



Community & Economic Development Department


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Planning Division

RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: APRIL 11, 2024
AGENDA ITEM NO.: 5**

PROPOSED PROJECT

Case Number	SD-2024-00001 (Street Vacation)	
Request	To consider a Street Vacation to vacate Sunrise Place, a public street approximately 285 feet in length and 40 feet in width	
Applicant	Steve Berzansky	
Project Location	Public right of way (Sunrise Place), generally to the west of Knob Hill Drive	
APN	N/A (Public Right-of-Way)	
Project Area	11,390 square feet	
Ward	3	
Neighborhood	Victoria	
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-2024-00001 (Street Vacation), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibits 1).

BACKGROUND

Sunrise Place is an existing cul-de-sac approximately 285 feet in length and 40 feet in width, improved with pavement (20-feet wide), 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 (Exhibit 2 & 3). 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 view.

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

PROPOSAL

The applicant is requesting approval of a Street Vacation to vacate approximately 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 for the future residence located at 2485 Sunrise Place. The entirety of the right-of-way will be incorporated into the total area of the existing parcel at 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 to maintain their rear yards.

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 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 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 future property owner will maintain the driveway as it will be used for private access only. The driveway will contain an easement to allow the City to maintain an existing waterline and an access easement to allow adjacent residences to maintain their rear yards.
- The proposed street to be vacated will not alter the primary access to the existing residential parcel located at 2485 Sunrise. 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 of the property which will be using it as a private driveway.

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.

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 residences take access from other rights-of-way on Knob Hill Road and Sunset Drive.

The proposed street vacation will allow the property owner to secure access and add other safety measures to the driveway leading to the future residence. The street will no longer be listed as a public street and all maintenance will be the responsibility of the property owner. Additionally, with the implementation of the conditions of approval, the vacation will not impact surrounding properties.

ENVIRONMENTAL REVIEW

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 and alley, 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.

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 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.

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 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

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

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Planning Division

1. There shall be a one-year time limit in which to satisfy the conditions and finalize this action.
2. Location of gate shall be reviewed and approved by the Planning Division and Public Works Traffic Division.
3. Prior to recordation of the Vacation Resolution, an access easement shall be recorded allowing adjacent property owners access to the vacated street section for the purpose of maintenance of adjacent property yards.

Fire Department

4. Fire Department access to future electric gate shall be required, through the use of 'Knox' key devices or other acceptable devices by the City of Riverside Fire Department. Contact the Fire Department for applications and details. <https://www.riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/B12002.pdf>

Public Utilities – Water

Prior to recordation of the Vacation Resolution:

5. Waterline easement shall be retained across the width of the vacated right of way.
6. Any waterline repair or replacement requiring trenching within the easement will be repaired in accordance with City standard trench repair. Any decorative paving placed within the waterline easement is placed at the property owner risk, and replacement will be at the property owner expense.

Public Works

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

7. 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.
8. 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.
9. 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.

10. 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).
11. 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.
12. 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.
13. 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.
14. VC SD-2024-00001 to be completed prior to issuance of the Certificate of Compliance.
15. Advisory: A Public Utility Easement (PUE) will be reserved over the entire area of the Vacation.