RESOLUTION NUMBER R-312707

DATE OF FINAL PASSAGE OCT 1 5 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING PORTIONS OF A PUBLIC WATER EASEMENT LOCATED AT 1675 1/3 LOS ALTOS ROAD – WATER EASEMENT VACATION NO. 2193920 - PROJECT NO. 615949.

17EM#330C

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

WHEREAS, Los Altos Homes, LLC, a California Limited Liability Company, filed an application to vacate portion of a water easement being described as Easement Vacation No. 2193920; and

WHEREAS, Easement Vacation No. 2193920 is located on property owned by Los Altos Homes, LLC, located at 1675 1/3 Los Altos Road; 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 October 15, 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Easement Vacation No. 2193920, 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 existing portion of the easement to be vacated was acquired on July 16, 2018, recorded in favor to the City when the City sold the underlying property.

There is no present or prospective public use for the portion of the water easement to be vacated for the purpose for which is was originally acquired. The water tank that occupied the site and appurtenances have been removed. The portion of the water easement that is proposed to be vacated will be relocated to areas outside of the proposed building pads, and a new easement will be dedicated in favor of the City for the same use (water). The new 25'-wide easement will be located at the rear of proposed Lots 1 and 2.

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

The total property area is 4.85 acres, of which 4.45 acres is considered available for development. The site is limited to one access point, from Los Altos Road, due to the surrounding development. In order to develop the site in accordance with the underlying zone and to achieve the density range of the community plan, the easement vacation is required to create developable lots. Without the easement vacation, development at proposed Lot 1 would at best be severely restricted, resulting in development that is not consistent with existing residential character, and would require access from Los Altos Road, rather than from the new public street. Development on proposed Lot 2 would also be limited, resulting in development that would be somewhat out of character with the existing neighborhood. The public will benefit

through the use of the land for residential development and landscaping of the site that formerly housed a City-owned water reservoir in a tank.

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

The proposed vacation will allow the creation of 14 lots with a minimum size of 10,000 square feet, which is required by the underlying base zone. The 14 proposed lots on the 4.45-acre site results in a density of 3 dwelling units/acre (du/ac). The Pacific Beach Community Plan designates the site for Very Low-Density residential uses, with a density range of 2 to 5 du/ac. The easement vacation will allow for a subdivision consistent with the land use plan allowable density.

(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 purpose for which the easement was acquired no longer exists, which served the water reservoir/tank. While there is a need for an easement for water services, that is adequately provided for with the provision of a new, 25-foot-wide easement in a new location just south of the portion proposed to be vacated.

BE IT FURTHER RESOLVED, that the portion of the water easement identified as Easement Vacation No. 2193920 and as more particularly described in the legal description marked as Exhibit "A" and shown on Exhibit "A" sheet C-1, which is 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: MARA W. ELLIOTT, City Attorney

Ву

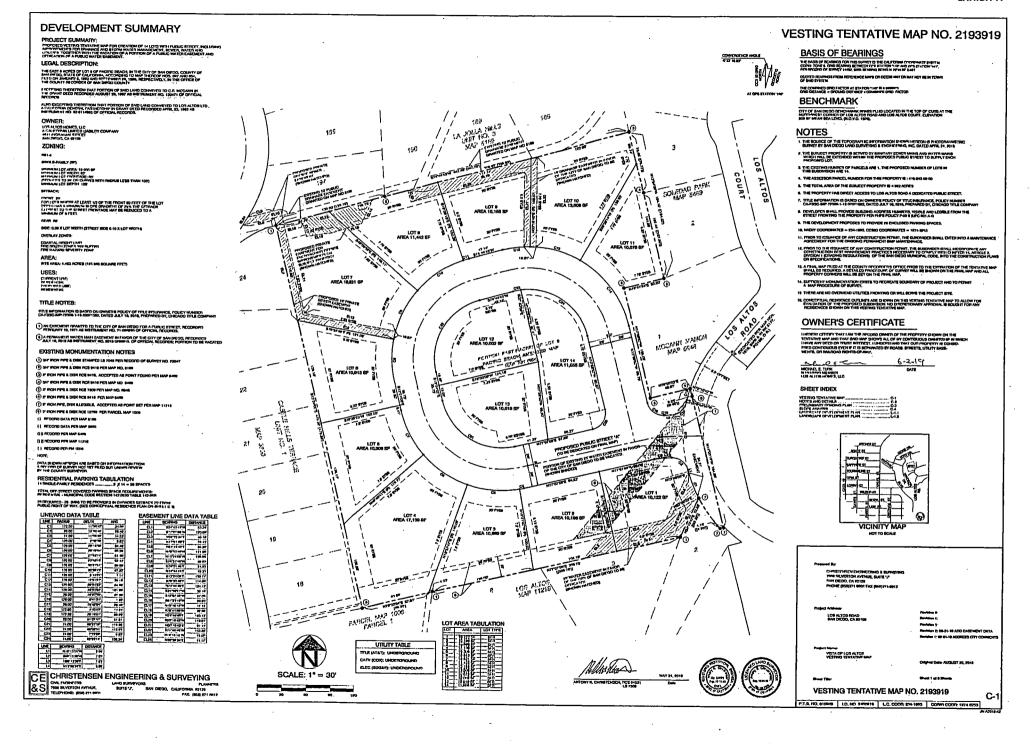
Jeremy A. Jung

Deputy City Attorney

JAJ:als 10/01/2019

Or.Dept:DSD

Doc. No.: 2186921

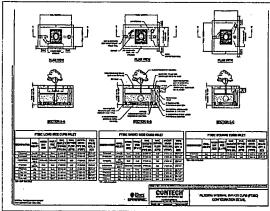


DMA/IMP AREA SUMMARY

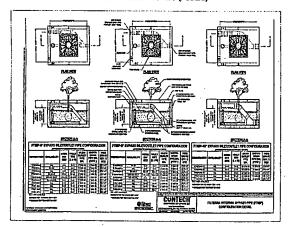
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STREET FILTERRA UNITS (PUBLIC)



LOT FILTERRA UNITS (PRIVATE)

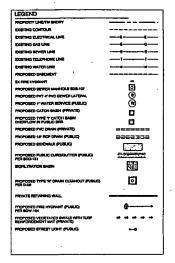
FIRE PLAN NOTES

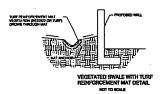
- FIRE APPARATUS ACCESS TOADS AND WATER SUPPLIES FOR FIRE PROTECTS
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- 4. YTGETATION SHALL BE SELECTED AND MARTHANED IN BUCH A MANACHAR IN ALLOW MANDAM ECCESS TO ALL INFORMETS, VALVES, FIRE DEPARTMENT COMMECTIONS, TALL STATISTIC DETINCASS SETTING, SYSTEMALES RESTRA, LAND CONTROL FAMILE, RECOLLE WINDOWS, AND OTHER DEPOSITS OF MARE'S USED FOR THEY WARD IN THE STATE OF THE THE PROPERTY AND THE STATES SHALL FOR COSTRUCT ACCRESS HANGERS OR REPORT THE PROPERTY ONE OF ALAPIE SE,
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 THE INFOSED LOADS OF FIRE APPARATUS AND SHALL BE SUPPACED BY AS TO PROVE
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- B. WHERE HYDRANTS ARE SUBJECT OF RAPACT BY A MOTOR VEHICLE, GUARD PC
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- 12. WHITE SECURITY GATES AND RESTALLES, THEY SHALL HAVE AN APPROVED MEANS OF ENLINGANCY OF ENLINGANCY OF THAT HE SECURITY CATES AND ELECTROP GATE OF THAT HONG BY MALL RELIGIORS OF OFTEN HONAL AT ALL THES, ELECTROP GATE OFTEN HONG WITH PROVIDED SHALL BE USETED IN ACCORDANCE WITH LAST, DATED INTENDED FOR AUTOMATIC OFTEN HONG BY HE BY DESIGNING, CONSTRUCTED AND INSTALLED TO COMPANY WHITH THE REQUIREMENTS OF ANY IN FEMAL.

NOTE:

ALL STRUCTURES ARE WITHIN A 2012 FIRE HOUSE PULL THE 2012 RADIUS FIRE HYDRANI COVERAGE CIRCLES ARE BHOWN ON SHEET O-S

VESTING TENTATIVE MAP NO. 2193919

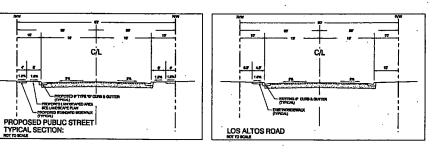


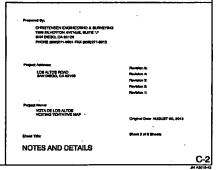


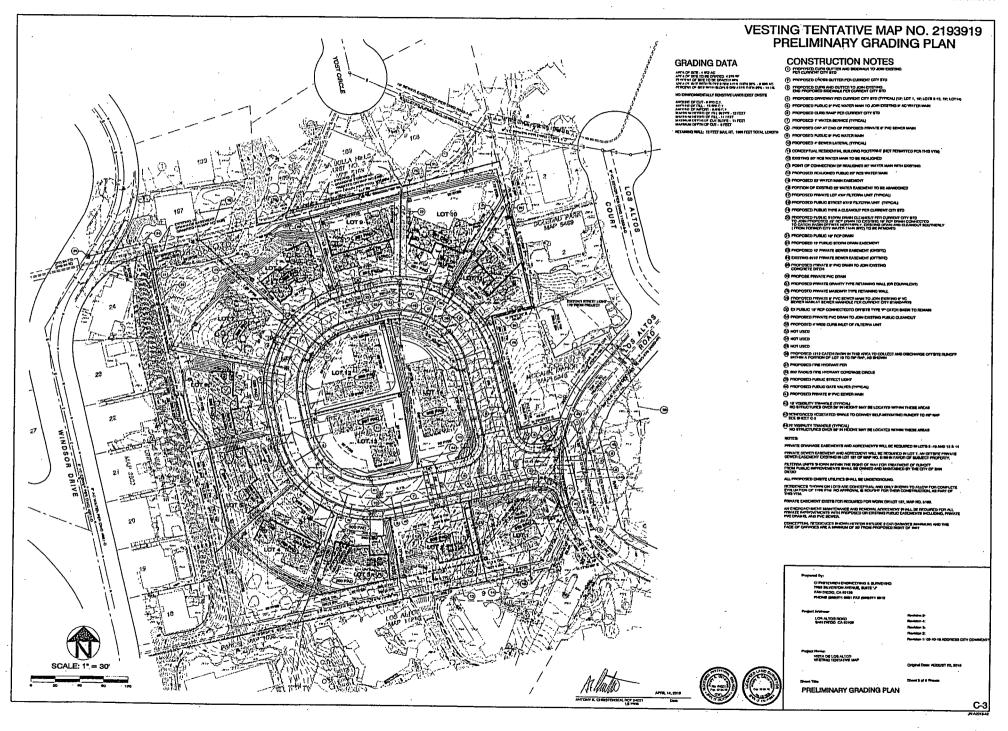


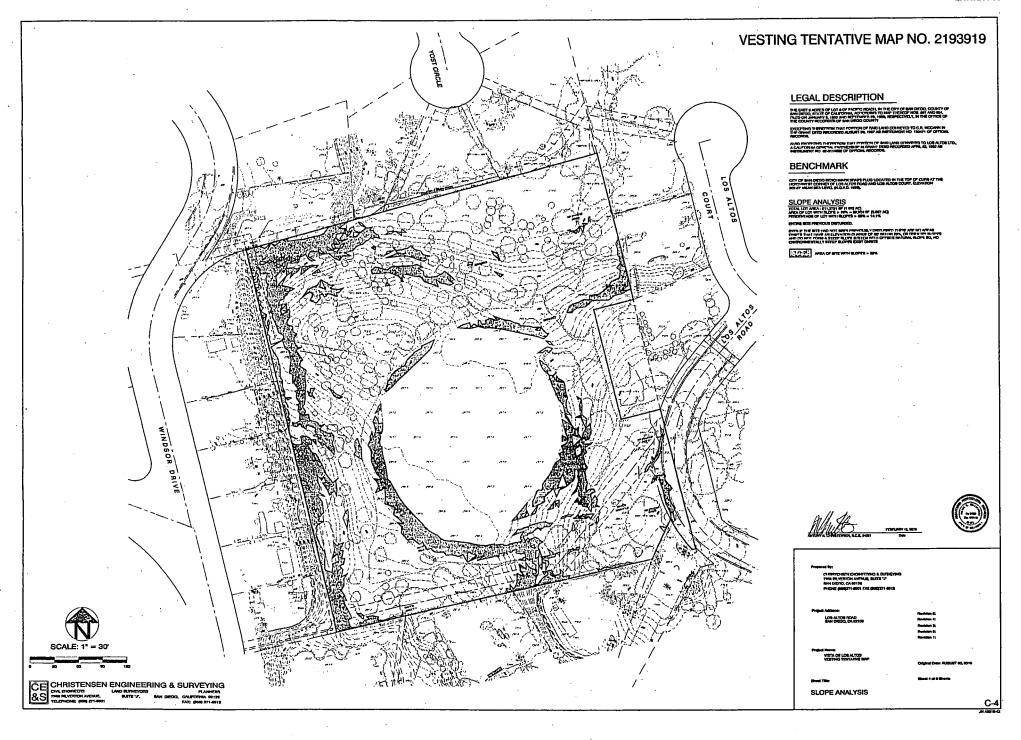


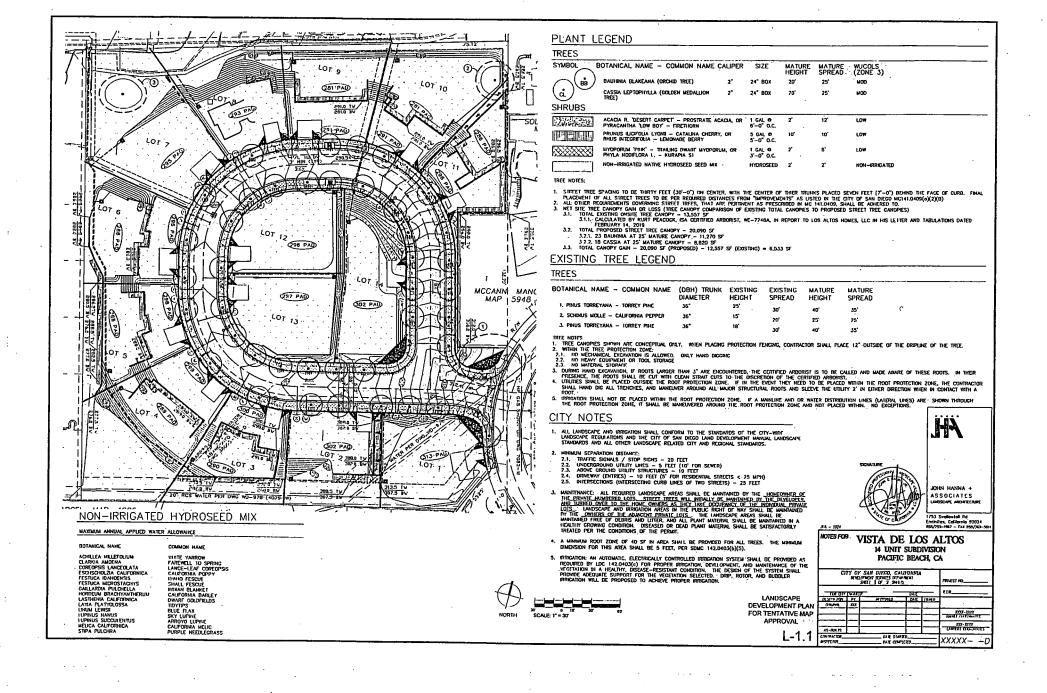


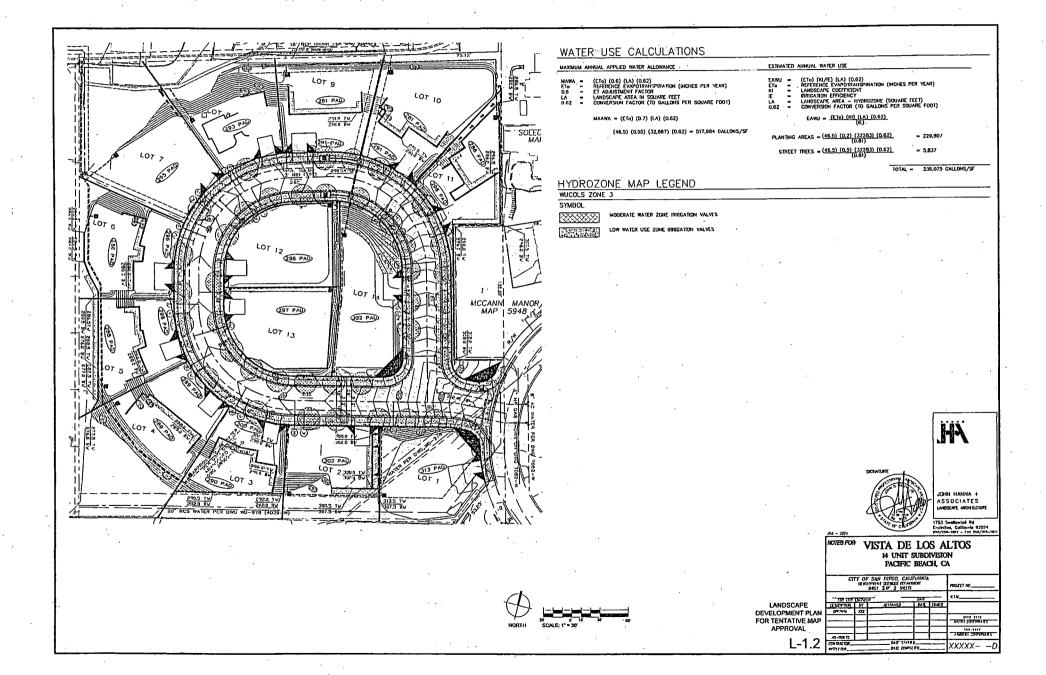












assed by the Council of The Cit	y of San Dieg	o on <u>00</u>	CT 1 5 2019	_, by the following vote			
Councilmembers	Yeas	Nays	Not Present	Recused			
Barbara Bry	\square						
Jennifer Campbell							
Chris Ward							
Monica Montgomery	\square						
Mark Kersey							
Chris Cate							
Scott Sherman							
Vivian Moreno			Ø				
Georgette Gómez	Ø						
Please note: When a resoluti late the approved resolution							
			KEVIN L. FAL				
AUTHENTICATED BY:		Mayo	Mayor of The City of San Diego, California.				
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		Ву	onnie Faal	, Deputy			
							
	Office of the City Clerk, San Diego, California						
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