



## CONSENT CALENDAR

### City of San Bernardino Request for Council Action

**Date:** September 6, 2023

**To:** Honorable Mayor and City Council Members

**From:** Charles E. McNeely, Interim City Manager;  
Mary Lanier, Agency Director of Community, Housing, and  
Economic Development

**Department:** Community, Housing, & Economic Development (CED)

**Subject:** **Authorization to Proceed with Investigation and  
Analysis for Proposed Street Vacation of a Portion of  
Harris Street (Ward 1)**

#### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California authorize staff to proceed with an investigation and analysis for the proposed vacation of a portion of Harris Street.

#### **Executive Summary**

The recommended action will authorize staff to complete an investigation and analysis into the impacts of the proposed street vacation of a portion of Harris Street. The analysis will include contacting area stakeholders and utility providers to ensure that there are no conflicts with existing easements and that the vacation will not have an adverse effect on the neighboring properties.

#### **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 Harris Street was received on June 7, 2021, from O&A Development, LLC. The stated reason for the petition to vacate this portion of Harris Street is to terminate the right of way running through the center of an industrial development thereby making the parcels contiguous.

### **Discussion**

If authorization is given to proceed, an investigation and analysis will begin and all City departments, County Fire, utilities, and affected property owners will be notified of the proposal and will be provided an opportunity to comment on any conflicts and/or potential issues or concerns. Future actions by the City will consist of:

- Resolution of Intention by the Mayor and City Council setting a Public Hearing pursuant to Streets and Highway Code Section 8320
- Publication of Notices of Vacation pursuant to Streets and Highways Code Sections 8322 & 8323
- Public Hearing and Resolution of Vacation pursuant to Streets and Highways Code Section 8324
- Recordation of the Resolution of Vacation pursuant to Streets and Highways Code Section 8325

### **2021-2025 Strategic Targets and Goals**

This project is consistent with Key Target No. 2: Focused, Aligned Leadership and Unified Community, specifically 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 \$1,040 in application fees.

### **Conclusion**

It is recommended that the Mayor and City Council of the City of San Bernardino, California authorize staff to proceed with an investigation and analysis for the proposed vacation of a portion of Harris Street.

### **Attachments**

- Attachment 1 - Petition
- Attachment 2 - Preliminary Title Report
- Attachment 3 - Legal Description and Plat Map
- Attachment 4 - Aerial Map

**Ward:**

First Ward

**Synopsis of Previous Council Actions:**

None