

RESOLUTION NUMBER R- 275710

ADOPTED ON MAY 14 1990

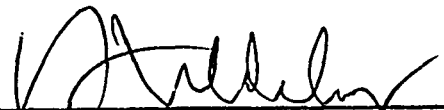
RESOLUTION AMENDING COUNCIL POLICY NO. 600-15
REGARDING STREET VACATIONS AND EASEMENT
ABANDONMENTS.

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- 275710.

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

BE IT FURTHER RESOLVED, that the amendments to the Council Policy adopted hereby shall not apply to applications for easement abandonment and disposition for property located within Lot Nos. 7 and 8 of Subdivision Mission City Unit No. 3 shown on Map No. 11677.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

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SAN DIEGO, CALIF.

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CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
	STREET VACATIONS AND EASEMENT 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 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 reacquisitions, 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 and consider a possible alternative; i.e., Council approval of an Encroachment Permit (see Council Policy No. 700-18).

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 or 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, or the Local Coastal Program.
 - d. That the public facility for which the right-of-way as 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.

DOCUMENT NO. RR-275710
FILED MAY 14 1990
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

COUNCIL POLICY

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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 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 any full-width section of any improved or unimproved street or alley.
 - b. The closing of any portion of an arterial, or collector, or local street shown on the General Plan, or an adopted Community Plan, or the Local Coastal Program.
 - c. Any other street vacation when the applicant files an appeal from an administrative decision or negative response from a recognized Community Planning Committee or Board 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 and easement abandonment 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) or 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 which shall include input from the Council designated Community Planning Committee or Board where the right-of-way is located. 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 vacation proposal shall be presented to Council unless the applicant files a request to resume processing the application.

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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 Planning Division Planning Department. Prior to scheduling the consideration of a proposed vacation before a Community Planning Committee or Board, 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 from the Environmental Quality Division Planning Department. The applicant shall pay the 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. Within the Coastal Zone, the applicant for a street vacation shall complete a Coastal Development Permit application for review by the Planning Department. The proposed street vacation shall be considered concurrently with the Coastal Development Permit. The Planning Director and the City Engineer shall coordinate such action so that they may be presented to the Planning Commission for a recommendation. The applicant shall pay City costs associated with the processing of the Coastal Development Permit in accordance with the schedule established under the provisions of the Municipal Code.

7- 8. 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 request, and the applicant shall provide, a description of that proposed use of the property, including landscaping, fencing, and structural improvements.

8- 9. In all street vacation actions, a posted and mailed notice shall be accomplished prior to the hearings. 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- 10. 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. 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.

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- d. Within the last five years, the street has been impassible to vehicular traffic, and no public money has been expended for maintenance.
- e. The street is intercepted by 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-~~ 11. Where the street vacations have been initiated by the submission of a Tentative Map, the street vacation vacation procedures shall follow those established in 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 action. 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. 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).

~~11-~~ 12. 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
 Amended by Resolution R-270397 02/22/88

#5707

MAY 14 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Wayne L. Portnow*
....., Deputy.

Office of the City Clerk, San Diego, California	
Resolution <i>R-</i> 275710	MAY 14 1990
Number	Adopted.....