

Item 621A
12/17/24

(R-2025-245)

RESOLUTION NUMBER R- **315964**

DATE OF FINAL PASSAGE **DEC 17 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING EASEMENT VACATION
NO. 3304405 FOR THE UNIVERSITY OF SAN DIEGO
MASTER PLAN AMENDMENT – PROJECT NO.
PRJ-1099954.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. The University of San Diego, a California Corporation, filed an application to vacate an existing storm drain easement located at 5998 Alcalá Park, described as Easement Vacation No. 3304405.
- B. 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 Council resolution.
- C. The City as Lead Agency has reviewed and accepted a California Environmental Quality Act (CEQA) Guidelines, Title 14 California Code of Regulations section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation prepared for the University of San Diego Master Plan Amendment – Project No. PRJ-1099954 (Project). The consistency evaluation was performed to determine if conditions specified in CEQA Guidelines section 15162 would require preparation of additional CEQA review for the Project. Staff determined that the Project is consistent with the USD Master Plan Update Subsequent Environmental Impact Report (SEIR; SCH No. 1993121032) certified by the Council on September 11, 2017, San Diego Resolution R-311298. Pursuant to California Public Resources Code section 21166 and CEQA Guidelines section 15162, there is no change in

circumstance, additional information, or project changes to warrant additional environmental review for this action.

D. On September 26, 2024, the Planning Commission of the City of San Diego considered Easement Vacation No. 3304405 and voted 5-0-1 to recommend approval pursuant to Resolution No. 5315-PC.

E. On December 17, 2024, the Council held a noticed public hearing to consider Easement Vacation No. 3304405. Pursuant to San Diego Municipal Code section 125.1040, the Council received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing. The Council has fully considered and been fully advised on this matter.

F. The Office of the City Attorney prepared 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 and accurate.

G. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Easement Vacation No. 3304405:

PUBLIC SERVICE EASEMENT VACATION – San Diego Municipal Code (SDMC)
Section 125.1040

- 1. 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 easement to be vacated was granted in November 1983 for storm drain and incidental purposes. Under the terms of the USD Master Plan Amendment, specific development projects will be implemented in the future which relate to the site area in which the above easement is located. With the build-out of the Project according to the USD Master Plan Amendment, the easement will be vacated and relocated to areas outside of building footprints. Pursuant to conditions imposed on this vacation, the easement relocation and construction and operation of new storm drains must occur before this vacation may become effective, and any new replacement easements will be secured as necessary. When this replacement and relocation occur, the existing easement will have no prospective use. There is no other use of a like nature for this specific easement that can be reasonably anticipated.

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

The approximately 180-acre Project site is presently limited by the existence of the easement in that the property may not develop or place new buildings over the area of the existing easement, and without vacation of the existing easement, the area of land available for the new developments anticipated by the USD Master Plan Amendment is constrained. With the construction of new replacement facilities in the future in conjunction with the new projects in the USD Master Plan Amendment, the land area associated with Easement Vacation No. 3304405 will have no public use. The action will facilitate the development of future projects that increase student housing opportunities on campus to serve the existing and future on-campus student population. The additional on-campus student housing will also help the university remain competitive for attracting and retaining students and reduce the demand for off-campus housing available to the community. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation with development of the site as outlined in the USD Master Plan Amendment, and the accompanying Conditional Use Permit No. PMT-3234656, Site Development Permit No. PMT-3234657, and Planned Development Permit No. PMT-3302312.

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

The USD Master Plan Amendment is a continuation of the existing use, which is designated for Institutional, Residential, and Open Space land uses within the Linda Vista Community Plan. Easement Vacation No. 3304405 will facilitate the build out of the USD campus consistent with the land use designation and will not adversely impact the Linda Vista Community 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 existing easement to be vacated was acquired for the purposes of placing and maintaining a storm drain system to serve the needs of the campus and neighborhood. With the removal of the old storm drain facility and construction of new replacement facilities, as outlined in the USD Master Plan Amendment and accompanying Conditional Use Permit No. PMT-3234656, Site Development Permit No. PMT-3234657, and Planned Development Permit No. PMT-3302312, the present easement will no longer be necessary, and the purpose for which the easement was acquired will no longer exist. The public facility for which the easement was originally acquired will not be detrimentally affected by Easement Vacation No. 3304405.

2. The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated by this reference.

3. Based upon these findings adopted by the Council, Easement Vacation No. 3304405, as shown on Drawing No. 0101738-B and in the USD Master Plan Technical Appendix, attached as Exhibit A to this Resolution, incorporated here by reference, and made a part of this Resolution, is ordered vacated subject to the following condition which is made a part of this Resolution:

Prior to the recordation of the easement vacation, new storm drains shall be constructed and operational and replacement easements for all public storm drain facilities which are located outside of the public rights of way shall be granted to the City of San Diego, per the terms of the USD Master Plan Amendment and conditions of Conditional Use Permit No. PMT-3234656, Site Development Permit No. PMT-3234657, and Planned Development Permit No. PMT-3302312, satisfactory to the City Engineer.

4. Upon satisfaction of the condition described herein, as determined by the City Engineer, 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: HEATHER FERBERT, City Attorney


By 
Jeanne L. MacKinnon
Deputy City Attorney

JLM:amt
November 7, 2024
Or.Dept: DSD
Doc. No. 3856161

Attachment: Exhibit A – Drawing No. 0101738-B

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on DEC 17 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk
for Gil Sanchez

Passed by the Council of The City of San Diego on DEC 17 2024, 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"/>
Henry L. Foster III	<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 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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 2024.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>315964</u>