



CITY of CALABASAS

Community Development Department  
Planning Division  
100 Civic Center Way  
Calabasas, CA 91302-3172  
T: 818.224-1600  
[www.cityofcalabasas.com](http://www.cityofcalabasas.com)

## Street Vacation – Information

### **DEFINITION:**

A vacation is the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement. The vacation of a City street or public service easement is a legislative action performed by the City Council to terminate the City's stipulated public rights within the easement area. The City's action does not convey, transfer, or affect the underlying ownership of the easement area. It only removes and terminates the City's specified interest. Upon vacation, the street becomes private and is turned over to adjacent property owners for use and maintenance.

### **LEGAL BACKGROUND:**

The State laws authorizing and guiding the vacation process are available in the California Streets and Highways Code, Section 8320, et seq., and accessible on the California Legislative Information website at:

<https://leginfo.legislature.ca.gov/faces/codes.xhtml>.

### **PROCESSING FEES:**

The required processing fees are specified in the Citywide Fee Schedule found here:

<https://www.cityofcalabasas.com/home/showpublisheddocument/27810/638246046999530000>

### **SUBMITTAL REQUIREMENTS:**

The submittal requirements for a request to vacate a street or public right-of way is specified in the application form for Planning, found here:

<https://www.cityofcalabasas.com/home/showpublisheddocument/770/637629076125400000>

### **ENVIRONMENTAL DETERMINATION:**

The applicant shall complete an Environmental Assessment Form as part of the vacation process. The requested vacation is subject to review under the California Environmental Quality Act (CEQA) and a financial deposit may be required for the preparation of necessary documents.

**PUBLIC IMPROVEMENTS:**

The conditions of the vacation may require the applicant to construct and/or relocate various street improvements such as curb and gutter, pavement, drainage structures, storm drains, street lights, trees, and fire hydrants. These will be determined by Public Works upon application. The cost to satisfy these conditions shall be the responsibility of the applicant and shall be completed before finalizing the vacation.

**PUBLIC UTILITIES:**

Where a public utility exists within the vacation area, an easement must be reserved in the vacation area in favor of the public utility. If the applicant chooses to clear the area of the utility, it is the responsibility of the applicant to coordinate with the utility company for the utility's relocation prior to completion of the vacation. All costs in connection with the relocation of the utility shall be the responsibility of the applicant.

**OTHER AGENCIES:**

External governmental agencies, such as the LA County Fire Department, LA County Sherriff Department, and the United States Postal Service may have requirements for neighborhoods that are only accessible by private roads. The applicant is responsible for coordinating with each agency to ensure continuity of service.

**OTHER PROPERTY OWNERS:**

The consent and approval of all affected property owners is required.

**REVERSION:**

It is the applicant's responsibility to determine the ownership of the underlying fee title interest of the public street to be vacated. In most cases, the City holds an easement for road, alley, walk, or other purposes allowing the City to exercise the vacation process to remove the easement. The vacation proceeding does not identify the underlying fee title interest holder and does not convey or transfer the fee title interest to anyone. In certain cases where the City is the underlying fee title interest holder, the applicant will be notified of the City's interest. The City's fee title interest must be sold at the appraised fair market value to a legally qualified adjacent purchaser before the vacation proceedings may be finalized.

**PUBLIC HEARING:**

Before considering a vacation, except in certain situations, the law requires the City Council to adopt a resolution declaring its intent to vacate a street or easement. A notice of the public hearing shall be published in a publicly available local newspaper of general circulation and posted at the location of the vacation. The owners abutting the vacation area shall receive a letter

delivered through the United States Postal Service notifying them of the hearing and offering all concerned parties the opportunity to appear before the City to speak in favor or opposition. The City may approve or disapprove the intent to vacate at the public hearing or defer their action to a later date.

A public hearing will be scheduled with the Planning Commission, after all departments have had an opportunity to review the request, only if the City Council adopts the above mentioned resolution declaring its intent to vacate a street or easement. The Planning Commission shall make a determination that the proposed vacation is consistent with the General Plan and Calabasas Municipal Code. The Planning Commission shall forward a recommendation to the City Council for approval or denial of the requested vacation. The City Council shall hold a public hearing to render a final decision based on the recommendation from the Planning Commission.

#### **SUMMARY VACATION:**

By meeting specific provisions of the California Streets and Highways Code, Sections 8330 through 8334.5, inclusive, (<https://leginfo.legislature.ca.gov/faces/codes.xhtml>), the vacation of streets or highways may proceed without a public hearing. The major conditions that must be met to avoid a public hearing are: The road has not been used by the public for at least 5 years; no utilities are constructed within the road; and only one property ownership is affected. In these cases, the City considers the vacation and may act without the public hearing. During the initial investigation, Public Works will determine if the vacation may be processed through a public hearing or if it meets the criteria to be considered summarily by the City. The applicant will be notified of this determination at the completion of the initial investigation.

#### **CONDITIONAL VACATION:**

When an approved right-of-way vacation is subject to conditions, it may not become effective until all conditions have been met, such as the construction of certain improvements by the property owners. In these cases, Public Works will notify the applicant and give a reasonable time period to comply with the conditions. If the conditions are not met within the specified time period, the vacation will become null and void and the proceedings will be terminated. Reactivation of the requested right-of-way vacation may occur only upon submittal of a re-application, and a new fee will be required.