

DATE ISSUED: April 6, 2006 **REPORT NO. PC-06-119**

ATTENTION: **Planning Commission, Agenda of April 13, 2006**

SUBJECT: GOLDEN HILL Right-of-Way VACATION - PROJECT NO. 5020,
PROCESS 5

**OWNER/
APPLICANT:** San Diego City School District

SUMMARY

Issue(s): Should the Planning Commission recommend approval of an application to vacate a portion of “B” Street, unnamed alleys, and associated sewer and slope easements?

Staff Recommendation:

1. Recommend City Council **Approval** of Public Right-of-Way Vacation No. 321827

Community Planning Group Recommendation: On January 9, 2005, the Greater Golden Hill Planning Committee voted 13-0-0 in favor of the project, with no recommendations.

Environmental Review:

The City of San Diego as Responsible Agency under CEQA has reviewed and considered an Environmental Impact Report (EIR) SCH No. 1999101113 dated September 2001, certified by the Board of Education on September 25, 2001, and Addendum dated June 2002 and certified by the Board of Education, June 11, 2002, covering this activity. Prepared by the San Diego City School District as Lead Agency. Recommend that the City Council adopt the Findings and Statement of Overriding Considerations and the Mitigation, Monitoring, and Reporting Program.

Fiscal Impact Statement: All costs associated with the project will be covered by the applicant.

BACKGROUND

The San Diego School District is administering Proposition MM, a bond initiative passed by the electorate in November 1998 for the construction of 13 new schools, major redevelopment of three existing school sites, and modernization, and upgrades to the inventory of existing school sites. The new school sites associated with the bond program require consolidation of parcels and the vacation of existing public rights-of-way (streets and alleys) to create the new school sites.

The School District is processing both discretionary and ministerial actions in compliance with City of San Diego standards related to the vacations of various public rights-of-way and associated off-site public improvements for the new school site frontages. The public improvements typically include curb, gutter and sidewalks. These ministerial public improvement actions and discretionary right-of-way (ROW) vacations are being processed concurrently to allow school construction to proceed on schedule and facilitate various school opening dates.

DISCUSSION

Golden Hill Elementary School is a new school north of C Street, south of A Street, east of 32nd Street and west of 33rd Street in the Greater Golden Hill Community Plan Area (Attachments 12 & 3). The rights-of-way to be vacated consist of an eastern portion of B Street between 32nd and 33rd Streets, and portions of unnamed alleys between C and A Streets, west of 33rd Street. Also included are three, 3-foot wide sewer easements, two, 10-foot wide sewer easements, and a slope and maintenance easement.

To approve the requested vacations, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

Through project review, City staff has confirmed that there is no present or prospective use for the right-of-way for which it was originally acquired and that no public use of a like nature is anticipated. In addition, Transportation staff has determined that the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. Proposition MM was approved by the voters and, in this area, would result in a new school for an older, established neighborhood. In addition, new public improvements would be constructed around the school location. As such, the public would benefit from the vacation

through improved utilization of the land. As discussed below, the proposed vacation is consistent with the General Plan and the Golden Hill Community Plan.

Community Plan Analysis:

The Golden Hill Community Plan identifies the provision of schools one of the most important public services. The Plan also includes forecasts of the existing elementary school enrollments showing that overcrowding is expected. The Plan further recommends the construction of new schools as a preferred alternative to adjusting school boundaries and other traditional short term measures to relieve overcrowding. The proposed ROW Vacation is needed to construct the new Golden Hill Elementary School.

Another goal of the Plan is to complete the public acquisition and preservation of the designated open space system within Golden Hill. The proposal will vacate a portion of B Street between 33rd Street and the designated 32nd Street Canyon open space (Attachment 4). The Plan recommends that no street vacations be allowed in designated open space unless they are to become part of a contiguous open space parcel. As the proposed ROW vacation is not located within the designated open space, it is consistent with this recommendation.

The proposed ROW vacation would allow for construction of a new school and the vacation is not located within the designated open space as recommended in the Plan. In addition, new public improvements would be allowed by the proposed ROW vacation. Therefore, the proposed ROW vacation is consistent with the Golden Hill Community Plan.

Environmental Analysis:

The San Diego City School district prepared and certified an EIR which adequately covers the Street Vacation.

CONCLUSION:

The proposed vacation would be consistent with the Golden Hill Community Plan. The vacation is not located within the community's designated open space and would allow for the construction of a new, Proposition MM elementary school as recommended in the Plan. The new school and its associated public improvements would be a benefit to the public in the Golden Hill area. The rights-of-way are no longer needed and the surrounding street system would not be detrimentally affected. In addition, the Greater Golden Hill Planning Committee voted unanimously to recommend approval of the vacation, with no recommendations. Therefore, staff is recommending approval of the requested vacation.

ALTERNATIVES

1. **Approve** Public Right-of-Way Vacation No. 321827 with modifications.
2. **Deny** Public Right-of-Way Vacation No. 321827 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger
Acting Deputy Director, Customer Support and
Information Division
Development Services Department

Morris E. Dye
Customer Support and
Information Division
Development Services Department

HALBERT/MED

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Vicinity Map
4. Street and Alley Vacation Exhibit
5. Open Space/Park Recommendations
6. Draft Resolution with Findings
7. Project Chronology
8. Parcel Map
9. Planning Committee Letter

document1