



# City of Rialto

## Legislation Text

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For City Council Meeting [April 28, 2020]

TO: Honorable City Council

APPROVAL: Rod Foster, City Manager

FROM: Savat Khamphou, Public Works Director/City Engineer  
Matt Schneider, Community Development Director

Request City Council to Adopt **Resolution No. 7607** Approving the Summary Vacation of an Unbuilt Street Right-of-Way Easement along Maple Avenue between Casmalia Street and State Route 210 and Reserving an Easement for Public Utility Purposes.

### **BACKGROUND:**

On August 29, 2019, CDRE Holdings 14 LLC, a Nevada Limited Liability Company ("Developer") submitted legal and plot documents to the City of Rialto to commence with plan checking services for a proposed vacation of excess Right-of-Way along Maple Avenue, south of Casmalia Street and State Route 210 (SR-210). The area to be vacated is an easement only, as the City is not the underlying property owner. The right-of-way easement to be vacated is on Maple Ave. adjacent to APN's: 1133-251-05-0000 and 1133-271-01-0000 within the Freeway Incubator (FI) zone of the Renaissance Specific Plan. The property owner of APN: 1133-271-01-0000 is currently processing a Precise Plan of Design (PPD) application to develop the subject site with the construction of three (3) industrial buildings ranging in size from 26,432 square feet to 49,009 square feet. The Unbuilt Street Right-of-Way along Maple Avenue proposed to be vacated is not proposed as a through street based on the General Plan and the Renaissance Specific Plan. A vicinity location map of the proposed Summary Vacation area is included as **Attachment 1**.

Pursuant to Government Code Section 65402(a), as confirmed by a memorandum from the City Attorney dated November 7, 2014, before vacating a street, the proposed vacation must be submitted to the Planning Commission to consider whether the proposed vacation conforms to the City's General Plan, and to make a recommendation to the City Council. If the proposed vacation does conform to the General Plan, the City Council may vacate the excess and unbuilt street Right-of-Way as a Summary Vacation pursuant to Streets & Highways Code section 8330 through 8336. A copy of the November 7, 2014 memorandum is included **Attachment 2**.

On March 11, 2020, the City Planning Commission approved a resolution determining that the location, purpose, and extent of the proposed vacation of a portion of existing and unbuilt right-of-way of Maple Avenue located between Casmalia Street and SR-210 is in conformance with the General and the Renaissance Specific Plan. A copy of the Resolution is included as **Attachment 3**.

Notice was published on April 13, 2020 and April 19, 2020 and said notices were posted in the areas to be vacated pursuant to Streets and Highways Code Section 8320 et. seq. as shown in

#### **Attachment 4.**

##### **ANALYSIS/DISCUSSION:**

Summary vacations of an unbuilt street right-of-way is made pursuant to Streets & Highways Code section 8330 through 8336. However, prior to the City Council's hearing and actions, the Planning Commission must first make a finding or determination that vacation of a street is consistent with the City's General Plan. The proposed summary vacation of the unbuilt and excess right of way along Maple Avenue between Casmalia Street and SR-210 is made under the premise that the street was never built, was never used by the public, and is no longer necessary and in conformance with the General Plan and the Renaissance Specific Plan. It is also not identified as a street in the City's General Plan's Circulation Element or the City's Renaissance Specific Plan's Mobility Plan, and the Planning Commission on its March 11, 2020 Commission meeting determined the location, purpose, and extent of the proposed vacation is in conformance with the General Plan, the City Council can determine that vacation of such proposed right-of-way is considered excess and therefore is consistent with the General Plan and the Renaissance Specific Plan. When adopted, the Resolution will be prima facia evidence of the facts stated.

The City notified all utility servicing agencies to determine if there is any existing water, electric, gas, cable, and telephone facilities located within the portions of Maple Avenue to be vacated. The City notified all the utilities potentially located within the unbuilt street Right-of-Way on December 17, 2019, and received responses confirming no comments or concerns from the following:

- AT&T California
- Century Link Communications
- Crown Castle
- Veolia (Rialto Water Services)
- San Gabriel Water Company (Fontana Water Co.)
- Southern California Gas Co.
- West Valley Water District
- Metropolitan Water District of Southern California
- Spectrum Cable

If it is determined that utilities are located within this excess and unbuilt right-of-way, the City may vacate the excess right-of-way, but may reserve easements to construct, maintain, operate, and replace said utilities in the future. The City Engineer should make this determination prior to or as part of the vacation process.

The City received notification on December 30, 2019, from Southern California Edison included as **Attachment 5** that there is an electrical bank of conduits located 47 feet from the street centerline along Casmalia Street; however, it should be noted that the conduits in question are located within the Casmalia Street right-of-way and do not encroach into the unbuilt right-of-way that is proposed to be vacated.

Additionally, it has been determined that there is an existing 57-inch main storm drain line as shown on **Attachment 6** which lies within the unbuilt right of way along Maple Avenue that is proposed to be vacated. A Public Utility Easement, included as **Attachment 7**, will be recorded to preserve the existing City owned and maintained storm drain in place.

**ENVIRONMENTAL IMPACT:**

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**GENERAL PLAN CONSISTENCY:**

A summary vacation of the unbuilt and excess right-of-way is consistent with the Circulation Element of the Renaissance Specific Plan and therefore is consistent with the City's General Plan.

**Goal 2-21: Ensure high-quality planned developments in Rialto.**

**Goal 3-6: Require that all developed areas within Rialto are adequately served with essential public services and infrastructure.**

**LEGAL REVIEW:**

The City Attorney has reviewed and supports this staff report and Resolution.

**FINANCIAL IMPACT:**

Operating Budget Impact

The City will not incur any costs by causing a summary vacation of the unbuilt street right of way

Capital Improvement Budget Impact

The proposed action will not affect the City's Capital Improvement Budget.

Licensing

The applicant has secured Business License, at the Professional Service Rate, from its representative Thatcher Engineering. The Business License, BL18-3157, for Thatcher Engineering has been renewed and is set to expire on December 31, 2020. BL18-3157 is included as **Attachment 8**.

**RECOMMENDATION:**

Staff recommends that the City Council:

Adopt **Resolution No. \_\_\_\_\_** Approving the Summary Vacation of an Unbuilt Street Right-of-Way along Maple Avenue between Casmalia Street and State Route 210 and Reserving an Easement for Public Utility Purposes.