

Item 332-7/25/17

(R-2017-678)

Sub item 'B'

RESOLUTION NUMBER R- 311268

DATE OF FINAL PASSAGE JUL 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A PORTION OF LA JOLLA BOULEVARD AND PLAYA DEL SUR AS VACATION NUMBER NO. 1492639 FOR THE SU CASA PROJECT – PROJECT NO. 420956.

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

WHEREAS, Su Casa Properties, a California Limited Partnership, filed an application to vacate portions of La Jolla Boulevard and Playa del Sur, being described as Right-of-Way Vacation No. 1492639; and

WHEREAS, Right of Way Vacation No. 1492639 is located on property owned by Su Casa Properties; 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 July 25, 2017, 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 Public Right-of-Way Vacation No. 1492639 the Council makes the following findings pursuant to San Diego Municipal Code section 125.0941:

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

The portions of La Jolla Boulevard and Playa Del Sur proposed to be vacated would not affect the function of either street for their intended purposes and would provide for a continuous City Standard 10-foot curb-to-property-line distance around the project's perimeter. These portions to be vacated are currently in excess of the width required for each roadway by the City of San Diego Street Design Manual. Sufficient width of La Jolla Boulevard and Playa Del Sur would remain to provide for each roadway's proper function. In addition, the vacation of portions of these streets would provide for sidewalks around the project site that meet current City of San Diego Street Design Manual. Therefore, there is no present or prospective use for the public right-of-way, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.

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

As the result of the proposed street vacations the project would provide for a continuous 10-foot curb-to-property-line distance around the project's public perimeter and adequate public sidewalks will be provided along Playa Del Sur and Playa Del Norte. The resulting public right-of-way and sidewalks would enhance public access from La Jolla Boulevard to the Pacific Ocean to the west. As public safety would be enhanced by approval of the proposed street vacations, the public would benefit from the action through improved use of the land made available by the vacation.

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

While La Jolla Boulevard and Playa Del Sur are part of the La Jolla Community Plan Circulation Element, the proposed vacations would not affect the function of either street for their intended purposes. The La Jolla Community Plan recommends enhancement of public access to the ocean. The proposed vacations would result in improved public sidewalks from La Jolla Boulevard to the Pacific Ocean to the west. The proposed vacations do not adversely affect any applicable land use plan.

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

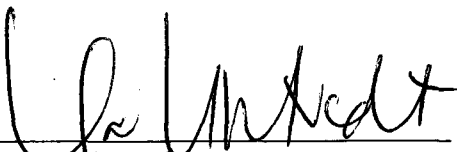
The public facilities for which the rights-of-way were originally acquired would remain functional as public streets and, therefore, not be detrimentally affected by the vacations. The

portions of La Jolla Boulevard and Playa Del Sur to be vacated would not prevent either street from functioning properly. Only portions of the rights-of-way adjacent to the project site would be vacated, not the entire right-of-way of each street. These portions to be vacated are currently in excess of the width required for each roadway by the City of San Diego Street Design Manual. Sufficient width of La Jolla Boulevard and Playa Del Sur would remain to provide for each roadway's proper function. In addition, the proposed vacations would allow for a continuous City Standard 10-foot curb-to-property-line distance around the project's public perimeter. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that, the Public Right-of-Way Vacation No. 1492639 as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38824-B, Marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that, the Development Services Department shall provide a certified copy of this resolution with attached exhibits, to the City Clerk for recordation in the office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Inga B. Lintvedt  
Deputy City Attorney

IBL:mcm  
7/14/2017  
Or.Dept: DSD  
Doc. No.: 1530965\_2

ATTACHMENT(S): Exhibit A, Legal Description  
Exhibit B, Drawing No. 38824 -B

# EXHIBIT A

**EXHIBIT "A"****PLAYA DEL NORTE AVENUE, LA JOLLA BOULEVARD AND  
PLAYA DEL SUR VACATION****LEGAL DESCRIPTION**

ALL THAT PORTION OF PLAYA DEL NORTE AVENUE, LA JOLLA BOULEVARD AND PLAYA DEL SUR AVENUE, DEDICATED FOR THE PURPOSE OF A RIGHT-OF-WAY FOR PUBLIC STREETS PER MAP NO. 1216, LA JOLLA STRAND, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 18, 1909, ADJOINING PARCELS A & B OF PARCEL MAP NO. 1127, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 28, 1972, DESCRIBED AS FOLLOWS:

**PARCEL 1:**


BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A, SAID CORNER BEING THE EASTERLY TERMINUS OF A CURVE CONCAVE SOUTHERLY HAVE A RADIUS OF 43.74 FEET TO WHICH A RADIAL LINE BEARS NORTH 24°15'12" EAST; THENCE LEAVING SAID CURVE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL A SOUTH 24°15'12" WEST 95.04 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 64.65 FEET; THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°42'40" A DISTANCE OF 60.60 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET TO WHICH A RADIAL LINE BEARS SOUTH 07°51'27" WEST; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 73°36'15" A DISTANCE OF 64.23 FEET; THENCE NORTH 24°15'12" EAST 101.90 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 8.00 FEET; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°47'19" A DISTANCE OF 12.54 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 32.00 FEET; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67°50'41" A DISTANCE OF 37.89 FEET; THENCE SOUTH 46°37'12" WEST 1.98 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID PARCEL A, SAID POINT BEING A NON-TANGENT POINT ON THE HEREINABOVE DESCRIBED 43.74-FOOT RADIUS CURVE A RADIAL LINE TO WHICH BEARS NORTH 17°09'43" WEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°24'55" A DISTANCE OF 31.62 FEET TO THE POINT OF BEGINNING.

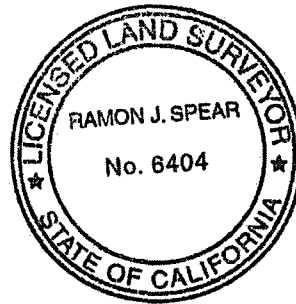
**PARCEL 2:**

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL B OF SAID PARCEL MAP NO. 1127, SAID CORNER BEING A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 217.60 FEET TO WHICH A RADIAL LINE BEARS NORTH 16°49'40 WEST; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°27'19" A DISTANCE OF 77.69 FEET; THENCE LEAVING SAID CURVE ON A NON-TANGENT BEARING SOUTH 80°08'29" WEST 50.75 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 211.60 FEET, SAID CURVE BEING CONCENTRIC WITH THE HEREINABOVE DESCRIBED 217.60-FOOT RADIUS CURVE; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°15'59" A DISTANCE OF 26.84 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID PARCEL B; THENCE ALONG SAID SOUTHERLY PROLONGATION NORTH 06°27'51" WEST 6.10 FEET TO THE POINT OF BEGINNING.

VACATED.

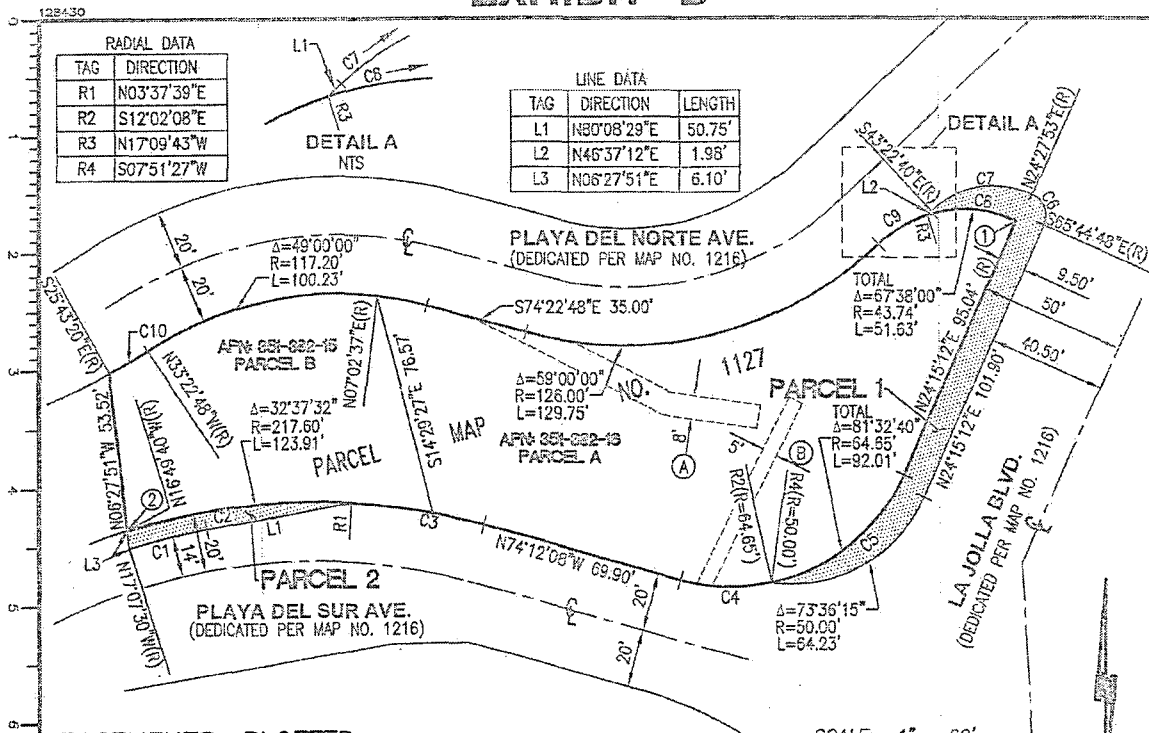
ATTACHED HERETO IS A DRAWING NO. 38824-B LABELLED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

  
RAMON J. SPEAR, L.S. 6404      3/4/2016  
DATE



I.O. NO. 24005811  
P.T.S. NO. 420956  
DWG. NO. 38824-B

# EXHIBIT B

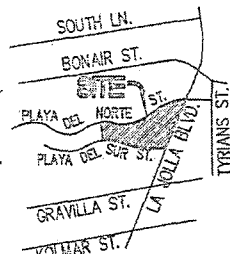


**EASEMENTS: PLOTTED**

- (A) AN EASEMENT FOR SEWER LATERAL GRANTED TO THE CITY OF SAN DIEGO, REC. 12/11/1950, BOOK 3893, PAGE 430 O.R.
- (B) AN EASEMENT FOR PUBLIC UTILITIES TO SAN DIEGO GAS AND ELECTRIC COMPANY, REC. 3/14/1969, F/P NO. 45470 O.R.

**EASEMENTS: NON-PLOTTABLE**

AN EASEMENT FOR WATER PIPE LINES GRANTED TO THE CITY OF SAN DIEGO, REC. 12/13/1910, BOOK 496, PAGE 157 O.R.  
 AN EASEMENT FOR CABLE TV TO AMERICAN TELEVISION AND COMMUNICATIONS, REC. 2/12/1987, DOC. NO. 87-8C147 O.R.



**VICINITY MAP**  
 NO SCALE  
 T.B.M. 1947, E-2 & E1

**LEGEND**

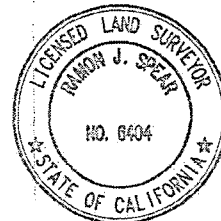
- INDICATES STREET VACATION AREA = 0.048 ACRES
- (1) P.O.B. PARCEL 1
- (2) P.O.B. PARCEL 2
- E INDICATES CENTERLINE
- (R) INDICATES RADIAL BEARING

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SOUTHEASTERLY LINE OF PARCEL A OF PARCEL MAP NO. 1127, I.E. N24°15'12"E.

**REFERENCE DWG #**

PARCEL MAP NO. 1127  
 MAP NO. 1216



**SPEAR & ASSOCIATES, INC.**  
 CIVIL ENGINEERING AND LAND SURVEYING  
 475 PRODUCTION STREET, SAN MARCOS, CA. 92078  
 PHONE (760) 736-2040 FAX (760) 735-4858

BY: *R. J. Spear*  
 RAMON J. SPEAR, L.S. 6404 DATE

**PUBLIC STREET EASEMENT VACATION OF PORTIONS OF PLAYA DEL NORTE AVENUE, LA JOLLA BOULEVARD & PLAYA DEL SUR AVENUE, MAP NO. 1216**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS # 420956
ORIGINAL	S&A					I.D. NO. 24005811
	MDB	✓	4/4/16		<i>Richard R. de la Paz</i> FOR CITY ENGINEER	1882-6243
					4/5/16 DATE	NAD83 COORDINATES
					DIVISION HEAD	242-1683
					STATUS	LAMBERT COORDINATES
					SECTION HEAD	38824-B



Passed by the Council of The City of San Diego on JUL 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 25 2017

(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.

(Seal)

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

By *City Ready*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311268