

(R-88-1436)

RESOLUTION NUMBER R- 270397

ADOPTED ON FEB 22 1988

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, 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- 270397 .

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 Thomas F. Steinke
Thomas F. Steinke
Deputy City Attorney

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01/13/88
Or.Dept:T&LU
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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 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.

As a general rule, the Council will not vacate a street adjacent to undeveloped property since a determination of whether the street will ultimately be needed for public street purposes can best be made only when the nature and density of development of parcels adjacent to the street are known.

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.

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3. Street vacations will be considered by the Council only after the matter has been reviewed by and a recommendation has been 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.
- 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, or (3) 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/her 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~~ vacation proposal 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. Where it is determined that a vacation is associated with other discretionary actions to be considered by the Planning Commission or City Council, the Planning Director and City Engineer shall coordinate such action so that they may be

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presented to the Commission and Council at a single hearing. Where the vacation is requested adjacent to developed property, and no other discretionary actions are anticipated, the City Engineer shall request, and the applicant shall provide, a description of that proposed use of the property including landscaping, fencing, and structural improvements.

8. 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.
9. 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~~ a 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.
10. 9. Where the street vacations have been initiated by the submission of a Tentative Map, the street vacation procedures shall follow those established in ~~Section 66499-20-1/2~~ of the Subdivision Map Act or the Streets and Highway Code. Under this procedure, the Subdivision Board shall not act on the Tentative Map but shall forward it with recommendations directly to the City Council for concurrent actions on both the Tentative Map and street vacation. After a public hearing, and upon approval of the Tentative Map, the Council will approve a resolution authorizing the street vacation(s) in accordance with appropriate procedures of ~~Section 66499-20-1/2~~. The Final Map shall specify the resolution which authorizes the street(s) to be vacated under this procedure, and the vacation(s) will become effective upon recordation of the Final Map(s).

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11. 10. The City Manager shall make available for distribution appropriate informational material regarding street and easement vacation procedures and fees.

HISTORY

Adopted by Resolution R-209773 01/29/74
Amended by Resolution R-257331 10/12/82
Amended by Resolution R-264842 01/13/86

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 270397 Adopted FEB 22 1988

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