

RESOLUTION NUMBER R- 309777

DATE OF FINAL PASSAGE JUN 02 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING A SEWER EASEMENT LOCATED
AT 9850 DISTRIBUTION AVENUE (EASEMENT VACATION
NO. 1429228) - PROJECT NO. 367812.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* San Diego
Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public
easements by City Council resolution; and

WHEREAS, the Jacobs & Cushman San Diego Food Bank filed an application to vacate
a sewer easement located at 9850 Distribution Avenue, being described as Easement Vacation
No. 1429228; and

WHEREAS, Easement Vacation No. 1429228 is located on property owned by Jacobs &
Cushman San Diego Food Bank; 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 JUN 02 2015,
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
Easement Vacation No. 1429228, the Council finds that:

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

The Jacobs and Cushman San Diego Food Bank (Food Bank) is requesting an easement vacation of an existing 25'-0" wide sewer easement that runs along the northern portion of the property located at 9850 Distribution Avenue. The easement was recorded on March 22, 1974, pursuant to Document No. 74-072576. It has been determined through site investigation and review of City of San Diego Public Utilities Maps that no public sewer main currently exists in the easement. An Encroachment Maintenance and Removal and Maintenance Agreement (EMRA) currently allows a partial encroachment into the existing sewer easement to facilitate construction of a 6,018-square foot addition to the Food Bank, however, no sewer main is planned to be installed in the future for the facility or for public use. Upon approval of this easement vacation, the EMRA will be terminated. It has been determined that the existing easement will have no prospective use and there is no other use of a like nature for this specific easement that can be anticipated.

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

The Food Bank is a 90,856 square foot warehouse building that includes wholesale, distribution, storage and office space for their hunger relief operations in San Diego. A recently completed 6,018 square foot addition on the northern side of the warehouse building partially encroaches into the existing 25-foot wide sewer easement. The existing addition is proposed to house an aerobic in-vessel rotary drum composting system which will help the Food Bank to recover their food waste scraps and convert them to useful organic compost. City public utility

maps and field verification establish that the easement no longer contains sewer mains. The Food Bank collects, stores, organizes and distributes food to different organizations as well as to distribution sites throughout San Diego County. The proposed composting facility will allow the food distribution center to compost any remaining food scraps remaining from their operations. The associated packaging will be recycled separately. The waste associated with these operations is anticipated to be greatly reduced as a result of the composting machine. The public will benefit from the vacation of the easement through the recycling efforts of both the compost created from the Food Bank operations as well as the associated recycled packaging which will greatly reduce the Food Bank's current waste output footprint.

(c) The vacation is consistent with any applicable land use plan.

The project site is located within the Mira Mesa Community Plan (MMCP) and is designated as Light Industrial. This designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The purpose of the IL (Light Industrial) zones are to provide for a wide range of manufacturing and distribution activities. The development standards of this zone are intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses.

The Food Bank is the central food distribution hub for hunger-relief operations in San Diego. The warehouse is 90,856 square feet, including a 6,018 square foot, recently completed addition, which is proposed to house an aerobic in-vessel rotary drum composting system to recover the Food Banks food waste scraps and convert them to useful organic compost. The existing IL-2-1 zone allows a mix of light industrial and office uses with limited commercial uses. Mixed Organic Composting Facilities are not permitted in the IL-2-1 zone; therefore the project proposes a rezone to IL-1-1, which pursuant to San Diego Municipal Code section 141.0620(g),

allows these facilities with a Conditional Use Permit. The proposed IL-1-1 zone allows primarily light industrial uses and would better implement the goals and objectives of the MMCP Light Industrial designation. The proposed easement vacation will facilitate use of the Food Bank's proposal to compost food scraps and recycle the associated packaging which will reduce their waste output footprint, while remaining consistent with the land use designation. The proposed easement vacation will not adversely affect the Mira Mesa Community Plan or the goals and policies contained therein.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

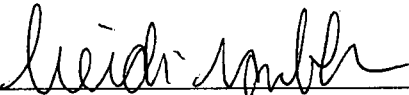
The easement was granted to the City in 1974 for the purposes of placing and maintaining sewer mains to serve the needs of the surrounding industrial subdivision. The easement is located along the northern perimeter of the property and was never utilized. Newer facilities have been installed in the adjacent streets that currently serve the property and the surrounding properties. The sewer easement is not planned or anticipated to serve any purpose for the property or the surrounding properties in the future. As such, the public facility for which the easement was originally acquired will not be detrimentally affected by the vacation because the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that the Easement Vacation No. 1429228, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38071-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated, and EMRA No. 1231235 is hereby terminated, all contingent

upon final passage of O- 20505 rezoning a portion of the site from the existing IP-2-1 zone into the CR-2-1 zone.

BE IT FURTHER RESOLVED, that provided that O- 20505 rezoning the project site from the existing IL-2-1 zone into the IL-1-1 zone is finally passed, 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 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
04/13/15
Or.Dept: DSD
Doc. No.: 994230

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 02 2015.

ELIZABETH S. MALAND
City Clerk

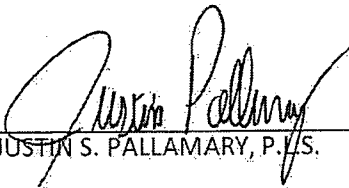
By 
Deputy City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION
PARCEL 1, PARCEL MAP NO. 12403

VACATING ALL THAT PORTION OF THAT CERTAIN 25' WIDE SEWER EASEMENT, RECORDED MARCH 22, 1974, AS DOCUMENT NO. 74-072576 OF OFFICIAL RECORDS, THE LIMITS OF SAID VACATION BEING LOCATED ENTIRELY WITHIN PARCEL 1 OF PARCEL MAP NO. 12403, AS FILED AT THE COUNTY RECORDER OF SAN DIEGO COUNTY, RECORDED OCTOBER 29, 1982, IN THE COUNTY OF SAN DIEGO, CITY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS A DRAWING NO. 38071-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

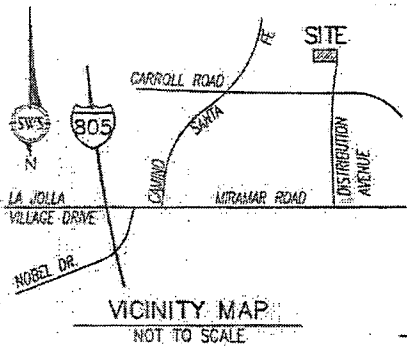

JUSTIN S. PALLAMARY, P.L.S. 11-24-14
DATE



P.T.S. 367812
I.O. 24004616

"513-551_SWR_VACATION_LEGAL.DOC"

EXHIBIT B



VICINITY MAP
NOT TO SCALE

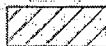


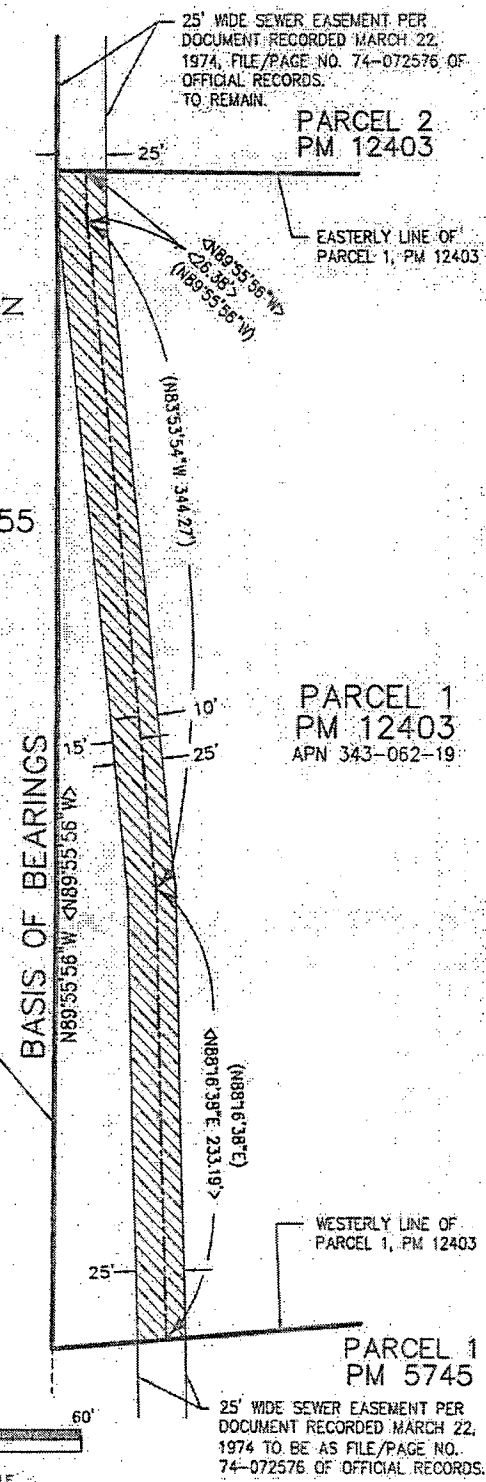
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 12403. (I.E. N89°55'56"W)

LOT 1
MAP NO. 10055
APN 343-062-09

LEGEND:

-  PORTION OF EXISTING 25' WIDE SEWER EASEMENT PER DOCUMENT RECORDED MARCH 22, 1974 AS FILE/PAGE NO. 74-072576 OF OFFICIAL RECORDS VACATED; AREA = 15104± SQ. FT.
- () INDICATES RECORD DATA PER DOCUMENT RECORDED MARCH 22, 1974 AS FILE/PAGE NO. 74-072576 OF OFFICIAL RECORDS.
- < > INDICATES RECORD DATA PER PARCEL MAP NO. 12403

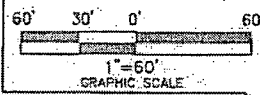


NORTHERLY LINE OF PARCEL 1, PM 12403



Justin Pallamary 11-24-14
JUSTIN S. PALLAMARY, LS
L.S. 8392

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DATE: Nov 20, 14 12:50pm BY: Justin Pallamary
FILE: S:\1545 Surveying\Projects\7012\112-501\PP05\Maping\Legons & Plans\SEWER EASEMENT VACATION\10-DIST_SWP_VACATION.dwg

SEWER EASEMENT VACATION IN PARCEL 1 OF PM 12403
(SAN DIEGO FOOD BANK)

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	PTS NO.
ORIGINAL	SWS				SHEET 1 OF 1 SHEETS	357812
		<i>AEA</i>	<i>1/8/2015</i>			24004616
					<i>Frank R. La Paz</i>	1902-6279
					FOR CITY ENGINEER	DATE
						CCS 83 COORDINATES
						262-1719
						LAMBERT COORDINATES
						38071-B
STATUS						

Passed by the Council of The City of San Diego on JUN 02 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 02 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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