

**RESOLUTION No. 209773**

Adopted on JAN 29 1974

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy 600-15, entitled "Street Vacations and Easement Abandonments" be, and it is hereby adopted as set forth in the form of Council Policy 600-15 filed in the office of the City Clerk as Document No. 746229.

BE IT FURTHER RESOLVED, that the City Clerk be, and he is hereby instructed to add policy 600-15 to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold Valderhaug, Deputy

nr/1-21-74

10/19/73

COUNCIL POLICY

STREET VACATIONS AND EASEMENT ABANDONMENTS

600-15  
Page 1 of 4

---

BACKGROUND

The City receives numerous requests to vacate or abandon various types of rights-of-way and the Council has the authority to close or abandon a public right-of-way after a finding that it is no longer needed for public use. Such actions must, however, conform to various legal and procedural requirements set forth in the California Streets and Highways Code, the Government Code and in the San Diego Municipal Code. While retention of unusable rights-of-way should be avoided, all proposed vacations or abandonments must be carefully investigated since re-acquisition, if the land is needed at a later date, can be difficult and expensive.

PURPOSE

It is the purpose of this policy to outline criteria to be used in evaluating the need for existing rights-of-way and to establish procedures to be followed in any process to vacate or abandon a right-of-way.

POLICY

1. It is the policy of the Council to vacate or abandon, in whole or in part, a public right-of-way when there is no present or prospective use for the right-of-way and such an action will serve the public interest. No action will be taken, however, until the following findings can be made:
  - a. That there is no present or prospective use for the easement or street dedication, either for the facility for which the right-of-way was originally acquired or for any other public use of a like nature that can be anticipated.
  - b. That the public will benefit from the action through improved utilization of land.

- c. That the vacation or abandonment is not inconsistent with the General Plan or an approved community plan.
- d. That the public facility for which the right-of-way was originally acquired will not be detrimentally affected.

2. Staff investigation of street closing proposals and subsequent Planning Commission and Council consideration of the matter will give particular attention to a determination of not only whether the right-of-way is needed for use by vehicles, present or prospective, but also whether the right-of-way can be utilized for any other public street purpose such as walkways, bicycle paths, access to public open space areas, transit facilities, utility lines, etc.

3. Street vacations will be considered by the Council only after the matter has been reviewed by and a recommendation submitted on the proposal by the Planning Commission in the following cases:

- a. The complete closing of a full width section of any street or alley.
- b. The partial closing of any street (arterial or collector) shown on the General Plan or an adopted Community Plan.
- c. Any other street vacation when the applicant files an appeal from an administrative decision not to proceed with presentation of the proposal to the City Council.

4. Vacation proceedings may be initiated in any one of three ways:  
1) By written petition submitted to the City; 2) by submission of a tentative subdivision map requiring the vacation; 3) by City department upon approval by the City Manager. Costs incurred in processing the vacation shall be paid by the applicant in accordance with the schedules set forth in the Municipal Code.

5. Upon receipt of a request for a street vacation or easement abandonment together with the appropriate fees, City staff shall review the application in relation to this policy and other applicable requirements and develop a recommendation regarding the proposal. If a negative recommendation results from the staff review, an administrative decision may be made not to proceed with further processing of the proposal and the applicant so notified in writing. If a petitioner's application is thus denied, he may then by written communication to the City within ten days indicate his desire to appeal the decision; whereupon processing of the application will be resumed. In all cases requiring Planning Commission action, the matter shall be referred to the Commission with the staff recommendation. Any unfavorable recommendation from the Commission shall constitute a denial and no Resolution of Intention shall be presented to Council unless the applicant files a request to resume processing the application within ten days from the date of the Commission action.

6. If the staff review results in a decision to proceed with a request for Council action on the proposed vacation, if there is a recommendation for approval by the Planning Commission, or if the applicant appeals either an administrative or a Planning Commission denial, the proposed vacation will be processed and scheduled on the Council docket following preparation of the appropriate documents and payment by the applicant of the prescribed fees.

7. The applicant for a street vacation or easement abandonment shall complete an Environmental Assessment of the impacts of the closing or abandonment for review by the Environmental Quality Department. Prior to consideration of a proposed vacation by the Planning Commission or the docketing of a Resolution of Intention for City Council action, an Environmental Impact Report will be finalized, or a ruling obtained from the Environment Quality Department that the proposed

vacation is exempt from the requirement under the approved guidelines. The applicant shall pay City costs associated with preparation and processing of the Environmental Impact Report in accordance with the fee schedule established under the provisions of the Municipal Code.

8. In street vacation cases notices of the Planning Commission hearing and the Council hearing shall be mailed to all property owners within 300 feet of the section of street to be closed. Such mailings shall be in addition to any other noticing procedure required by law.

9. The City Manager shall make available for distribution, appropriate informational material regarding street and easement vacation procedures.

Passed and adopted by the Council of The City of San Diego on **JAN 29 1974**,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**  
 Mayor of The City of San Diego, California.

**EDWARD NIELSEN**  
 City Clerk of The City of San Diego, California.

By *Gloria Limon*, Deputy.

(Seal)

RECEIVED  
 CLERK'S OFFICE  
 1974 JAN 23 PM 12:38  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number	209773
Adopted	JAN 29 1974