

R-75-1971

RESOLUTION No. 212864

Adopted on MAR 27 1975

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

That Council Policy No. 600-16 entitled "Major Structures Spanning Public Rights of Way" be, and it is hereby amended as set forth in the form of Council Policy filed in the office of the City Clerk as Document No. 750632.

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

BE IT FURTHER RESOLVED, that Resolution No. 170434, adopted April 19, 1962, is hereby rescinded.

APPROVED: JOHN W. WITT, City Attorney

By J. S. Wiegand
J. S. Wiegand, Deputy

JSW:cav
3/13/75
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CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

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| MAJOR STRUCTURES SPANNING PUBLIC RIGHTS OF WAY | PROPOSED 600-16 | | 1 OF 2 |

BACKGROUND

Two major structures have been completed over public rights of way in the downtown area. These were the County Courthouse over Second and Third Avenues and the Federal Office Building over "E" Street and Front Street. Although these particular projects serve a governmental function, there may be requests in the future for similar type developments by the private sector.

Structures over public rights of way are extremely unique but can provide an alternative to street closings where the land area required for a development is in excess of that available within a City block. In view of this, a Policy is needed to establish the process for early Council consideration and the general criteria for such development.

PURPOSE

To establish a policy for the review and consideration of private or public proposals for major structures spanning public rights of way.

POLICY

It is the policy of the City Council to review each project which proposes to span the public right of way based on its individual merits and at the conceptual stage of the projects development. Council review shall consider information provided by all appropriate reviewing City departments.

Due to the significant and unique nature of this type of development and the difficulty of regulating it without dictating its design, only general criteria are set forth in this policy. It should be emphasized that the fact that the project may meet this criteria will not assure its approval.

The general criteria are:

- 1) Structures over streets will be permitted only upon demonstration that the encroaching structure will be compatible with an overall plan. Elements of the plan will consider the maintenance of an open atmosphere within the immediate area, preservation of scenic vistas, compliance with adopted traffic circulation specifications, and the uses to which the encroaching structure is put. No encroachment structures will be permitted over right of way intersections.

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- 2) When encroaching structures are approved, public easement will be obtained to increase the open space area of the encroached right of way. Such easements shall be for pedestrian use and will be appropriately designed and landscaped. They will be maintained by the owner or management of the project. The use of the structure over the public right of way shall be limited to the circulation and parking of automobiles, pedestrian circulation, and public assembly types of activity. These facilities shall be available to the general public and shall not be restricted to any limited private usage. Proposals for other uses, either public or private, shall be subject to approval of a vacation proceeding for the air rights over that portion of the public right of way involved.
- 3) Adequate clearances will be maintained between the bottom of the structure and the roadway to provide safe passage of vehicles (normally 25 feet) and to maximize the open space qualities of the project.
- 4) Ownership or complete control of the full block frontages on both sides of the spanned right of way and at least half of the block depth on each side should be a pre-requisite to approval of the encroaching structure.
- 5) Architectural treatment of the encroaching structure shall be compatible with the adjacent areas. No signs, logos, or other advertising shall be displayed on the encroaching structure.

Following Council review and approval of the proposed encroaching structure, the developer shall work with staff during the development of detailed plans to prepare a final agreement to safeguard the City's interests and provide for the maintenance of the structures over the right of way. No work shall commence on the encroaching structure until the encroachment agreement is approved by Council and recorded in the County Recorder's Office.

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Passed and adopted by the Council of The City of San Diego on
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"/> |
| Jess D. Haro | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Patricia Polea*, Deputy.

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Office of the City Clerk, San Diego, California

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