



City of Rialto

Legislation Text

File #: 17-1118, **Version:** 1

For City Council Meeting of [December 12, 2017]

TO: Honorable Mayor and City Council

APPROVAL: Michael E. Story, City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to Adopt **Resolution No. 7255** Approving the Summary Vacation of Existing Excess Right-of-Way Along Easton Street on the Northeast Corner of the Intersection of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) Zone of the Renaissance Specific Plan.

BACKGROUND:

On November 1, 2017, Ayala and 210 Partners, LLC/Fernando Acosta ("Developer") submitted a request that the City vacate excess Right-of-Way along the former alignment of Easton Street. A copy of the letter is included as **Attachment 1**. The proposed vacation along Easton Street is among a group of parcels to be developed with an 80,000 square foot commercial center referred to as "Renaissance East". The development will consist of a 10,486 square foot restaurant building (Cracker Barrel), a 2,720 square foot restaurant with drive-thru (Sonic), three multi-tenant commercial units ranging in size at 4,300; 4,800; and 4,900 square feet and a 52,742 square foot hotel.

The current Easton Street right-of-way was dedicated to the City on March 25, 2015. Easton Street is designated as a residential collector street and is part of the Renaissance Specific Plan. The horizontal alignment of Easton Street was altered with the construction of the State Route 210 Freeway, creating a new alignment to intersect with Ayala Avenue at a point further south, providing the necessary separation from the freeway ramps. The portion of Easton Street right-of-way that is proposed to be vacated is along the old roadway alignment and is currently vacant and unimproved. With the realignment of the roadway, the portion to be vacated is considered excess, surplus right-of-way. The Mobility Plan Element of the Renaissance Specific Plan (RSP) does not denote the old Easton Street alignment, but instead denotes the subject vacation area as part of a developable portion of the Freeway Incubator (FI) zone (**Attachment 2**). Accordingly, Easton Street has been requested to be vacated.

ANALYSIS/DISCUSSION:

Streets and Highways Code Sections 8300 *et. seq.* govern the vacation of public streets, highways, and service easements. Streets and Highways Code Section 8312 allows for vacation of excess street right-of-way by the local legislative body. Pursuant to Chapter 4 [Summary Vacation] of the Streets and Highways Code (Section 8330 *et seq.*), the City may summarily vacate a street if:

- The street has been superseded by relocation,
- The street is excess right-of-way not required for street or highway purposes,
- The street lies within property under one ownership and does not continue through such

ownership or end touching property of another, or

- The street has been impassable for vehicular travel within the last five consecutive years and no public money was expended for maintenance.

In this case, the portion of Easton Street proposed to be vacated is superseded by its relocation to align with Renaissance Parkway and provide the necessary separation with the freeway ramps, as shown on **Attachment 3**, and is considered excess, surplus right-of-way that is no longer required for street or highway purposes. Also, the subject portion of Easton Street lies within property under one ownership of and does not continue through such ownership or end touching property of another. Because that portion of Easton Street is vacant and unimproved, the street has been impassable for vehicular travel within the last five consecutive years and no public funds have been expended to maintain it. Furthermore, the subject portion of Easton Street does not contain any public utility facilities or public service easements. Accordingly, a Summary Street Vacation is appropriate.

ENVIRONMENTAL IMPACT:

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the vacation can have an impact on the environment for the reasons noted herein.

GENERAL PLAN CONSISTENCY:

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

The Streets and Highways Code does not require the City to make a finding that a summary street vacation is in conformance with the General Plan. Nonetheless, however, the vacation of this portion of Easton Street conforms to the Renaissance Specific Plan and the General Plan.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report and resolution.

FINANCIAL IMPACT:

The City will not incur any costs by vacating the proposed Right-of-Way.

RECOMMENDATION:

Staff recommends that the City Council adopt the resolution approving the Summary Vacation of existing excess Right-of-Way Along the former Easton Street on the northeast corner of the intersection of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) Zone of the Renaissance Specific Plan.