



**PLANNING COMMISSION HEARING DATE: DECEMBER 17, 2024
AGENDA ITEM NO.: 3**

PROPOSED PROJECT

Case Number	SD-2024-00017 (Street Vacation)	
Request	To consider a Street Vacation to vacate portions of Commerce Street and Third Street, to facilitate the construction of the future Third Street Grade Separation	
Applicant	City of Riverside	
Project Location	Portions of Commerce Street and Third Street from Mission Inn Avenue to a portion north of Third Street	
APN	N/A (Public Right-of-Way)	
Project Area	62,709 square feet	
Ward	1	
Neighborhood	Eastside	
General Plan Designation	N/A	
Zoning Designation	N/A	
Staff Planner	Judy Egüez, Senior Planner 951-826-3969 jeguez@riversideca.gov	

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 SD-2024-00017 (Street Vacation), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibits 1).

BACKGROUND

Commerce Street is a local street that generally runs along the east side of the Burlington Northern and Santa Fe (BNSF) railroad tracks from Date Street to Third Street and then continues along the west side of the BNSF railroad tracks from Third Street to First Street.

Third Street bisects Commerce Street and is an arterial that connects Downtown Riverside to the 215 Freeway, Eastside Neighborhood, Hunter Business Park and University of California Riverside.

Commerce Street primarily serves industrial uses along the railroad track while Third Street serves a multitude of different uses (Industrial, commercial, residential) as it traverses west to east from Downtown Riverside to the 215 Freeway. However, the portions of Commerce Street and Third Street, to be vacated with this project serve as access to industrial uses only. The portion of Commerce Street north of Third Street is not improved and does not provide access to any properties as it is partially encumbered by railroad tracks and ground mounted mechanical equipment (Exhibit 2 & 3).

As a matter of information, the City of Riverside Public Works Department is currently in design phase for the Third Street Grade Separation project which proposes to construct a new four-lane grade separated underpass to replace the existing at-grade railroad crossing. The project will improve public safety, eliminate/reduce train horns, relieve traffic congestion, reduce response time for emergency services, and improve mobility for pedestrians and motorists.

PROPOSAL

The requests includes approval of a Street Vacation to vacate approximately 62,709 square feet of portions of Commerce Street and Third Street.

The portions of public right-of-way to be vacated consists of the following:

- An 8,580 square foot section of Commerce Street, 66-feet wide and 130 feet in length, situated north of Third Street (denoted as Parcel 1 on Exhibit 7a).
- A 1,241 square foot section of Third Street, approximately 80-feet wide, ranging in length approximately 12-to 20-feet, situated on the north side of the Third Street and Commerce Street intersection (denoted as Parcel 2 on Exhibit 7a); and
- A 52,888 square foot portion of Commerce Street ranging in width from approximately 26 to 68-feet wide, situated along the west side of Commerce Street, extending from Mission Inn Avenue to Fourth Street (denoted as Parcel 3 and 4 on Exhibit 7a).

The portions to be vacated will accommodate the realignment of the rail lines and the location of the bridge associated with the Third Street Grade Separation project. The Third Street Grade Separation project will also include the realignment of Commerce Street, north of Fifth Street, to provide a vehicle connect to Third Street.

All properties currently located along Commerce Street will continue to have vehicular access either through the existing modified 42-foot-wide right-of-way segment of Commerce Street from Mission Inn Avenue to Fifth Street or the realigned 60-foot right-of-way segment of Commerce Street between Fifth Street and Third Street. Additionally, those businesses that currently front Commerce Street between Fourth Street and Fifth Street will continue to be served by a 34-foot two-way roadway segment.

Properties on the north side of Third Street will continue to take vehicular and pedestrian access from Third Street.

PROJECT ANALYSIS

Street Vacation

Pursuant to State law, 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 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 Commerce Street right-of-way:

- Vacating the right-of-way, as indicated above, will not impact access to surrounding parcels, as the proposal retains access from Commerce Street, Third Street or Fourth Street to existing businesses and parcels.
- Vacation of the portions of right-of-way noted above, and the construction of the grade separation, will improve pedestrian and vehicular circulation in the immediate area.
- The proposed street to be vacated is unnecessary for present or future public use. If vacated, the street will be quitclaimed and transferred to Riverside County Transportation Commission (RCTC) and to the BNSF to accommodate the realignment of the railroad and bridge.
- The proposed street to be vacated will not alter the primary access to adjacent businesses or to the general public. The street vacation is necessary to implement the Third Street Grade Separation project which will improve vehicular and pedestrian circulation in the area.

Based on the findings above, the 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 assigned to the General Plan Land Use designation and zoning of the adjacent properties.

In compliance with State Law and local ordinance, if the Planning Commission approves 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 the intersection and at points occurring each 300 feet along the affected roadway segments.

The Public Works Department and the City of Riverside Real Properties Division have consistently been in communication with surrounding property owners and businesses through the process.

FINDINGS SUMMARY

The Street Vacation 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. Adjacent businesses will continue to have access from Commerce Street or Third Street.

The proposed street vacation will allow the City to implement the Third Street Grade Separation. With the implementation of the proposed conditions of approval and Third Street Grade separation project, the vacation will not impact surrounding properties.

ENVIRONMENTAL REVIEW

Staff determined 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 that will be realigned to facilitate the construction of railroad track grade separation, it can be seen with certainty that there is no possibility that 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 Plan Priority 5 – High Performing Government - Goal 5.3 – Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision-making.

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

1. *Community Trust* – The proposed street vacation requires public hearings by the Planning Commission and City Council. Additionally, public comment is encouraged throughout the process through the 15-day public noticing period and at public hearings.
2. *Equity* – The proposed project furthers the City's support of geographic diversity.
3. *Fiscal Responsibility* – The Public Works Department has secured funding for all fiscal aspects of the project.
4. *Innovation* – The proposed street vacation enhances the aesthetic and security of a neighborhood by facilitating a project for a railroad track grade separation.
5. *Sustainability and Resiliency* – The proposed street vacation is designed to meet the current and future needs of the community.

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. Specific Plan Map
- 7a. Plat Map
- 7b. Legal Description
8. Conceptual Site Plan (for reference only)

Prepared by: Judy Egüez, Senior Planner
Reviewed by: Brian Norton, Principal Planner
Approved by: Maribeth Tinio, City Planner



EXHIBIT 2 – CONDITIONS OF APPROVAL

PLANNING CASE: SD-2024-00017 (Street Vacation)

Fire Department

1. Codes in Effect: The proposed project shall fully comply with the 2022 Edition of Title 24, the California Building Standards Code, as adopted and amended by the City of Riverside, or the version of these codes in effect at the time a building permit application is filed.
2. Fire Access & Water Supply: Project management shall coordinate with City of Riverside Fire Department to ensure adequate fire water supply and fire apparatus access are provided for all affected buildings, structures and facilities during all phases of construction.

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 ½ inch by 11-inch FORMAT.
5. 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).
6. 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.
7. 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.
8. 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.
9. VC SD-2024-00017 to be completed prior to issuance of the Certificate of Compliance.
10. *Advisory:* A Public Utility Easement (PUE) will be reserved over the entire area of the Vacation.