

(R-82-1102)

RESOLUTION NUMBER R- 257331

Adopted on OCT 12 1982

RESOLUTION AMENDING COUNCIL POLICY NO. 600-15
REGARDING STREET VACATIONS AND EASEMENT
ABANDONMENTS

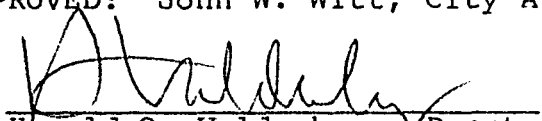
BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy No. 600-15 entitled, "Street Vacations and Easement Abandonments" be and it is hereby amended as set forth in the Council Policy filed in the office of the City Clerk as Document No. RR- 257331.

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

APPROVED: John W. Witt, City Attorney

By


Harold O. Valderhaug, Deputy

HOV:ps:011.1
12/31/81
Or. Dept: E&D

OCT 12 1962

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CITY CLERK
SAN DIEGO, CALIFORNIA

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
	Street Vacations and Easements Abandonments	600-15	

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 reacquisition, 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 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 made possible by the street vacation.
 - 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 by the street vacation.
2. Staff investigation of street vacation proposals and subsequent considerations of the matter by the Council and the Planning Commission or the Subdivision Board will give particular attention to a determination of 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 or the Subdivision Board in the following cases:
 - a. The complete closing of a full-width section of any street or alley

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- b. The closing of any portion of an arterial or collector street 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

Where such street vacations are directly related to subdivision maps, the consideration prior to Council action shall be at the same time and by the same body considering the tentative map.

4. Street 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) or by a 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 authorized in the Municipal Code.
5. Upon receipt of a request for a street vacation or easement abandonment, City staff shall review the application in relation to this policy and other applicable requirements, and staff shall develop a recommendation regarding the proposal. If a staff review results in a negative recommendation and is thus denied, the applicant is to be notified in writing. The applicant may, by written communication to the City, indicate his desire to appeal the decision; whereupon, processing of the application will be resumed. Any unfavorable recommendation from the Subdivision Board or Planning 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.
6. The applicant for a street vacation or easement abandonment shall complete an Environmental Assessment of the impacts of the street vacation or abandonment for review by the Environmental Quality Division. Prior to scheduling the consideration of a proposed vacation before the Subdivision Board, the Planning Commission, or the City Council, an environmental document shall be finalized (Negative Declaration or Environmental Impact Report) or an Exemption obtained pursuant to CEQA Guidelines from the Environmental Quality Division. The applicant shall pay City costs associated with preparation and processing of the appropriate environmental document in accordance with the schedule established under the provisions of the Municipal Code.
7. In all street vacation actions, a posted and mailed notice shall be accomplished prior to the hearings before the Planning Commission or the Council. The mailed notice will be sent to all property owners within 300 feet of the section of street to be vacated. Such mailing and posting will be in addition to the published notice required by law.
8. Under specified circumstances, a summary street vacation is authorized by State law; wherein, the vacation may be approved by resolution on the Adoption Agenda of the Council without a published or posted notice. This procedure may be used for a street vacation or easement abandonment if any of the following conditions are found to exist:

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- a. The street or portion of street is excess right-of-way and is not required for street purposes.
 - b. The street lies within and terminates in property under one common ownership and does not continue through or touch another property.
 - c. The offer of right-of-way is secured as a Reservation for Future Street.
 - d. Within the last five years, the street has been impassable to vehicular traffic, and no public money has been expended for maintenance.
 - e. The street is intercepted by the State Highway, and an agreement has been entered into to exclude it from the State Freeway System.
 - f. The easement has not been used for the purpose acquired for the last five years or, if the easement is less than five years old but more than one, has never been used.
9. Where the street vacations have been initiated by the submission of a tentative map, the street vacation procedures shall follow those established in the Public Streets, Highways and Service Easements Vacation Law. Under these procedures, a noticed Public Hearing shall be held concurrently with the hearings on the tentative map, and the approval of the proposal to vacate the streets and easements shall be included in the Resolution approving the tentative map. The public hearing before the Council shall be scheduled as soon after the approval of the tentative map as practical, and the approval action by the Council should be conditioned upon the approved final subdivision map or parcel map. The recording of the Resolution of Vacation will be delayed until the map is approved or other conditions are met.
10. The City Manager shall make available for distribution appropriate informational material regarding street and easement vacation procedures and fees.

Adopted by Resolution No. 209773 1/29/74
Amended by Resolution No. (Revised 1/5/82)
(Revised 2/19/82)
(Revised 5/13/82)

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BACKGROUND

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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 made possible by the street vacation.
 - 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 by the street vacation.
2. Staff investigation of street closing vacation proposals and subsequent ~~Planning Commission and Council consideration of the matter~~ considerations of the matter by the Council and the Planning Commission or the Subdivision Board 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.

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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:
- The complete closing of a full width section of any street or alley.
 - The ~~partial~~ closing of any ~~street-(arterial-or-collector)~~ portion of an arterial or collector street shown on the General Plan or an adopted Community Plan.
 - 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.

Where such street vacations are directly related to subdivision maps, the consideration prior to Council action shall be at the same time and by the same body considering the tentative map.

4. Street 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) or by a 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 authorized 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 staff shall develop a recommendation regarding the proposal. If a staff review results in 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 and is thus denied, the applicant is to notified in writing. If the 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. The applicant may, by written communication to the City, indicate his desire to appeal the decision; whereupon, processing of the application will be resumed. Any unfavorable recommendation from the Subdivision Board or Planning 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.~~

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6. The applicant for a street vacation or easement abandonment shall complete an Environmental Assessment of the impacts of the closing street vacation or abandonment for review by the Environmental Quality Department Division. Prior to scheduling the consideration of a proposed vacation by before the Subdivision Board, the Planning Commission, or the City Council ~~deleting of a Resolution of Intention for City Council action, an Environmental Impact Report will be finalized, or a ruling obtained from the Environmental Quality Department that the proposed vacation is exempt from the requirement under the approved guidelines;~~ an environmental document shall be finalized (Negative Declaration or Environmental Impact Report) or an Exemption obtained pursuant to CEQA Guidelines from the Environmental Quality Division. The applicant shall pay City costs associated with preparation and processing of the ~~Environmental Impact Report~~ appropriate environmental document in accordance with the 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.~~

7. In all street vacation actions, a posted and mailed notice shall be accomplished prior to the hearings before the Planning Commission or the Council. The mailed notice will be sent to all property owners within 300 feet of the section of street to be vacated. Such mailing and posting will be in addition to the published notice required by law.

8. Under specified circumstances, a summary street vacation is authorized by State law; wherein, the vacation may be approved by resolution on the Adoption Agenda of the Council without a published or posted notice. This procedure may be used for a street vacation or easement abandonment if any of the following conditions are found to exist:

- a. The street or portion of street is excess right-of-way and is not required for street purposes.
- b. The street lies within and terminates in property under one common ownership and does not continue through or touch another property.
- c. The offer of right-of-way is secured as a Reservation for Future Street.
- d. Within the last five years, the street has been impassable to vehicular traffic, and no public money has been expended for maintenance.
- e. The street is intercepted by the State Highway, and an agreement has been entered into to exclude it from the State Freeway System.
- f. The easement has not been used for the purpose acquired for the last five years or, if the easement is less than five years old but more than one, has never been used.

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9. Where the street vacations have been initiated by the submission of a tentative map, the street vacation procedures shall follow those established in the Public Streets, Highways and Service Easements Vacation Law. Under these procedures, a noticed Public Hearing shall be held concurrently with the hearings on the tentative map, and the approval of the proposal to vacate the streets and easements shall be included in the Resolution approving the tentative map. The public hearing before the Council shall be scheduled as soon after the approval of the tentative map as practical, and the approval action by the Council should be conditioned upon the approved final subdivision map or parcel map. The recording of the Resolution of Vacation will be delayed until the map is approved or other conditions are met.
10. The City Manager shall make available for distribution, appropriate informational material regarding street and easement vacation procedures and fees.

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Passed and adopted by the Council of The City of San Diego on OCT 12 1982,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-257331 Adopted OCT 12 1982