

RESOLUTION NUMBER R- **315231**
DATE OF FINAL PASSAGE **NOV 14 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND AFFIRMING THE
DEVELOPMENT SERVICES DEPARTMENT'S DECISION TO
APPROVE PUBLIC SERVICE EASEMENT (DRAINAGE)
VACATION NO. 2612482 FOR TORREY PINES U-STOR-IT –
PROJECT NO. 697502.

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 resolution; and

WHEREAS, U-STOR-IT TORREY PINES, LLC, a California Limited Liability
Corporation Owner/Permittee, filed an application with the City of San Diego to demolish a
vacant two-story, 17,040-square-foot building and construct a new three-story, 166,313-square-
foot self-storage building which includes two basement levels, self-storage spaces, a parking
garage (level two), a management office (level two), and associated site improvements (as
described in and by reference to the approved Exhibits "A" and corresponding conditions of
approval for the associated Coastal Development Permit No. 2583162 and Neighborhood
Development Permit No. 2590738) on portions of a 1.46-acre site (Project), which included
vacating an existing public service easement (drainage) located at 11391 Sorrento Valley Road
within the Torrey Pines Community Plan area that was granted to the City of San Diego per
Sorrento Valley Industrial Park Unit No. 3, Map No. 5693 within Lots 11 and 12, dated February
9, 1966, as shown on Drawing No. 42620-B (Easement Vacation No. 2612482); and

WHEREAS, on June 15, 2023, the Development Services Department of the City of

San Diego considered and approved Coastal Development Permit No. 2583162, Neighborhood Development Permit No. 2590738, and Easement Vacation No. 2612482 and issued a Notice of Decision; and

WHEREAS, on June 29, 2023, the Torrey Pines Community Planning Board submitted an appeal of the Development Services Department's approval of Easement Vacation No. 2612482 (Appeal); and

WHEREAS, on November 14, 2023, the City Council of the City of San Diego (City Council) considered the Appeal and Easement Vacation No. 2612482, pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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 it denies the Appeal and adopts the following findings with respect to Easement Vacation No. 2612482:

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

The project site's public service easement (easement) for drainage was granted to the City, per Sorrento Valley Industrial Park Unit No. 3, Map No. 5693 within Lots 11 and 12, dated February 9, 1966. The easement currently contains a public drain waterline system that serves the existing two-story vacant commercial building for drainage purposes. An easement vacation is required to redevelop the site, and staff has determined that the easement is outdated and no longer needed for the project site. Therefore, there is no present or prospective public use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved use of the land made available by the vacation.

The City Engineer will execute a quitclaim deed conveying the City's right, title, and interest in the unused public service easement to the property owner once the easement vacation has been approved and all appeal rights have been exhausted in accordance with SDMC 125.1030. The City currently controls and is liable for this area that does not serve a public benefit. The public will benefit from the easement vacation since it will increase the area of privately owned land that is subject to property and sales taxes. With an increase of tax revenue, the general public will benefit from the increase of available public funds. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

3. The vacation is consistent with any applicable land use plan.

The project site is designated Prime Industrial Land in the General Plan and Industrial Employment in the Community Plan. The project is consistent with these land use designations by providing a land use that is characterized as light industrial which is considered an appropriate use within the Light Industrial Uses category, per Table LU-4 of the General Plan and Community Plan Land Use Categories. The easement vacation supports a land use that is consistent with these land use designations. Therefore, the vacation is consistent with any applicable land use plan.

4. 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 project site's public service easement (easement) for drainage was granted to the City, per Sorrento Valley Industrial Park Unit No. 3, Map No. 5693 within Lots 11 and 12, dated February 9, 1966. The easement currently contains a public drain waterline system that serves the existing two-story vacant commercial building for drainage purposes. An easement vacation is required to redevelop the site, and staff determined that the easement is outdated and no longer needed. Therefore, the public facility or purpose for which the easement was originally acquired

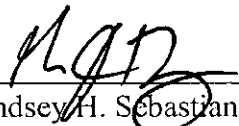
will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED that the drainage easement on Lots 11 and 12 of Via Sorrento Valley Industrial Park Unit No. 3, Map No. as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 42620-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 quitclaim deed with the attached copy of this resolution and any exhibits in the Office of the County Recorder releasing to the property owner, all rights title, and interest in said easement.

BE IT FURTHER RESOLVED, that the City Clerk 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  for
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
11/20/2023
Or. Dept: DSD
Doc. No. 3479140

Attachments: Exhibit A Legal Description
Exhibit B Drawing No. 42620-B

EXHIBIT 'A'
LEGAL DESCRIPTION
DRAINAGE EASEMENT VACATION

THE SOUTHEASTERLY 10 FEET OF LOT 12 OF VIA SORRENTO VALLEY INDUSTRIAL PARK UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. ACCORDING TO MAP THEREOF NO. 5693, FILED IN THE OFFICE OF THE COUNTRY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 9, 1966.

CONTAINING 3,925 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 42620-B LABELED AS EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

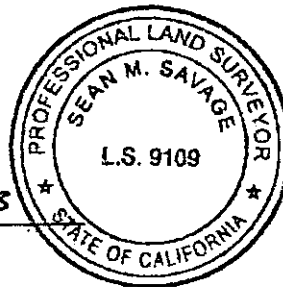
PREPARED BY:

OMEGA LAND SURVEYING, INC.


SEAN M. SAVAGE

5/18/2003

DATE



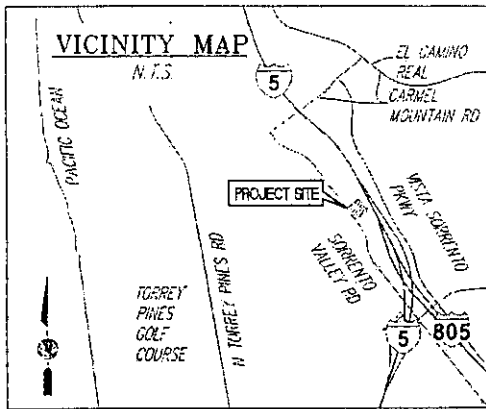
L.S. 9109

PTS NO. 697502

I.O. NO. 24009044

DWG NO. 42620-B

EXHIBIT 'B'



LEGEND

—	STREET CENTERLINE
— R/W —	RIGHT OF WAY
---	PROPERTY LINE
- - - -	LOT LINE
- - - -	EXISTING EASEMENT
[]	RECORD OR CALCULATED DATA PER MAP 5693
	DRAINAGE EASEMENT VACATED AREA = 3,925 SQ. FT.

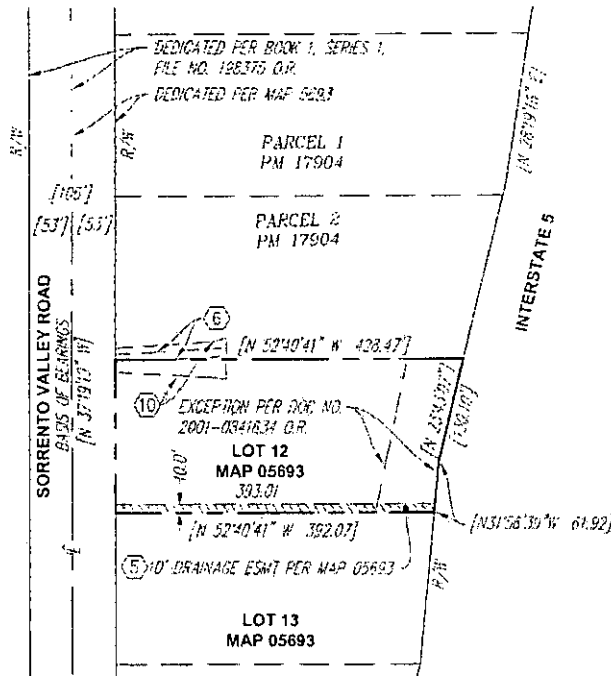
REFERENCES

MAP 05693 RECORDED JANUARY 26, 1966
 PARCEL MAP 17904 RECORDED SEPTEMBER 4, 1997
 RDS 13616 RECORDED JANUARY 23, 1992
 DOC #2001-0841634 RECORDED NOVEMBER 19, 2001

EASEMENTS & EXCEPTIONS

INDICATES EXCEPTION ITEM IS PLOTTABLE AND SHOWN HEREON.

3. ABUTMENT RIGHTS OF INGRESS AND EGRESS TO OR FROM THE HIGHWAY CONTIGUOUS THERETO HAVE BEEN RELINQUISHED RECORDED DECEMBER 26, 1962 AS INSTRUMENT NO. 219288 AND RECORDED AUGUST 6, 1963 AS INSTRUMENT NO. 137460 OF OFFICIAL RECORDS.
4. RESERVATION CONTAINED IN DEED FROM STATE OF CALIFORNIA OF ALL RIGHTS OF INGRESS TO OR EGRESS FROM SAID LAND IN PARCEL 6 OVER AND ACROSS THE NORTHEASTERLY LINE, RECORDED NOVEMBER 12, 1963 AS INSTRUMENT NOS. 202354 AND 102395 OF OFFICIAL RECORDS.
5. DRAINAGE EASEMENT RECORDED FEBRUARY 09, 1966 PER MAP NO. 5693 OF OFFICIAL RECORDS.
6. UTILITY EASEMENT IN FAVOR OF SDG&E RECORDED FEBRUARY 17, 1972 AS INSTRUMENT NO. 39329 OF OFFICIAL RECORDS.
7. UTILITY EASEMENT IN FAVOR OF SDG&E RECORDED NOVEMBER 4, 1975 AS INSTRUMENT NO. 75-708597 OF OFFICIAL RECORDS.
8. ENCROACHMENT AGREEMENT RECORDED NOVEMBER 18, 1975 AS INSTRUMENT NO. 75-324501 OF OFFICIAL RECORDS.
10. EASEMENT IN FAVOR OF CURTIS TECHNOLOGY, INC. RECORDED NOVEMBER 2, 1992 AS INSTRUMENT NO. 1992-0897280 OF OFFICIAL RECORDS.
11. ENCROACHMENT REMOVAL RECORDED JANUARY 10, 1993 AS INSTRUMENT NO. 93-0032579 OF OFFICIAL RECORDS.
12. COASTAL DEVELOPMENT PERMIT NO. 83-0227 WATERLINE, SORRENTO VALLEY ROAD PLANNING DIRECTOR EXTENSION OF TIME FOR THE INSTALLATION OF A 36-INCH WATERLINE - SORRENTO VALLEY ROAD RECORDED SEPTEMBER 14, 1993 PER INSTRUMENT AS. 1993-0003706 OF OFFICIAL RECORDS.
13. TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE STATE OF CALIFORNIA RECORDED MAY 2, 2003 AS INSTRUMENT NO. 2003-0615544; TERMINATED JUNE 30, 2008 OF OFFICIAL RECORDS.



BASIS OF BEARINGS (B.O.B.)

THE BASIS OF BEARINGS FOR THIS EXHIBIT IS THE CENTERLINE OF SORRENTO VALLEY ROAD ACCORDING TO MAP THEREOF NO. 05693 BEARING N 37°19'19"W

4320 VIEWRIDGE AVE. STE. C
 SAN DIEGO, CA 92123
 TEL: (619) 634-8620
MEGA
 ENGINEERING CONSULTANTS
 SEAN M. SAVAGE PLS 9109 DATE



RESOLUTION No. _____
 ADOPTED ON _____
 DOCUMENT No. _____
 RECORDED _____

DRAINAGE EASEMENT VACATION WITHIN LOT 12, MAP 05693

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS. 697502
ORIGINAL	DEC				SHEET 1 OF 1 SHEET	I.O. 24009044
					FOR CITY LAND SURVEYOR	1910-6259
					DATE	CGS 83 COORDINATES
						270-1697
						NAD 27 COORDINATES
						42620-B
STATUS						

Passed by the Council of The City of San Diego on NOV 14 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2023.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristee Medina, Deputy

Office of the City Clerk, San Diego, California

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