that the Diana Avenue vacation documents are recorded in the Official Records, Applicant shall provide an easement to the Shell gas station over the existing driveway between Shell and Bakers, in order to provide vehicular access and fuel truck access to the Shell station. Applicant further agrees that, in the event:
  - a. Future roadwork on Adams Street eliminates the existing southerly driveway to the Shell station from Adams Street, and subsequently;
  - b. Utilizing the remaining segment of Diana Avenue adjacent to the Shell station does not provide adequate circulation for a fuel truck to exit back out by means of the existing driveway between Shell and Bakers, then in such event;
  - c. Applicant agrees to permit ingress / egress for fuel delivery vehicles servicing the operator of the existing Shell station through the vacated Diana Avenue to Monroe Street, until such time as egress may become available by other means.
12. 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.
13. 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.
14. 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).
15. 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.

16. 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.
17. 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 insure that the final parcel configurations and ownership's are clearly identified in the Land Title History.
18. VC P19-0461 to be completed prior to issuance of the Certificate of Compliance.
19. *Advisory:* A Public Utility Easement (PUE) will be reserved over the entire area of the Vacation.