

AMENDED IN SENATE APRIL 20, 2015
AMENDED IN SENATE APRIL 15, 2015
AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 236

Introduced by Senator Beall

February 17, 2015

An act to add *and repeal* Section ~~65850.15~~ to the Government Code, and to add *and repeal* Section ~~8330.1~~ 8334.6 of the Streets and Highways Code, relating to ~~zoning~~ *highways*.

LEGISLATIVE COUNSEL'S DIGEST

SB 236, as amended, Beall. ~~Pedestrian travel: stairways. Public streets, highways, and public service easements.~~

~~The Planning and Zoning Law authorizes the legislative body of a city and county to enact zoning ordinances to regulate specified uses of land. Existing law establishes minimum procedural standards for city and county zoning hearings.~~

~~This bill would, notwithstanding any other law, authorize the City of San Jose to regulate the use of staircases that serve as access to a community development located in an area served by a specific plan, as specified.~~

~~The Public Streets, Highways, and Service Easements Vacation Law establishes procedures for the vacation of public streets, highways, and service easements. Under existing law, the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation: impassable for vehicular travel for 5 years and no public money has been expended for maintenance of the street or highway during that period. Existing law provides that an easement~~

may be reserved and excepted from a vacation of a street, highway, or public service easement, as specified.

This bill would authorize the *legislative body of the City of San Jose* to summarily vacate a ~~street or highway~~ designated for pedestrian use within a specified area for the purpose of adopting an ordinance specifically regulating a ~~pedestrian right-of-way~~. *street, highway, or public service easement that is impassable for vehicular travel, if the legislative body finds that the vacation will protect the public safety or serve the public interest and convenience. The bill would authorize the legislative body of the City of San Jose to reserve and except from the vacation an easement and right to construct, maintain, operate, replace, remove, and renew a nonvehicular pathway for use by the public in, upon, over, and across the street, highway, or public service easement proposed to be vacated.* The bill would repeal these provisions as of January 1, ~~2017~~. *2018.*

This bill would make legislative findings and declarations as to the necessity for a special law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~ Section 65850.15 is added to the Government
2 Code, to read:
3 ~~65850.15.~~ Notwithstanding any other law, the legislative body
4 of the City of San Jose may adopt an ordinance, including an
5 ordinance imposing a curfew period, regulating the use of a
6 staircase that serves as access to a community development located
7 in an area served by a specific plan adopted pursuant to Article 8
8 (~~commencing with Section 65450~~) of Chapter 3.
9 ~~SEC. 2.~~
10 ~~SECTION 1.~~ Section ~~8330.1~~ 8334.6 is added to the Streets and
11 Highways Code, to read:
12 ~~8330.1.~~
13 ~~8334.6.~~ (a) ~~The~~ *Notwithstanding any other provision of this*
14 *chapter, the legislative body of the City of San Jose may summarily*
15 *vacate a street or highway designated for pedestrian use within the*
16 *area served by the Communications Hill Specific Plan for the*
17 *purpose of adopting an ordinance specifically regulating a*
18 *pedestrian right-of-way. street, highway, or public service easement*

1 *that is impassable for vehicular travel, if the legislative body finds*
2 *that the vacation will protect the public safety or otherwise serve*
3 *the public interest and convenience.*

4 *(b) In addition to Section 8340, the legislative body of the City*
5 *of San Jose may reserve and except from the vacation an easement*
6 *and right to construct, maintain, operate, replace, remove, and*
7 *renew a nonvehicular pathway for use by the public in, upon, over,*
8 *and across the street, highway, or public service easement*
9 *proposed to be vacated.*

10 ~~(b)~~
11 *(c) This section shall remain in effect only until January 1, 2017,*
12 *2018, and as of that date is repealed.*

13 ~~SEC. 3.~~
14 *SEC. 2. The Legislature finds and declares that a special law*
15 *is necessary and that a general law cannot be made applicable*
16 *within the meaning of Section 16 of Article IV of the California*
17 *Constitution because of the unique circumstances facing the City*
18 *of San Jose with respect to the use of staircases in community*
19 *developments served by a specific plan. vacation of streets,*
20 *highways, and public service easements that are impassable for*
21 *vehicular travel.*