

City of Brisbane

Agenda Report

TO: Mayor and City Council

FROM: Hal Toppel, City Attorney

SUBJECT: Closure of Lassen Street to Vehicular Traffic

DATE: For Council Meeting on November 26, 2012

City Council Goals:

To design infrastructure and public facilities to be efficient, cost effective and to contribute to the cohesion and character of the community. [2]

To develop recreational facilities and promote recreation, educational and cultural programs and passive uses related to parks. [6]

To preserve the unique current character of Brisbane. [16]

Purpose:

The purpose of the ordinance is to preserve the existing use of Lassen Street as a pedestrian walkway by closing the street to all vehicular traffic.

Recommendation:

Introduce Ordinance No. 578, with adoption at the next regular meeting of the City Council.

Background and Discussion:

Lassen Street was dedicated as a public street on the subdivision map for central Brisbane recorded in 1908. Contrary to current practice of not accepting street dedications until all street improvements have been completed, the dedication was actually accepted on the map by the Board of Supervisors. However, no street improvements were actually constructed and Lassen Street has always been used as a pedestrian walkway. The ordinance is intended to insure that such use is continued by expressly prohibiting any vehicular traffic on Lassen Way. This restriction is being adopted pursuant to the authority of Section 21101(a)(1) of the California Vehicle Code, which allows closure of a

public street to vehicular traffic when the legislative body is able to find that the street is not needed for this purpose. Section 1 of the proposed ordinance contains this finding.

Fiscal Impact:


None.

Measure of Success:

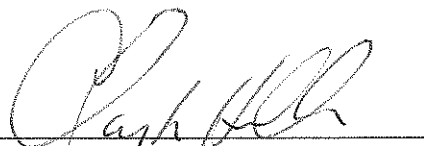
Continued use of Lassen Street as a pedestrian walkway

Attachments:

Proposed Ordinance No. 578.



City Attorney



City Manager

ORDINANCE NO. 578

AN ORDINANCE OF THE CITY OF BRISBANE ADDING SECTION 10.40.130 TO CHAPTER 10.40 OF THE MUNICIPAL CODE TO PROHIBIT VEHICULAR TRAFFIC ON LASSEN STREET

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: The City Council finds and determines as follows:

A. Lassen street was dedicated as a public street on the AMENDED MAP OF SUBDIVISIONS NOS. 1, 2 & 3 OF THE CITY OF VISITACION, CALIFORNIA, filed for record on October 14, 1908, in Book 6 of Maps, at Page 45, in the Office of the Recorder of the San Mateo County, California.

B. Although dedicated as a public street, no street improvements were actually constructed and Lassen Street never been used for vehicular traffic. The City has improved Lassen Street as a pedestrian walkway and there are no plans for the construction of additional improvements that would allow Lassen Street to be utilized for vehicular traffic.

C. The City of Brisbane has acquired Lots 26, 27 and 28 fronting on Lassen Street, such acquisitions having been made for the purpose of preserving these properties as open space and preventing private residential development thereon. Lots 26, 27 and 28 are the only parcels that would require use of Lassen Street as a means of vehicular access and all other properties adjacent to Lassen Street are using an alternative means of access.

D. Section 21101(a)(1) of the California Vehicle Code allows the closure of any public street to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the street is no longer needed for vehicular traffic.

E. Lassen Street is no longer needed, and has never been needed, for vehicular traffic and closure of such street to vehicular traffic will have no impact upon the existing traffic on adjacent streets.

SECTION 2: A new Section 10.40.130 is added to Chapter 10.40 of the Municipal Code, to read as follows:

§10.40.130 Vehicular Traffic on Lassen Street Prohibited.

Vehicular traffic on Lassen Street, located between Humboldt Road and Sierra Point Road, is prohibited and such street shall be used exclusively as a pedestrian walkway open to the general public.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cliff Lentz, Mayor

ATTEST:

Sheri Spediacci, City Clerk

APPROVED AS TO FORM:



Harold S. Toppel, City Attorney