

**OPTION 1**

(R-2003-977)(COR. COPY)  
(REV. 1)

RESOLUTION NUMBER R-297684

ADOPTED ON FEBRUARY 25, 2003

WHEREAS, on March 27, 2001, the Council of the City of San Diego, pursuant to Resolution No. R-294697, directed the City Manager to return with information regarding the future redevelopment of Sorrento Valley Road between Carmel Valley Road and Carmel Mountain Road for its consideration; and

WHEREAS, on October 4, 2001, the Sorrento Valley Road Re-use Project Task Force voted to recommend a concept to reuse Sorrento Valley Road as a pedestrian trail and multi-use path with no vehicular access, maintenance and emergency vehicles excepted; and

WHEREAS, on January 30, 2003, the Planning Commission of the City of San Diego considered Street Vacation No. 9422, and pursuant to Resolution No. 3348-PC, voted to recommend City Council approval of the vacation; and

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the vacation of public street easements by City Council resolution where the easement is no longer required; and

WHEREAS, the owners of any property abutting the street have, in addition to the rights of the public, certain private rights which belong to them as owners of the abutting property, including rights-of-way for ingress and egress to the general system of public streets; and

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WHEREAS, pursuant to the California Streets and Highways Code sections 8352 and 8353 the vacation will not affect nor extinguish the abutting property owners' private easements of ingress or egress; and

WHEREAS, the recording of a certified copy of this resolution shall serve as the verified notice referred to in the California Streets and Highways Code sections 8352 and 8353 for private easements, other than private easement of ingress and egress, claimed by reason of the purchase of a lot; and

WHEREAS, access to all private property will be preserved pursuant to California Streets and Highways Code section 8352(a) in that private access easements will be reserved by and for the adjacent landowners adjoining the vacated street; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Street Vacation No. 9422:

**1. That there is no present or prospective public use for the public right-of-way, either for the facility for which is was originally acquired or for any other public use of a like nature that can be anticipated.** The I-5 corridor where this portion of Sorrento Valley Road is located is currently impacted by the existing 286,000 average daily traffic [ADT]. North/south traffic operation is at a level of service [LOS] F during peak hours. Approximately 382,000 ADT is projected to travel through this corridor in the future. In 2002, CalTrans started construction to widen I-5 by ten additional lanes between I-5/I-805 and SR-56. CalTrans also plans to construct the Carmel Mountain Road interchange at I-5 by 2004-2007. These improvements are estimated to improve peak hour traffic operation in the area to LOS E at buildout. Maintaining Sorrento Valley Road will not improve peak hour traffic operation in the area beyond the estimated improvements created by planned CalTrans projects.

In addition to these planned traffic improvements, construction of Vista Sorrento Parkway was completed in January, 2003, parallel to this portion of Sorrento Valley Road on the east side of I-5. This project, accelerated by two years to obviate the need for this portion of Sorrento Valley Road, added four additional collector lanes. Also, the Freeway Congestion Strike Team, a coalition including the City of San Diego, SANDAG, MTDB, North County Transit, and CalTrans, has launched a five year, five million dollar Transportation Demand Management Program in Sorrento Valley. This program will expand the Sorrento Valley Coaster train station, offer free vanpools from the Coaster train station to Sorrento Valley businesses, and encourage employees of local businesses to carpool, tele-commute and work flexible hours.

As a result of the above efforts to improve traffic congestion in the area, this portion of Sorrento Valley Road will not significantly benefit traffic circulation in the area.

**2. The public will benefit from the action through improved use of the land made available by the vacation.** The proposed project will contribute to the protection of the sensitive Los Penasquitos Lagoon ecosystem immediately adjacent to this portion of Sorrento Valley Road. This flat wetland area, part of the Torrey Pines State Reserve, contains over 90 documented species of wildlife, including species considered sensitive by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. Eliminating through-traffic on this portion of Sorrento Valley Road will avoid potential impacts to sensitive wildlife within the lagoon. These environmental impacts outweigh any benefits to traffic circulation derived from using this portion of Sorrento Valley Road for through-traffic.

In addition, the proposed project will retain an easement for public access to the open space area, and will provide a safe and improved multi-use path for pedestrians and bicyclists that meets the requirements of a Class I bikeway. As a result, the project will enhance public recreational opportunities for nature viewing and interpretation of the Los Penasquitos Lagoon.

Based on both the increased public recreational opportunities the proposed project will create, and the environmental impacts that will result from continued through-traffic on the road, the public will benefit from the action through improved use of the land made available by the vacation.

**3. The vacation does not adversely affect any applicable land use plan.** The proposed project implements several of the adopted goals, policies and recommendations of the Torrey Pines Community Plan, Local Coastal Program and General Plan. A component of the proposed project includes an amendment to the Community Plan, Local Coastal Program and General Plan to remove Sorrento Valley Road from the Circulation Element.

**4. The public facility for which the public right-of-way was originally acquired, will not be detrimentally affected by the vacation.** The vacation of this portion of Sorrento Valley Road will not detrimentally affect a public facility. Access to the current City of San Diego Pump Station No. 65 will be preserved with this action through the reservation of a general utility easement.

The above findings are supported by, and are in addition to, the minutes, oral testimony and maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, as follows:

1. That based on the above findings, the recommendation of the Planning Commission is sustained, and the street as more particularly shown on Drawing No. 19781-B,

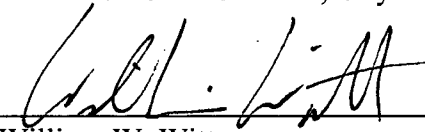
and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk as Document No. RR- 297684, which is by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom the following easements across the entire area of the vacated street: (1) a pedestrian and non-motor vehicular right-of-way for public ingress and egress together with the right to construct, operate and repair facilities to enhance the enjoyment and safety of such use; (2) a general utility easement for the construction, operation and repair of utility facilities such as, but not limited to, water, drainage, and sewer facilities together with the right of ingress and egress for that purpose; (3) an emergency access easement for ingress and egress of emergency vehicles of all kinds; (4) the rights of any public utility, pursuant to any existing franchise agreement or renewals thereof, at any time, or from time to time, to construct, maintain, operate, and repair overhead or underground lines or pipes, conduits, cables, wires, poles, and other structures, equipment for the transportation of communication signals, and for the transportation and distribution of electrical energy and natural gas, together with all appurtenances thereto, including the right of ingress and egress to such facilities across the above-described portions of the street to be vacated.

2. That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvement, and the City Clerk shall cause a certified copy of this resolution, with drawing and exhibit, attested by him under seal, to be recorded in the office of the County Recorder.

BE IT FURTHER RESOLVED, that a deceleration lane on El Camino Real into the San Rafael development be added as part of the scope of work for the reuse design.

BE IT FURTHER RESOLVED, that the City Manager be directed to work with CalTrans in the planning of the interchange for Carmel Mountain Road to promote bicycle and pedestrian access to the proposed project area.

APPROVED: CASEY GWINN, City Attorney

By   
William W. Witt  
Deputy City Attorney

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