

(E)

RESOLUTION NUMBER R- 306491

DATE OF FINAL PASSAGE DEC 07 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO FOR THE VACATION OF A STREET RESERVATION ALONG UNIVERSITY AVENUE EAST OF DOVE STREET, SAN DIEGO, CALIFORNIA.

WHEREAS, California Streets and Highways Code sections 8320 *et seq.* and San Diego Municipal Code sections 125.0901 *et seq.* provide procedures for the vacation of public rights-of-way and easements by City Council resolution; and

WHEREAS, it is proposed that a street reservation along University Avenue east of Dove Street, described as being Street Vacation No. 775284, be vacated; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on DEC 07 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to a street reservation along University Avenue east of Dove Street, described as being Street Vacation No. 775284, the Council finds that:

(a) There is no present or prospective use for the public right-of-way, either for the purpose for which originally acquired, or for any other public use of a like nature that can be anticipated.

There is no present or prospective use for the five foot street reservation along University Avenue that is proposed to be vacated. The adopted Uptown Community Plan designates University Avenue as a circulation element road and University Avenue is classified as two lane collector. The present width of University Avenue is sufficient to provide circulation to the community now and into the future without a need for an additional five foot dedication. The circulation needs of the community will be served by the existing road and alley network in the community and the five foot street reservation is not needed for these purposes or any other public use of a like nature. Persons who may use the current street system including University Avenue will be served by those routes along dedicated public rights-of-way in the community. There is no other public use of a similar nature designated in the adopted Uptown Community Plan or General Plan that can reasonably be anticipated.

(b) The public will benefit from the vacation through improved use of the land made available by the vacation.

Presently that portion of property which has the street reservation over it is limited by the existence of the street reservation in that the properties must comply with the zoning regulations and the limitations to site development contained therein, thus the street reservation is effectively a site constrain which limits the amount of the property that may be employed for commercial development. The adopted Uptown Community Plan designates this site for a recommended density greater than the existing development. Without the vacation of the street reservation the new buildings would be set back further from the public right-of-way and therefore the

pedestrian sidewalk. Without the vacation new buildings would have a less significant presence in the neighborhood at the interface between the private property and public right-of-way and would diminish the pedestrian experience. Without the redevelopment of the property at 450 W Washington Street improvements in the neighborhood would not be created to positively influence economic development opportunities and life sustaining services within the City. The public will benefit by the vacation of the street reservation through the addition of an approximately 59,760 square foot supermarket, 8,375 square feet of commercial retail space in five suites, enclosed parking garage, landscaping and other site improvements and minor improvements in the public right-of-way, the increase in property tax revenue, the improved utilization of urban land and the development of commercial services designed and constructed to current state and local code requirements.

(c) The vacation does not adversely affect any applicable land use plan.

The adopted Uptown Community Plan identifies this property for Mixed-Use development. The vacation of the street reservation will facilitate the redevelopment of the site at an intensity and density recommended by the adopted Uptown Community Plan. Without the vacation of the street reservation the recommended intensity and density for the site at 450 W Washington Street as identified by the Uptown Community Plan would not be as great. For these reasons the proposed vacation of the street reservation is consistent with the policies and goals of the adopted Uptown Community Plan.

(d) The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.


The adopted Uptown Community Plan designates University Avenue as a circulation element road and University Avenue is classified as two lane collector. The width of the present

road improvement is sufficient to provide circulation to the community now and into the future without a need for an additional five foot dedication. The circulation needs of the community will be served by the existing road and alley network in the community and the five foot street reservation is not needed for these purposes or any other public use of a like nature. Persons who may use the current street system including University Avenue will be served by those routes along dedicated public rights-of-way in the community. The circulation of the community will not be detrimentally affected by the vacation of this street reservation.

BE IT FURTHER RESOLVED, that the street reservation along University Avenue east of Dove Street, described as being Street Vacation No. 775284, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 21118-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
11/18/10
Or.Dept:DSD
R-2011-413
PL#2010-02968

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 07 2010

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

J.N. 156.50

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
VACATION OF A STREET RESERVATION

BEING ALL THAT CERTAIN STREET RESERVATION LYING WITHIN LOT 1, OF DOVE HEIGHTS, ACCORDING TO MAP THEREOF NO. 3788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO ON JANUARY 22, 1957, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 21118-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.

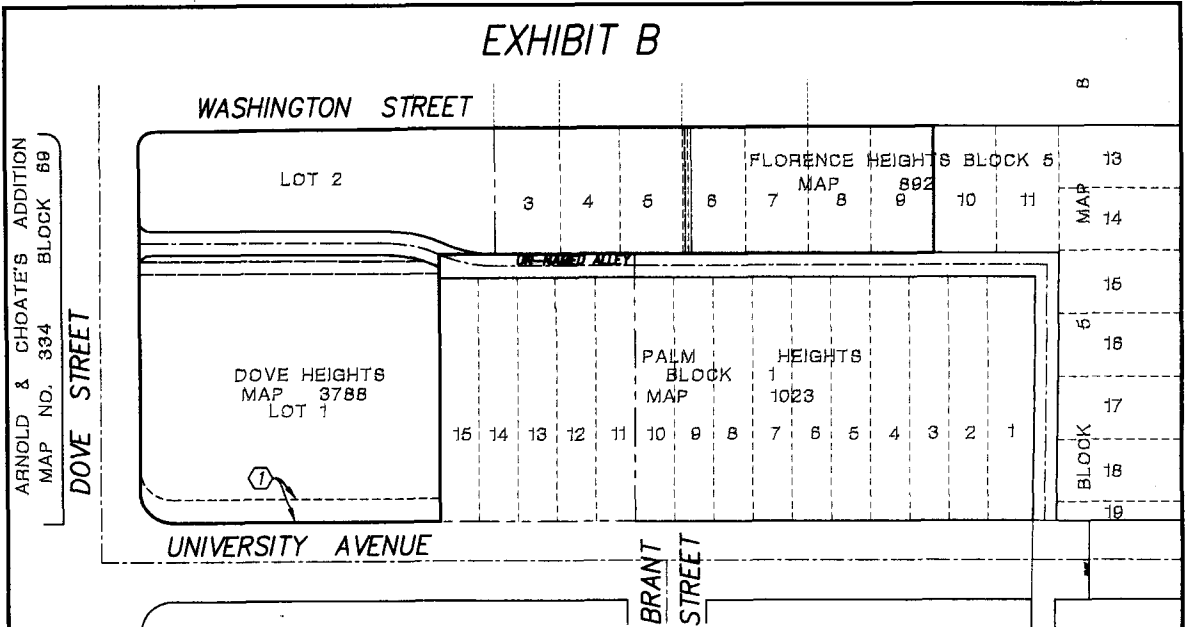
CONTAINS AN AREA OF 2867 SQUARE FEET, MORE OR LESS.

 9/20/10
C. JOHN EARDENSOHN
LS 5278 EXPIRES 12-31-11



FILE: PTS 201016
DRAWING 21118-B

EXHIBIT B



ASSESSOR'S PARCEL NUMBER:
444-623-01 AND 444-623-02

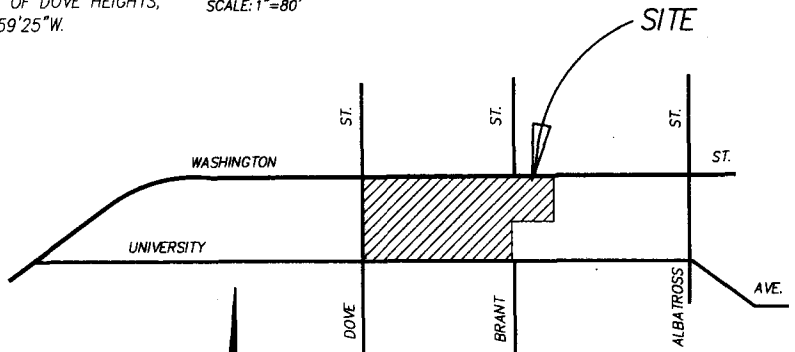
BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS DRAWING IS A PORTION OF THE SUBDIVISION BOUNDARY LINE, (ALSO BEING COINCIDENTAL WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE 15.00 FOOT WIDE ALLEYWAY) AS SHOWN ON THE MAP OF DOVE HEIGHTS, ACCORDING TO MAP NO. 3788, I.E. S.89°59'25"W.

REFERENCES:
MAP NO. 3788

LEGEND:

- BOUNDARY LINE
- EASEMENT DATA
- 15' WIDE STREET RESERVATION PER MAP NO. 3788

SCALE: 1"=80'

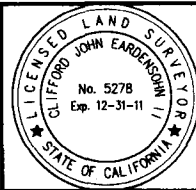


Latitude 33
Planning and Engineering

4933 Paramount Dr. 2nd Flr.
San Diego, Ca. 92123
Tel 858-751-0633 Fax 858-751-0634

VICINITY MAP
NO SCALE

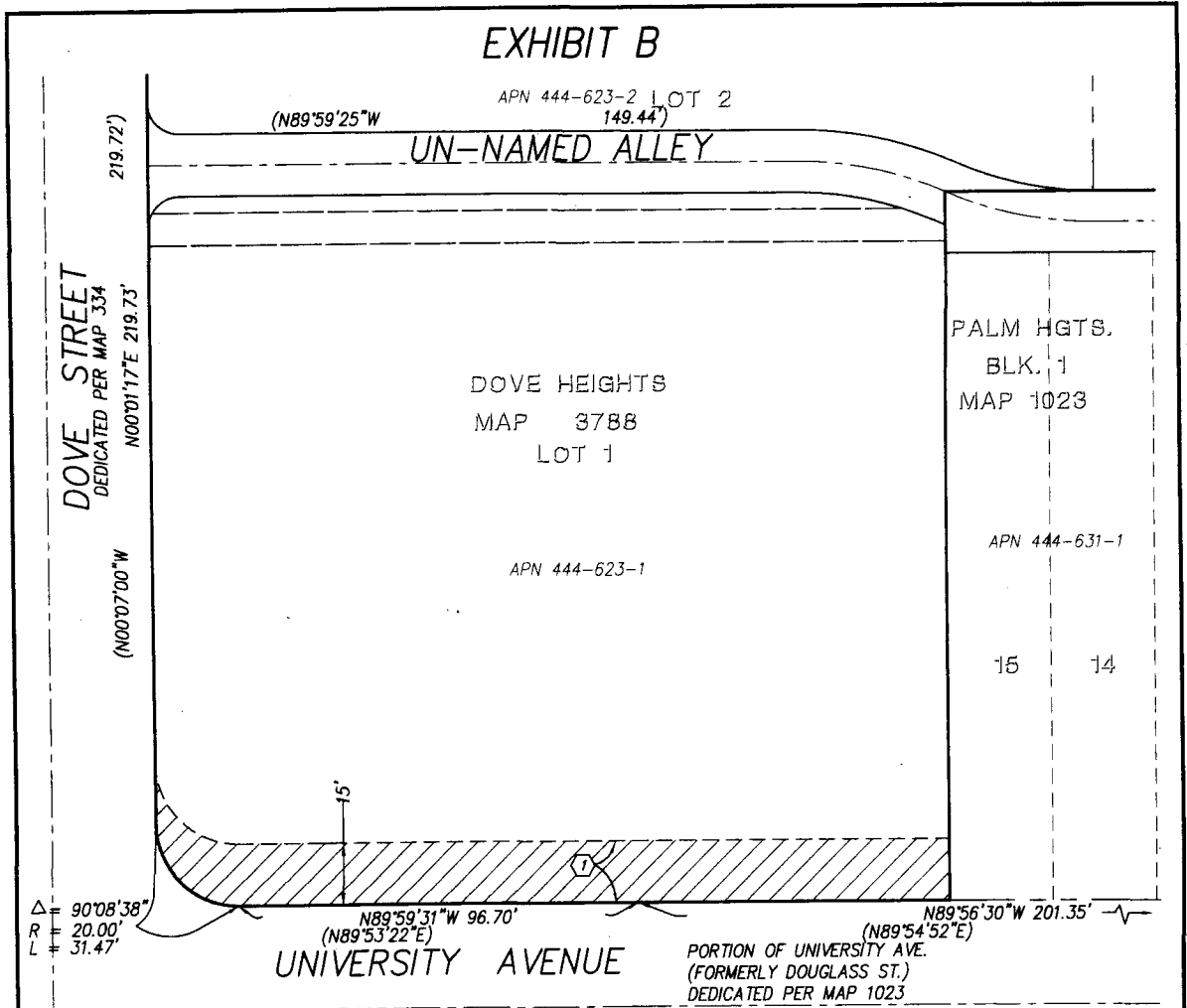
C. John Eardensohn 9/20/10
C. JOHN EARDENSOHN L.S. 5278 DATE
REGISTRATION EXPIRES 12-31-2011



VACATION OF A STREET RESERVATION IN LOT 1 OF MAP NO. 3788

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT REVIEW DEPARTMENT SHEET 1 OF 2 SHEET	PTS NO. 201016
ORIGINAL	LAT33				 FOR CITY ENGINEER	1852-6277 CCS '83 COORDINATES
						DATE 9-28-10
						21118-1-B

EXHIBIT B



Latitude 33
 Planning and Engineering
 4933 Paramount Dr. 2nd Flr.
 San Diego, Ca. 92123
 Tel 858-751-0633 Fax 858-751-0634

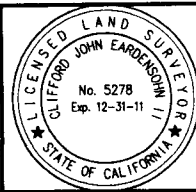


1" = 30'

LEGEND:

- EXISTING SEWER EASEMENT PER MAP 3788
- BOUNDARY LINE
- LOT LINE
- INDICATES STREET RESERVATION PER MAP 3788 VACATED (2867 SF)

John Eardensohn 9/20/10
 C. JOHN EARDENSOHN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-31-2011



VACATION OF A STREET RESERVATION IN LOT 1 OF MAP NO. 3788

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT REVIEW DEPARTMENT SHEET 2 OF 2 SHEET	PTS NO. 201016
ORIGINAL	LAT33				 FOR CITY ENGINEER	1852-6277 CCS '83 COORDINATES
						9.28.10 DATE
						21118-2-B