3330 1-2-24 (R-2024-602)

RESOLUTION NUMBER R- 315670

DATE OF FINAL PASSAGE JUL 0 2 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING THE PUBLIC RIGHT-OF-WAY OF AN UNNAMED ALLEY LOCATED AT 10801 SORRENTO VALLEY ROAD – PROJECT NO. PRJ-0651255, 10801 SORRENTO VALLEY ROAD VACATION NO. PMT-2370476.

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, Ramon J. Spear filed an application to vacate a 0.15-acre unnamed alley located at 10801 Sorrento Valley Road, being described as Public Right-of-Way Vacation No. PMT-2370476; and

WHEREAS, Public Right-of-Way Vacation No. PMT-2370476 is located on property owned by Velmatt L.P., a California Limited Partnership; and

WHEREAS, the existing Public Right-of-Way Vacation No. PMT-2370476 is located at 10801 Sorrento Valley Road in the Industrial (IL-3-1) Zone, Coastal Overlay Zone (Non-Appealable), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Areas (MCAS Miramar, Review Area 1), Parking Impact Overlay Zone (Coastal Impact), Parking Standards Transit Priority Area, and the Transit Priority Area within the Torrey Pines Community Plan area.

WHEREAS, in connection with Public Right-of-Way Vacation No. PMT-2370476, the City desires to reserve and except public easements; and

WHEREAS, the matter was set for public hearing on July 2, 2024, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same;

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 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 Council of the City of San Diego, that with respect to Public Right-of-Way Vacation No. PMT-2370476, the Council finds that:

(a) 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.

The 10801 Sorrento Valley Road public right-of-way vacation project proposes to vacate a 20-foot wide unnamed alley totaling an area of 6,518 square-feet. The site is in the IL-3-1 Zone and Coastal Overlay Zone (Non-Appealable), Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Areas (MCAS Miramar, Review Area 1), Parking Impact Overlay Zone (Coastal Impact), Parking Standards Transit Priority Area, and the Transit Priority Area. The project site is bordered on the north by Sorrento Valley Road Pet Cemetery, southbound Interstate 805 to the east, Sorrento Valley Road to the west, and an accessory structure for the Sorrento Valley Road Pet Cemetery and vehicle parking to the south. The project site currently contains an existing utility pole, a storage container, and a portion of a pet cremation plot with a concrete wall and pergola.

The proposed public right-of-way vacation would revert the vacated 6,518-square-foot area to the abutting parcels. The land is no longer needed as public right-of-way and is not needed to provide public circulation or services. The public right-of-way was originally acquired for circulation, access, and public services, yet the unnamed alley was never constructed for the

purposes the right-of-way was dedicated. The vacation will not result in new development and the underlying land use within the right-of-way will retain its current zoning and land use designations in compliance with the Torrey Pines Community plan. The right-of-way is not constructed as an alleyway and does not provide thru-connection within the block due to the 805-freeway right-of-way to the north.

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The neighborhood and community have several existing improved public rights-of-way that provide the public circulation necessary and the unnamed alley is not needed for providing public circulation. Easements will be reserved for SDG&E, AT&T, and Cox Communications as a condition of this vacation. 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.

The proposed public right-of-way vacation would revert the vacated 6,518-square-foot area to the abutting parcels. The land is not needed as public right-of-way and is not needed to provide public circulation or services. The public right-of-way was originally acquired for circulation, access, and public services, yet the unnamed alley was never constructed for the purposes the right-of-way was dedicated. As a public right-of-way, the City controls and is liable for the area that cannot be used as a street for public purposes. Properties adjacent to the right-ofway will benefit from the vacation because they will control, maintain, and be responsible for the area of the vacation. The City and County will benefit from the increase in property tax, which in turn benefits the general public with the increase in funds. Public water and sewer services are not provided through the unnamed alley; however, the area of vacation will reserve easements for SDG&E, AT&T, and Cox Communications. The public also benefits by the reduction of liability to the City of San Diego as the current public right-of-way is controlled by the City yet provides no benefit or use to the public because it is unimproved and no longer needed. Since the use of the land as public right-of-way has never materialized, it is in the public interest to vacate the right-of-way and transfer responsibility of it to the adjacent property owner. 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 land which is the subject of the Public Right-of-Way Vacation is located in the IL-3-1 Zone within the adopted Torrey Pines Community Plan. The Community Plan designates this site as Industrial. The subject site is within the Industrial Employment General Plan land use category, per the Land Use and Street System Map (Figure LU-2). The General Plan and Community Plan land use at 10801 Sorrento Valley Road is implemented by the IL-3-1 zone, which is an industrial zone that allows for industrial and commercial uses. The proposed alley vacation is consistent with Community Plan land use as the alleyway functions as part of the existing uses within the abutting lots. No development is proposed for this project and no additional grading is required to utilize access to the surrounding commercial enterprise. The portions of the vacated right-of-way will revert to the abutting parcels.

The Mobility Element of the General Plan promotes sidewalks that are accessible to pedestrians of all abilities and strives toward achieving a complete, functional, and interconnected pedestrian network (ME-A.3 and ME- A.6). The proposed Right-of-Way Vacation would implement these policies by strengthening pedestrian connectivity since the permittee will be required to replace the existing driveway with a 20-foot wide rolled curb entry for emergency access, and to provide an eight-foot Irrevocable Offer of Dedication on the subject property along Sorrento Valley Road which will allow for future pedestrian, bicycle, and transit-related public improvements.

The Torrey Pines Community Plan does not identify the unnamed alley as a classified street, nor for an existing or future bikeway or transit routes. The project site consists of a relatively flat surface that is currently unimproved. The proposed public right-of-way vacation would not affect vehicle, pedestrian, or biking access to surrounding properties given the site's existing topography and because existing roadways, alleys, and established access easements provide access. As proposed, the Public Right-of-Way Vacation would not adversely impact goals and policies related to mobility within the Torrey Pines Community Plan. Therefore, the vacation does not adversely affect any applicable land use plan.

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

The unnamed alley was originally established by Map No. 483, filed in the Office of the County Recorder of San Diego. The public right-of-way was originally acquired for circulation, access, and public services, yet the unnamed alley was never constructed for the purposes the right-of-way was dedicated. The Torrey Pines Community Plan does not identify any additional improvements to this portion of the unnamed alley. The public will benefit from the additional revenue from property taxes and the reduction of liability to the City. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The proposed public right-of-way vacation would revert the vacated 6,518-square-foot area to the abutting parcels. The land is no longer needed as public right-of-way and is not needed to provide public circulation or services. The vacation will not result in new development and the underlying land use within the right-of-way will retain its current zoning and land use designations in compliance with the Torrey Pines Community plan. The right-of-way is not constructed as an alleyway and does not provide thru-connection within the block due to the 805-freeway right-of-way to the north.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. PMT-2370476, in connection with Coastal Development Permit No. PMT-2370432 and Site Development Permit No. PMT-2370433, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41699-B and 42625-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following condition(s) which are made a part of this resolution:

- 1. Prior to the recordation of the vacation, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the fence, mailbox, and any landscaping in Sorrento Valley Road right-of-way.
- 2. Prior to the recordation of the vacation, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for the retaining wall in Sorrento Valley Road right-of-way.
- 3. Prior to the recordation of the vacation, the Owner/Permittee shall grant to the City an eight-foot wide Irrevocable Offer of Dedication for the adjacent site, on Sorrento Valley Road, satisfactory to the City Engineer.
- 4. Prior to the recordation of the vacation exhibit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a rolled curb adjacent to the site on Sorrento Valley Road, satisfactory to the City Engineer.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Public Right-of-Way Vacation No. PMT-2370476, the permanent easement for public utility purposes, as more particularly described hereinafter:

- 1. An easement for public utility purposes in favor of San Diego Gas & Electric Company over, under, and along the southwesterly 170 feet of said portion of the unnamed alley.
- 2. An easement for public utility purposes in favor of AT&T over, under, and along said portion of the unnamed alley.
- 3. An easement for public utility purposes in favor of Cox Communications over, under, and along said portion of the unnamed alley.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of the unnamed alley, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41699-B and 42625-B, marked as Exhibit "B."

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

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Lauren N. Hendrickson Deputy City Attorney

LNH:cm

May 28, 2024

Or.Dept: Development Services Department

Doc. No. 3665177

Attachments:

Exhibit A: Legal Description

Exhibit B: Drawing No. 41699-B and 42625-B

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ______ JUL 0 2 2024

DIANA J.S. FUENTES City Clerk

Deputy City Clerk

For Gilbert Sanchez

EXHIBIT "A"

PUBLIC ALLEY VACATION

LEGAL DESCRIPTION

ALL THAT PORTION OF THE UNNAMED ALLEY LYING WITHIN BLOCK 16 OF SORRENTO LANDS AND TOWNSITE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 483, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 9, 1888, LYING BETWEEN THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 805 AS GRANTED TO THE STATE OF CALIFORNIA BY DOCUMENT RECORDED JULY 29, 1970 AT FILE/PAGE NO. 133132 OF OFFICIAL RECORDS AND A LINE PARALLEL WITH AND 8.00 FEET NORTHEASTERLY OF THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SORRENTO VALLEY ROAD AS DEDICATED PER DOCUMENT RECORDED JANUARY 27, 1977 AT FILE/PAGE NO. 77-032629 OF OFFICIAL RECORDS.

RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY OVER, UNDER AND ALONG THE SOUTHWESTERLY 170.00 FEET OF SAID PORTION OF THE UNNAMED ALLEY.

ALSO, RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF AT&T OVER, UNDER AND ALONG SAID PORTION OF THE UNNAMED ALLEY.

ALSO, RESERVING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF COX COMMUNICATIONS OVER, UNDER AND ALONG SAID PORTION OF THE UNNAMED ALLEY.

CONTAINING 6,518.48 SQUARE FEET (0.15 ACRES) MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 41699-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

RAMON J. SPEAR

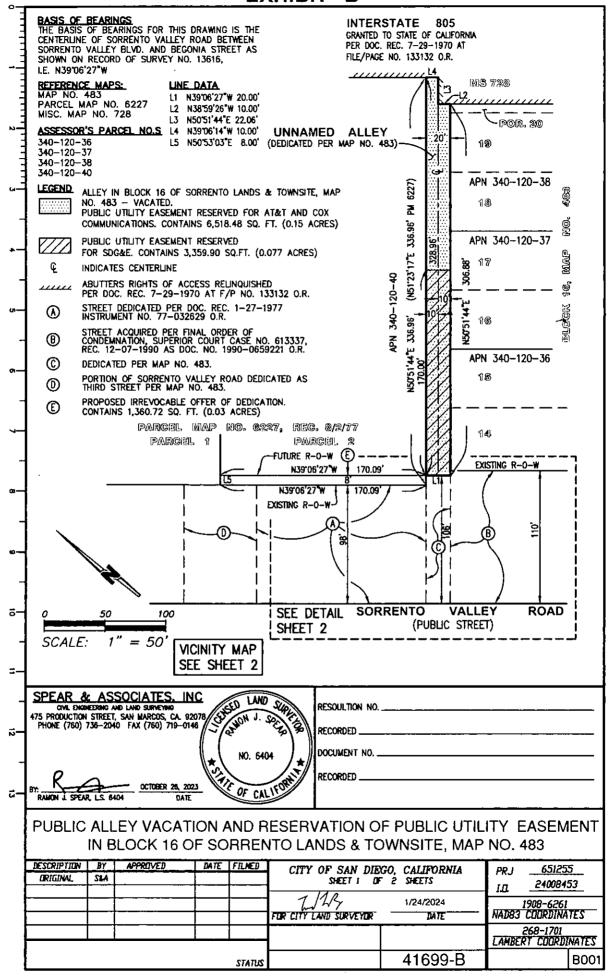
No. 8404

RAMON J. SPEAR, L.S. 6404

PRJ NO. 651255 DWG. NO. 41699-B

1	BASIS OF BEARINGS. THE BASIS OF BEARINGS FOR THIS DRAWING IS THE CENTERLINE OF SORRENTO VALLEY ROAD BETWEEN SORRENTO VALLEY BLVD. AND BEGONIA STREET AS SHOWN ON RECORD OF SURVEY NO. 13616, LE. N39'06'27"W	
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.	FOR SDG&E. CONTAINS 3,359.90 SQ.FT. (0.077 ACRES)	7 340-120-37 7 등
t h	STREET DEDICATED PER DOC. REC. 1-27-1977 INSTRUMENT NO. 77-032629 O.R.	
_	NEC. 12 07 1330 NO 000. NO. 1330 0003221 U.N.	
a —	DEDICATED PER MAP NO. 483.	i 340–120–36 ਲ
	THIRD STREET PER MAP NO. 483.	
,	PROPOSED IRREVOCABLE OFFER OF DEDICATION. CONTAINS 1,360.72 SQ. FT. (0.03 ACRES)	
7	Parcel Map No. 6227. Reg. 1/2/77 Parcel 1 Parcel 2	€],
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_	SPEAR & ASSOCIATES, INC. CIVIL ENGINEERING AND LAND SURVEYING CO. RESOULTION NO.	
1	475 PRODUCTION STREET, SAN WARCOS, CA. 92078 (37 J. S. PHONE (760) 738-2040 FAX (760) 719-0146	
12	(())	
-	*	
5	BY: OF CALLEGED RECORDED RECO	
	PUBLIC ALLEY VACATION AND RESERVATION OF PUBLIC UTIL IN BLOCK 16 OF SORRENTO LANDS & TOWNSITE, MAP	NO. 483
	DESCRIPTION BY APPROVED DATE FILMED CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEETS	PRJ <u>651255</u> LO <u>24008453</u>
	1/23/2024	1908-6261 NAD83 COURDINATES
	FOR CITY LAND SURVEYOR DATE	268-1701
ļ	41600 P	LAMBERT COURDINATES
	STATUS 41699-B	B001

EXHIBIT "B"



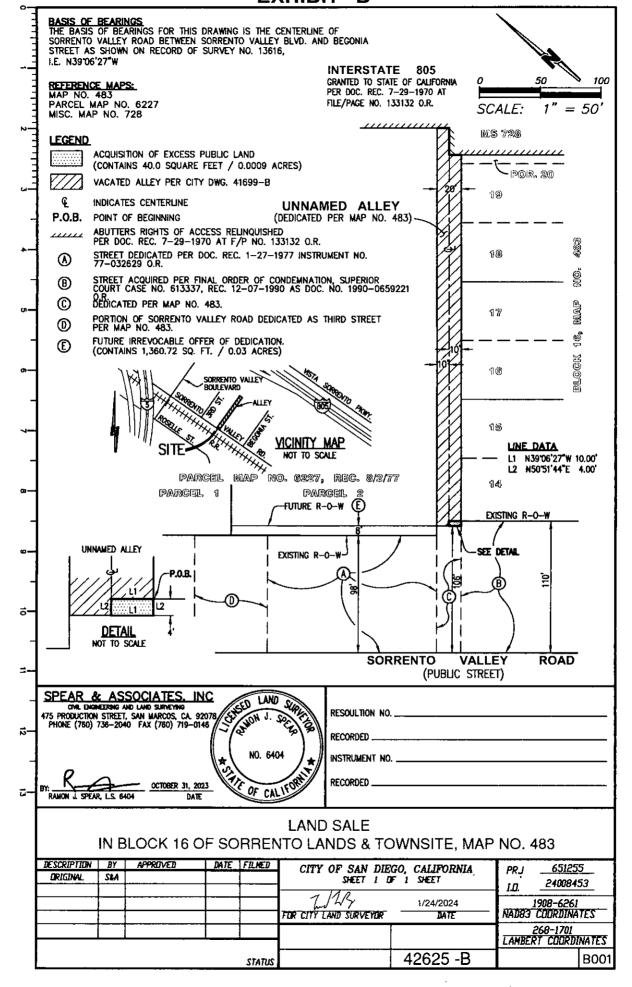
STATUS

268-1701 LAMBERT COURDINATES

B002

41699-B

EXHIBIT "B"



Passed by the Council of The C	City of San Diego	on1 <u>]</u>	11 0 2 2024	_, by the following vote
Councilmembers	Vona	Mayo	Not Dussey	Doguand
	Yeas	Nays	Not Present	Recused
Joe LaCava				
Jennifer Campbell				
Stephen Whitburn	<u> </u>			
Henry L. Foster III				
Marni von Wilpert				
Kent Lee	Z			
Raul A. Campillo	$ \angle $			
Vivian Moreno				
Sean Elo-Rivera	otag			
date the approved resolutio	n was returned	to the Offi	ce of the City Cl	
AUTHENTICATED BY:		May		an Diego, California.
			DIANA J.S. FL	JENTES
(Seal)		City Cle	erk of The City of	San Diego, California.
		By S y. For	Gilbert S	ven, Deputy panchez
		Office of the	e City Clerk, San D	Diego, California
	" Resolo	ution Numb	er R 31567	0