



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: November 20, 2024

To: Honorable Mayor and City Council Members

From: Rochelle CLayton, Acting City Manager;
Kenneth Chapa, Director of Economic Development

Department: Economic Development

Subject: **Resolution Declaring Intent to Conduct Public Hearing to Order Street Vacation (15.30-442), of a Portion of Iola Place, East of North "D" Street and North of West Baseline Street, and the Reservation of Utilities Therein (Ward 2)**

Recommendation:

Adopt Resolution No. 2024-222 of the Mayor and City Council of the City of San Bernardino, California, declaring its intent to conduct a public hearing to order the vacation of a portion of Iola Place east of North "D" Street and north of West Baseline Street, and reservation of utilities therein.

Executive Summary

A petition to vacate a portion of Iola Place, containing approximately 3,242 square feet of right-of-way, was received on March 22, 2024, from GGF III, LLC, owner of adjacent properties located east of North "D" Street and north of West Baseline Street (APNs: 0145-244-22, 0145-244-21). The proposed street vacation will terminate the public right-of-way area, formally known as the eastern end of Iola Place, to the applicant. The applicant intends to maintain this former right-of-way area as a part of the overall site plan.

Background

Streets and Highways Code (SHC) section 8312, gives a city legislative body the power to vacate all or part of an alley and sets forth the procedures by which the power to vacate may be executed. The requested street vacation would be conducted under the General Vacation Procedures outlined in SHC sections 8320 through 8325. First, a legislative body may initiate proceedings either on its own initiative or upon a petition or request of an interested person or persons. The initiation of proceedings starts with fixing the date, hour, and place of the hearing, followed by publishing and posting of

notices prior to the hearing. After the hearing, if the legislative body finds that the street described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street. The street vacation is then recorded with the County Recorder's office.

A petition to vacate a portion of Lola Place was received on March 22, 2024, from GGF III, LLC, owner of properties located on the eastern side of the intersection of north "D" Street and north of West Baseline Street (APNs: 0145-244-22, 0145-244-21). The stated reason for the petition to vacate this portion of the street is to allow for future commercial development, enabling the applicant to enhance property management and security measures to deter the expansion of homeless encampments. The proposed vacation will create a safer and more welcoming environment for the surrounding community, including patrons, residents, and nearby schools.

On September 18, 2024, the Mayor and City Council authorized staff to proceed with an investigation and analysis, as required by SHC, to vacate this portion of Lola Place. On September 25, 2024, notices were sent out to City Departments including Public Works and San Bernardino County Fire, and utility providers including the City of San Bernardino Municipal Water Department and So Cal Gas, informing them of the proposed street vacation. Staff has not received requests to reserve utility easements relative to the proposed vacation area.

Discussion

The Resolution will set the date, time, and place of the public hearing as January 15, 2025, at 5:00PM at 555 West 6th Street, San Bernardino, California in the Council Chambers. At that time, interested parties may present comments or evidence to the Mayor and City Council regarding the proposed street vacation. The Resolution of Intention will also direct staff to publish notices of the public hearing in the newspaper, as well as positing notices along the proposed street vacation as required by the SHC sections 8322 and 8323.

Following the public hearing, staff will present, for the Mayor and City Council's Consideration, a Resolution Ordering the Real Property Street Vacation 15-30-442, with reservation of utility easements therein, adopting a Categorical Exemption for the street vacation, and make a final order of vacation for a portion of Lola Place as described in Real Property Street Vacation No. 15.30-442.

The property vacation proceedings are not completed until the Resolution making the final order for Real Property Street Vacation No. 15.30-442 has been recorded with the San Bernardino County Recorder's office pursuant to SHC section 8325. Pursuant to SHC section 8324, the resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation is not recorded until the conditions have been satisfied.

2021-2025 Strategic Targets and Goals

This project is consistent with Key Target No. 2d: Develop and implement a community engagement plan. Public Hearings conducted in response to requests for street vacations provide an opportunity for surrounding property owners and members of the public to engage with the Mayor and City Council, provide input through public comments, and share in the discussion regarding vacating the public right-of-way.

Fiscal Impact

There is no fiscal impact associated with this action. The applicant has paid \$1,020 in fees to cover the administrative costs associated with Street Vacation 15.30-442. The applicant will incur an additional \$1,020 in fees once the Public Hearing date has been approved.

Conclusion

Adopt Resolution No. 2024-222 of the Mayor and City Council of the City of San Bernardino, California, declaring its intent to conduct a public hearing to order the vacation of a portion of Iola Place east of North "D" Street and north of West Baseline Street and reservation of utilities therein.

Attachments

Attachment 1 – Resolution No. 2024-222
Attachment 2 – Exhibit A – Legal Description
Attachment 3 – Exhibit B – Plat Map
Attachment 4 - Aerial Map

Ward:

Second Ward

Synopsis of Previous Council Actions:

September 18, 2024 The Mayor and City Council authorized staff to proceed with an investigation and analysis to vacate a portion of Iola Place east of north "D" Street, and reservation of utilities therein.