



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL**                      **DATE: JUNE 18, 2024**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT**                      **WARD: 3**  
**DEPARTMENT**

**SUBJECT: PLANNING CASE SD-2024-00001 STREET VACATION – A REQUEST TO VACATE SUNRISE PLACE, A PUBLIC STREET CONSISTING OF APPROXIMATELY 11,390 SQUARE FEET OF RIGHT-OF-WAY, APPROXIMATELY 285 FEET IN LENGTH AND 40 FEET IN WIDTH, SITUATED ON THE WEST SIDE OF KNOB HILL DRIVE, TO FACILITATE A PRIVATE DRIVEWAY.**

**ISSUE:**

Approve a proposal by Steve Berzansky, to vacate Sunrise Place, situated on the west side of Knob Hill Drive, to use as a private driveway.

**RECOMMENDATION:**

That the City Council:

1. Determine 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;
2. Approve Planning Case SD-2024-00001 (Street Vacation), based on the findings outlined in the staff report and subject to the recommended conditions; and
3. Adopt the attached Resolution vacating the subject right-of-way pursuant to the Public Streets, Highways and Service Easements Vacation Law (Attachment 1).

**PLANNING COMMISSION RECOMMENDATION:**

On April 11, 2024, the City Planning Commission recommended approval of Planning Case SD-2024-00001, a request for a Street Vacation to vacate Sunrise Place, by a vote of 7 ayes, 0 noes, and 1 absent (Attachments 2, 3 and 4).

**BACKGROUND:**

On May 14, 2024, the City Council adopted Resolution No. 24111 tent to hold a public hearing on June 18, 2024, to consider a Street Vacation of Sunrise Place, situated on the west side of Knob Hill Drive, to use as a private driveway (Attachments 5 and 6).

Sunrise Place is an existing cul-de-sac right-of-way, approximately 285 feet in length and 40 feet in width. It is currently improved with 20-foot wide of asphalt pavement, curb and gutter. Sunrise

Place serves one undeveloped residential parcel located at the end of the cul-de-sac, identified as 2485 Sunrise Place. Four adjacent lots, with existing residences, back onto Sunrise Place, but due to the topography in the area, the lots do not take access from the street. In 2012 the street was gated by the Public Works Department to prevent illegal dumping and other illicit activities due to the street being obscured from public view.

As a matter of information, on August 8, 2023, a Design Review (PR-2022-001456) was approved to construct a single-family residence at 2485 Sunrise Place.

## **DISCUSSION:**

The applicant is requesting approval to vacate Sunrise Place which consists of 11,390 square feet of public right-of-way, consisting of the entirety of Sunrise Place, approximately 285 feet in length and 40 feet in width to accommodate a private driveway to access the future single-family residence at 2485 Sunrise Place. The entirety of the right-of-way will be incorporated into the existing parcel addressed as 2485 Sunrise Place.

There will be no major improvements to the future driveway except for repairing damaged asphalt and replacing the existing gate with a 6-foot-high motorized security gate, located 30-feet behind the new property line. The future driveway will continue to only serve the property at 2485 Sunrise Place and will be accessed from Knob Hill Drive. The applicant has proposed a private access easement to be recorded to allow the adjacent homeowners to access the private street for maintenance of yards.

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 Sunrise Place right-of-way:

- 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 one residential parcel at 2485 Sunrise Place. If vacated, the street will be quitclaimed, and ownership transferred to the property owner of 2485 Sunrise Place to be incorporated into the total area of their parcel and used as a private driveway taking access from Knob Hill Road. Vacating Sunrise Place will not impact access to any other surrounding parcels as they do not use the street for vehicular or pedestrian access.
- The proposed street to be vacated is unnecessary for present or future public use. If vacated, the street will be quitclaimed and transferred to the property owner of 2485 Sunrise Place. The property owner will maintain the driveway as it will be used for private access only. The driveway will include an easement to allow the City to maintain an existing waterline and an access easement to allow adjacent residences to maintain portions of their yards.
- The proposed street to be vacated will not alter the primary access to the existing residential parcel located at 2485 Sunrise Place. The subject street will be converted to a private driveway for the residential parcel. 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 street 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 associated with 2485 Sunrise Place.

### **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 proposed street vacation will be responsible for all fiscal aspects of the project.
4. *Innovation* – The proposed street vacation enhances the aesthetic and security of a neighborhood by taking on the maintenance of a driveway.
5. *Sustainability and Resiliency* – The proposed street vacation is designed to meet the current and future needs of the community.

### **FISCAL IMPACT:**

There is no fiscal impact associated with this action since all project costs are borne by the applicant.

Prepared by: Judy Egüez, Senior Planner  
Approved by: Jennifer A. Lilley, Community & Economic Development Director  
Certified as to availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Phaedra Norton, City Attorney

### **Attachments:**

1. Resolution of Vacation
2. City Planning Commission Report – April 11, 2024
3. City Planning Commission Recommended Conditions – April 11, 2024
4. City Planning Commission Minutes – April 11, 2024
5. City Council Memorandum and Attachments – May 14, 2024
6. City Council Resolution No. 24111 (Adopted May 14, 2024)
7. Public Hearing Notice
8. Presentation