

RESOLUTION NUMBER R- 312472

DATE OF FINAL PASSAGE MAY 20 2019

ITEM # 205E

5/20/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING OF PUBLIC RIGHT OF WAY VACATION NO. 1905124 RELATED TO THE SUNROAD OTAY 50 – PROJECT NO. 538140.

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, it is proposed that the western half of Avenida Costa Azul, located immediately south of Otay Mesa Road, Public Right-of-Way Vacation No. 1905124 be vacated; and

WHEREAS, the matter was set for public hearing on May 20, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that with respect to the vacation of the western half of Avenida Costa Azul, located immediately south of Otay Mesa Road, the Council finds that:

**(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 project scope includes the vacation of both the onsite and offsite portions of Avenida Costa Azul, which is located immediately south of Otay Mesa Road and terminating on the project site and adjacent site. As described in the Vesting Tentative Map No. 1905127 resolution (Attachment 7) the onsite eastern half of Avenida Costa Azul would be vacated via the VTM. The adjacent, offsite portion of Avenida Costa Azul to the west would be vacated via this resolution as a California Streets and Highways Code vacation. This right-of-way has never been developed or used as a public street and is not required to provide access to the parcels located on either side. Additionally, this portion of Avenida Costa Azul right-of-way terminates onsite and does not provide access to any other parcels.

The western half of the Avenida Costa Azul right-of-way considered in this resolution is located on the La Media Retail project site, which is in review under PTS No. 334235. The Avenida Costa Azul right-of-way is not required because the properties on both sides have frontage on Otay Mesa Road. Project implementation would provide a private driveway on the existing undeveloped Avenida Costa Azul right-of-way onto Otay Mesa Road. This private driveway would be shared by the subject project and the adjacent La Media Retail project through a private shared access agreement, which is a condition of this project. Therefore, there is no present or prospective public use for the public right-of-way either for the facility for which it was 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.**

The western half of the Avenida Costa Azul right-of-way considered in this resolution is located on the La Media Retail project site, which is in review under PTS No. 334235. The Avenida Costa Azul right-of-way is not required because the properties on both sides have frontage on Otay Mesa Road. Project implementation would provide a private driveway on the existing undeveloped Avenida Costa Azul right-of-way onto Otay Mesa Road which would serve both project sites. This private driveway would be shared by the subject project and the adjacent La Media Retail project through a private shared access agreement, which is a condition of this project.

Removing the encumbrance of these unneeded rights-of-way allows for better utilization of the land for heavy commercial and industrial development consistent with the OMCP land use designation and the IL-1-3 zoning allowed uses. Vacating this undeveloped and unneeded right-of-way will allow more area for the industrial development as designated by the OMCP and IL-1-3 zoning, substantial landscaping, truck parking and employee amenities such as patio and outdoor eating areas. Therefore, the public will 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.**

The project scope includes a Community Plan Amendment (CPA) to remove Avenida Costa Azul from the OMCP Roadway Classification Network and a General Plan Amendment (GPA) to remove Avenida Costa Azul from the General Plan Land Use and Street System Map, as discussed in detail in the draft CPA/GPA (Attachment 10).

The project would provide access via a four-lane private driveway in the location of the Avenida Costa Azul right-of-way, which would be vacated with this project. The private driveway has been designed to accommodate the future vehicles accessing both the subject project site and the adjacent La Media Retail project site, which is currently in review under Project No. 334235. The CPA and requested right-of-way vacations would further the OMCP Policy No. 3.3-1 to provide an interconnected network of public streets and internal project circulation systems by providing two private driveway access points for the project site onto the Otay Mesa Road right-of-way in a manner that provides efficient site access and better utilization of the land for industrial uses, as designated by the OMCP. Therefore, the vacation does 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 project scope includes the vacation of both the onsite and offsite portions of Avenida Costa Azul, which is located immediately south of Otay Mesa Road and terminates on the project site. As described in the Vesting Tentative Map No. 1905127 resolution the onsite eastern half of Avenida Costa Azul would be vacated via the VTM. The adjacent, offsite portion of Avenida Costa Azul to the west would be vacated via this resolution as a California Streets and Highways Code vacation. This right-of-way has never been developed or used as a public street and is not required to provide access to the parcels located on either side. Additionally, this portion of Avenida Costa Azul right-of-way terminates onsite and does not provide access to any other parcels.

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BE IT FURTHER RESOLVED, that the referenced portion of Avenida Costa Azul, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 41292-B marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that said street vacation is conditioned upon approval of related Vesting Tentative Map No. 1905127 and completion of the Parcel Map required to vacate the eastern half of Avenida Costa Azul. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

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: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
Noah J. Brazier  
Deputy City Attorney

NJB:als  
05/03/2019  
Or.Dept:DSD  
Doc. No.: 1998806

Attachment: Exhibit A – Legal Description  
Exhibit B – Drawing No. 41292-B

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**

**VACATION OF IRREVOCABLE OFFER TO DEDICATE (I.O.D.) FOR STREET  
PURPOSES IN PARCEL MAP 21010**

ALL THAT PORTION OF AVENIDA COSTA AZUL AS SHOWN ON PARCEL MAP 21010, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA SPECIFICALLY DESCRIBED ON SAID PARCEL MAP AS "IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET", RECORDED NOVEMBER 7, 2012 AS DOCUMENT NO. 2012-0696721, OFFICIAL RECORDS OF SAID COUNTY.

ATTACHED HERETO IS A DRAWING NO. 41292-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINING 0.673 ACRES, MORE OR LESS.



MICHAEL JAMES KNAPTON  
P.L.S.8012 EXPIRES 12/31/18  
REVISED 3/26/2019



PTS: 538140

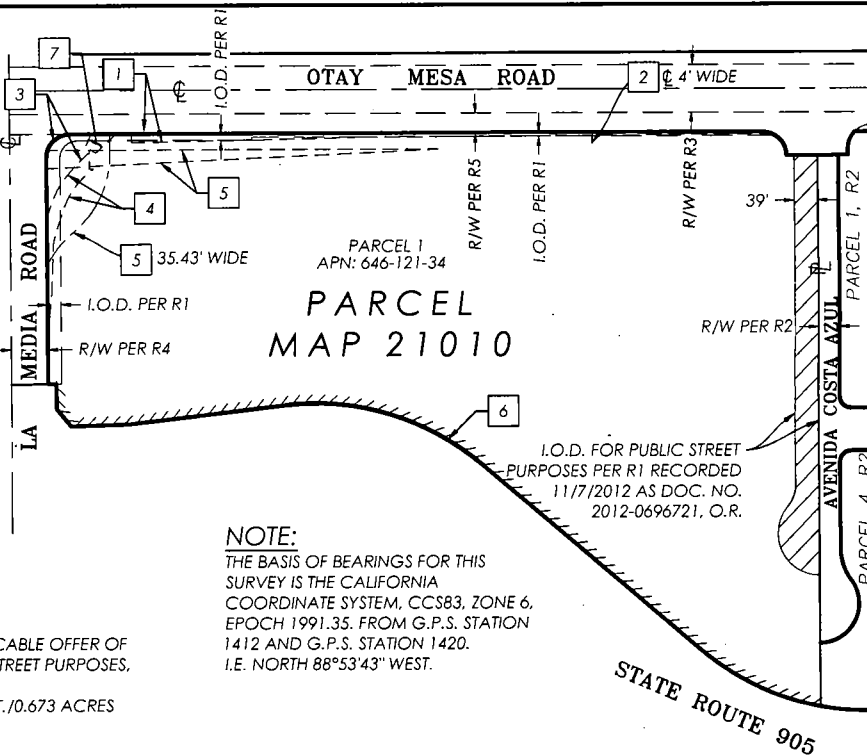
I.O. 24007193

DWG # 41292-B

# EXHIBIT B

## REFERENCES

- R1 PARCEL MAP 21010
- R2 PARCEL MAP 18959
- R3 DOC. NO. 89-298693, REC. 6/30/1989 O.R.
- R4 RES. NO. 274037, ADOPTED 7/24/1989
- R5 DOC. NO. 1991-0013611, REC. 1/10/1991 O.R.
- R6 DOC. NO. 98-0382534, REC. 6/23/1998 O.R.
- R7 DOC. NO. 1998-0578719, REC. 9/11/1998 O.R.
- R8 DOC. NO. 1998-0859468, REC. 12/30/1998 O.R.
- R9 DOC. NO. 1998-0859470, REC. 12/30/1998 O.R.
- R10 DOC. NO. 2006-0119991, REC. 2/21/2006 O.R.
- R11 DOC. NO. 83-247872, REC. 7/20/1983 O.R.



**NOTE:**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 6, EPOCH 1991.35. FROM G.P.S. STATION 1412 AND G.P.S. STATION 1420. I.E. NORTH 88°53'43" WEST.

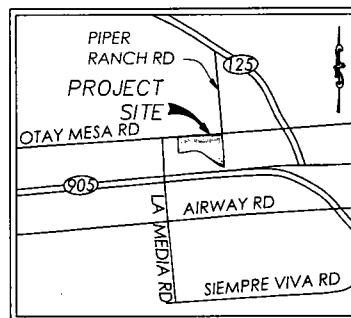
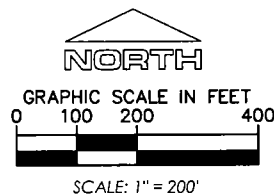
## LEGEND

- INDICATES IRREVOCABLE OFFER OF DEDICATION FOR STREET PURPOSES, VACATED HEREON  
 AREA: 29,299 SQ. FT./0.673 ACRES
- CENTERLINE
- PROPERTY LINE
- RIGHT OF WAY

## EXISTING EASEMENTS

- 1 EASEMENT TO THE CITY OF SAN DIEGO FOR SLOPE, TEMPORARY CONSTRUCTION AND DRAINAGE PER R6.
- 2 EASEMENT TO THE CITY OF SAN DIEGO FOR PUBLIC UTILITIES, INGRESS AND EGRESS PER R7.
- 3 EASEMENT TO THE CITY OF SAN DIEGO FOR CONSTRUCTION AND MAINTENANCE OF EARTH EXCAVATION OR EMBANKMENT SLOPES PER R8.
- 4 EASEMENT TO THE CITY OF SAN DIEGO FOR STORM DRAINS, INGRESS AND EGRESS PER R9.
- 5 EASEMENT TO THE CITY OF SAN DIEGO FOR PUBLIC ROAD, DRAINAGE, CONSTRUCTION AND TEMPORARY CONSTRUCTION PER R10.
- 6 ABUTTERS RIGHTS RELINQUISHED PER R10.
- 7 EASEMENT TO THE CITY OF SAN DIEGO FOR SLOPES AND DRAINAGE PER R11.

SEE SHEET 2 FOR ADDITIONAL EASEMENTS



VICINITY MAP  
 NOT TO SCALE



PROJECT 095128024

**Kimley»Horn**

401 B Street, SUITE 600 SAN DIEGO, CA 92101  
 TEL: (619) 234-9411

*[Signature]* 5/17/18  
 MICHAEL J. KNAPTON DATE  
 P.L.S. 8012

RESOLUTION NO. \_\_\_\_\_  
 RECORDED \_\_\_\_\_  
 DOCUMENT NO. \_\_\_\_\_  
 RECORDED \_\_\_\_\_

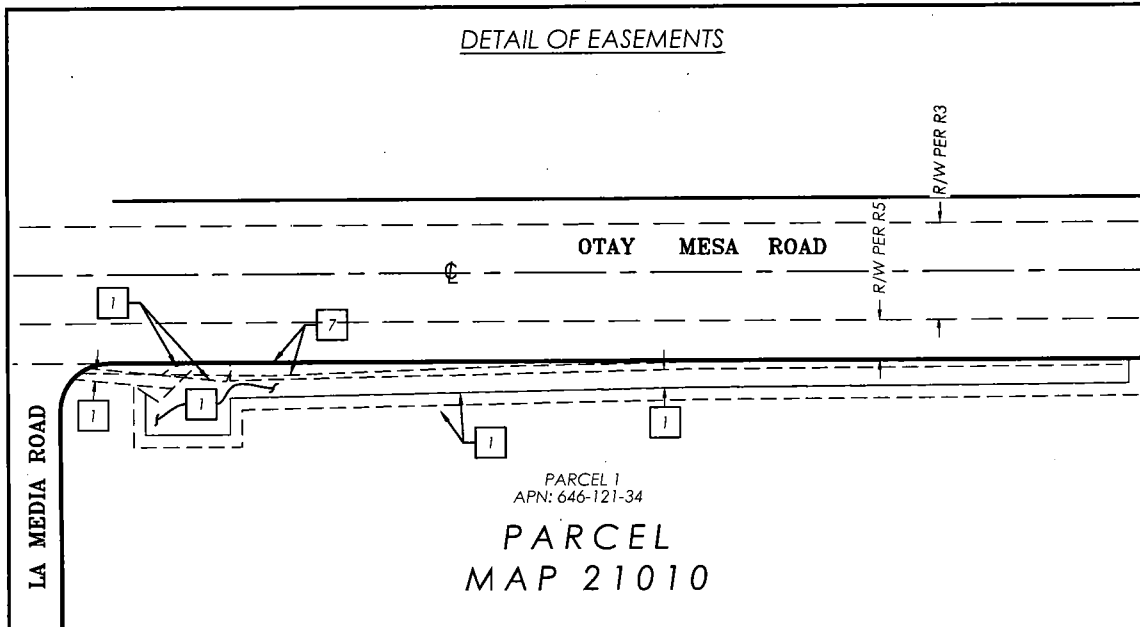
## VACATION OF IRREVOCABLE OFFER TO DEDICATE (I.O.D.) FOR PUBLIC STREET PURPOSES IN PARCEL MAP 21010

DESCRIPTION	BY	APPR'VD	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 538140
					SHEET 1 OF 2 SHEETS	IO NO. 24007193
					FOR CITY LAND SURVEYOR	DATE
						1786-6344 NAD 83 COORDINATES
						142-1781 LAMBERT COORDINATES
					STATUS	41292-B



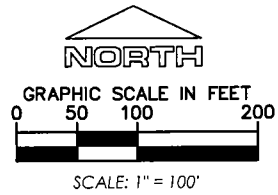
# EXHIBIT B

## DETAIL OF EASEMENTS



### EXISTING EASEMENTS

- 1 EASEMENT TO THE CITY OF SAN DIEGO FOR SLOPE, TEMPORARY CONSTRUCTION AND DRAINAGE PER R6.
- 7 EASEMENT TO THE CITY OF SAN DIEGO FOR SLOPES AND DRAINAGE PER R11.



PROJECT 095128024

### Kimley»Horn

401 B Street, SUITE 600 SAN DIEGO, CA 92101  
TEL: (619) 234-9411

*[Signature]* 5/17/18  
MICHAEL J. KNAPTON DATE  
P.L.S. 8012

RESOLUTION NO. \_\_\_\_\_  
RECORDED \_\_\_\_\_  
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					SHEET 2 OF 2 SHEETS	IO NO. 24007193
					FOR CITY LAND SURVEYOR	1786-6344 NAD 83 COORDINATES
					DATE	142-1781 LAMBERT COORDINATES
						41292-B
STATUS						

Passed by the Council of The City of San Diego on MAY 20 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 20 2019.

**(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 *Cennie Patterson*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312472