2026 9-14-26

(R-2027-39)
COR COPY

RESOLUTION NUMBER R- 316928

DATE OF FINAL PASSAGE SEP 14 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY APPROVING THE DESERT VIEW DRIVE PUBLIC RIGHT-OF-WAY VACATION PROJECT – PROJECT NO. PRJ-1138629, RESERVING A UTILITY EASEMENT NEAR 5897 AND 5915 DESERT VIEW DRIVE, AND RELATED ACTIONS.

RECITALS

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

A. Mark S. Olsson, Applicant, and Nicholas A. Rossi, Engineer, filed an application with the City of San Diego (City) to vacate a 1,002.32 square-foot (0.023 acre) portion of excess public right-of-way, intended for street purposes, located adjacent to 5897 Desert View Drive and 5915 Desert View Drive (Public Right-of-Way Vacation No. PMT-3360692), San Diego County Assessor Parcel Number 358-371-13-00, legally described as Lot 231 of the Soledad Corona Estates Unit No. 3 according to Tract Map No. 4473 filed February 24, 1960, in the Residential Single Unit-1-2 zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan area.

B. California Streets and Highways Code section 8330, et seq., and Chapter 12, Article 5, Division 9 of the San Diego Municipal Code (Municipal Code) provide a procedure to summarily vacate public rights-of-way by Council resolution.

C. On September 14, 2026, the Council held a noticed public hearing to consider Public Right-of-Way Vacation No. PMT-3360692. Pursuant to Municipal Code sections 125.0940 and 125.0941, 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 has been fully advised on this matter.

D. 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.

E. 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 Public Right-of-Way Vacation No. PMT-3360692:

PUBLIC RIGHT-OF-WAY VACATION [San Diego Municipal Code section 125.0941]

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 subject Public Right-of-Way was originally dedicated in 1960 as "Reserved for Future Street" to accommodate a potential street extension from Desert View Drive toward the southeast. That planned street connection was never constructed and the area has remained undeveloped for more than 60 years, eliminating the need for the future roadway. On September 18, 2024, the Superior Court of the State of California entered a Judgment Quieting Title to Real Property, pursuant to California Civil Code sections 771.010 and 771.020,

determining that the City had never accepted the Offer of Dedication for the future street and quieting title to Lots 230 and 231 free and clear of the Offer of Dedication. The judgment was recorded on October 16, 2024, as Document No. 2024-0278875 in the Official Records of San Diego County. As a result, the remaining excess right-of-way no longer serves the transportation purpose for which it was originally acquired and there is no reasonably foreseeable public need for its continued retention. Rather than preserving an unused remnant of public right-of-way, the project completes the existing public improvements along Desert View Drive by replacing the temporary asphalt berm with permanent curb and gutter and constructing the missing section of detached sidewalk. These improvements create a continuous pedestrian route while maintaining the existing street alignment and circulation pattern. The La Jolla Community Plan and Local Coastal Program Land Use Plan promotes practical improvements to the existing circulation system that enhances pedestrian mobility without expanding roadway capacity or disrupting neighborhood character. Accordingly, the subject Public Right-of-Way no longer fulfills the public purpose for which it was acquired and there is no present or anticipated public use that would warrant its retention.

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

The proposed Public Right-of-Way Vacation will eliminate excess public right-of-way that no longer serves as a transportation function while facilitating construction of permanent public improvements that enhance pedestrian safety and accessibility along Desert View Drive. Existing conditions include a temporary asphalt berm and a gap in the sidewalk network, requiring pedestrians to leave the sidewalk and enter the street before reconnecting to the existing pedestrian path. The project replaces these temporary improvements with new curb, gutter, and sidewalk that completes the missing pedestrian connection and provides a safer, more

accessible route for neighborhood residents and visitors. The La Jolla Community Plan and Local Coastal Program Land Use Plan identifies enhancement of pedestrian circulation as a fundamental transportation objective and encourages improvements that strengthen pedestrian routes while preserving neighborhood character. The project directly advances these objectives by completing an existing gap in the public sidewalk system without introducing new roadway capacity or altering established traffic circulation. The project also improves the appearance and functionality of the public streetscape by replacing outdated temporary improvements with permanent public infrastructure that is consistent with surrounding development. The vacation therefore results in a clear public benefit through improved pedestrian circulation, enhanced public safety, completion of missing public improvements, and more efficient utilization of land that is no longer needed for public street purposes.

c. The vacation does not adversely affect any applicable land use plan.

The proposed Public Right-of-Way Vacation is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan. The La Jolla Community Plan and Local Coastal Program Land Use Plan designates the surrounding area for low-density residential development and does not identify a future street extension through the subject property. Likewise, the La Jolla Community Plan and Local Coastal Program Land Use Plan does not designate a future roadway at this location, confirming that the right-of-way is no longer needed as part of the planned circulation system. The La Jolla Community Plan and Local Coastal Program Land Use Plan emphasize maintaining La Jolla's residential character while improving pedestrian circulation and completing practical transportation improvements that enhance safety without expanding roadway capacity. The project fulfills these objectives by removing an obsolete remnant of public right-of-way, constructing permanent curb, gutter, and sidewalk

improvements, and providing a continuous pedestrian facility consistent with the surrounding neighborhood. These improvements support the La Jolla Community Plan and Local Coastal Program Land Use Plan's goals of promoting safe and pleasant pedestrian routes, improving circulation, and preserving community character. The project site is adjacent to, but not within, designated Multi-Habitat Planning Area (MHPA) lands. The proposed Public Right-of-Way Vacation does not extend into the adjacent MHPA, does not facilitate additional roadway construction, and does not conflict with the La Jolla Community Plan and Local Coastal Program Land Use Plan's natural resource protection policies. Consequently, the proposed vacation remains consistent with the applicable land use designations, circulation framework, and resource protection objectives of the La Jolla Community Plan and Local Coastal Program Land Use Plan.

d. The public facility for which the easement was originally acquired will not be detrimentally affected by the vacation.

The subject Public Right-of-Way was originally reserved to accommodate a future public street connection that was never constructed and has subsequently been determined to be unnecessary. On September 18, 2024, the Superior Court of the State of California entered a Judgment Quieting Title to Real Property, pursuant to California Civil Code sections 771.010 and 771.020, determining that the City had never accepted the Offer of Dedication for the future street and quieting title to Lots 230 and 231 free and clear of the Offer of Dedication. The judgment was recorded on October 16, 2024, as Document No. 2024-0278875 in the Official Records of San Diego County. As a result, the intended public transportation purpose no longer exists. Retention of the remaining excess right-of-way would not provide any additional transportation benefit because no future roadway is planned at this location. The proposed vacation will not adversely affect the existing public street system, pedestrian circulation, or the

provision of public services. Instead, the project improves the existing public right-of-way by constructing permanent curb, gutter, and sidewalk improvements that complete the streetscape and provide enhanced pedestrian connectivity along Desert View Drive. Existing vehicular circulation remains unchanged, and the project does not reduce roadway capacity or eliminate any planned transportation facility identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan. Because the original purpose of the dedication no longer exists and the proposed improvements provide a greater public benefit than retaining the unused excess right-of-way, the vacation will not detrimentally affect any existing or future public facility or purpose.

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

3. Based on these findings adopted by the Council, Public Right-of-Way Vacation No. PMT-3360692, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 102415-B marked as Exhibit "B," both exhibits incorporated by this reference and made a part of this Resolution, is ordered vacated subject to the following conditions:

a. Prior to the recordation of Public Right-of-Way Vacation No. PMT-3360692, the applicant shall reserve an easement and right of way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain, and use facilities consisting of overhead and underground electric facilities, communication facilities and all appurtenances including necessary anchorage for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure shall be permitted

within the easement excepting other utility facilities that meet SDG&E's separation requirements. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems necessary. Said rights shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons. Upon receipt of written request from Grantor, this easement will be quitclaimed by Grantee, provided that the facilities have been removed.

b. Prior to the recordation of Public Right-of-Way Vacation No. PMT-3360692, the Applicant shall restore the city standard curb, gutter, and sidewalk along Desert View Drive satisfactory to the City Engineer.

c. Prior to the recordation of Public Right-of-Way Vacation No. PMT-3360692, the Applicant shall assure by permit and bond the construction of a 12 feet wide parkway consisting of a four and a half feet wide sidewalk and five and a half feet wide landscape strip on the curb side of the sidewalk and two feet of landscape strip on the back side of the sidewalk along the area vacated at Desert View Drive and 5915 Desert View Drive, as more particularly shown on Drawing No. 102415-B marked as Exhibit "B," satisfactory to the City Engineer. These improvements shall be completed and operational prior to the recordation of Public Right-of-Way Vacation No. PMT-3360692.

In the event these conditions are 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.

4. 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 _____
Justin R. Bargar
Deputy City Attorney

JRB:cw
August 26, 2026
September 11, 2026 COR. COPY
Or. Dept: DSD
Doc. No.: 4532157_2

ATTACHMENTS:
Exhibit A - Legal Description
Exhibit B – Drawing No. 102415-B

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on SEP 14 2026.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

EXHIBIT 'A'

LEGAL DESCRIPTION
PUBLIC RIGHT-OF-WAY VACATION

All that portion of "Desert View Place" as dedicated per "Soledad Corona Estates No. 3", in the City of San Diego, County of San Diego, State of California according to the Map thereof No. 4473 filed in the office of the County Recorder on February 24, 1960. Said portion of Desert View Place adjoins Lots 230 and 231 of said Map No. 4473 on the West and lying Northeasterly of the following described line:

BEGINNING at the most Southwesterly corner of Lot 230 of said Map No. 4473; thence along the Westerly line thereof (being also the Easterly Right-of-Way line of Desert View Drive) North 18° 07' 00" West 70.00 feet to the beginning of a tangent curve concave Southeasterly having a radius of 20.00 feet; thence Northerly along said curve through a central angle of 25° 50' 31", an arc distance of 9.02 feet to the TRUE POINT OF BEGINNING; thence leaving said curve North 18° 07' 00" West 41.72 feet to the beginning of a tangent curve concave Southwesterly having a radius of 235.00 feet; thence Northwesterly along said curve through a central angle of 6° 56' 50", an arc distance of 28.49 feet to the POINT OF TERMINUS, being a point on a curve having a radius of 20.00 feet, to which a radial line bears South 38° 03' 03" West, said curve being the Southwesterly line of Lot 231 and the Northerly Right-of-way line of said Desert View Place.

Containing an area of 1002.32 square feet (0.023 acres) more or less.

Attached hereto is drawing No. 102415-B and by this reference made a part hereof.

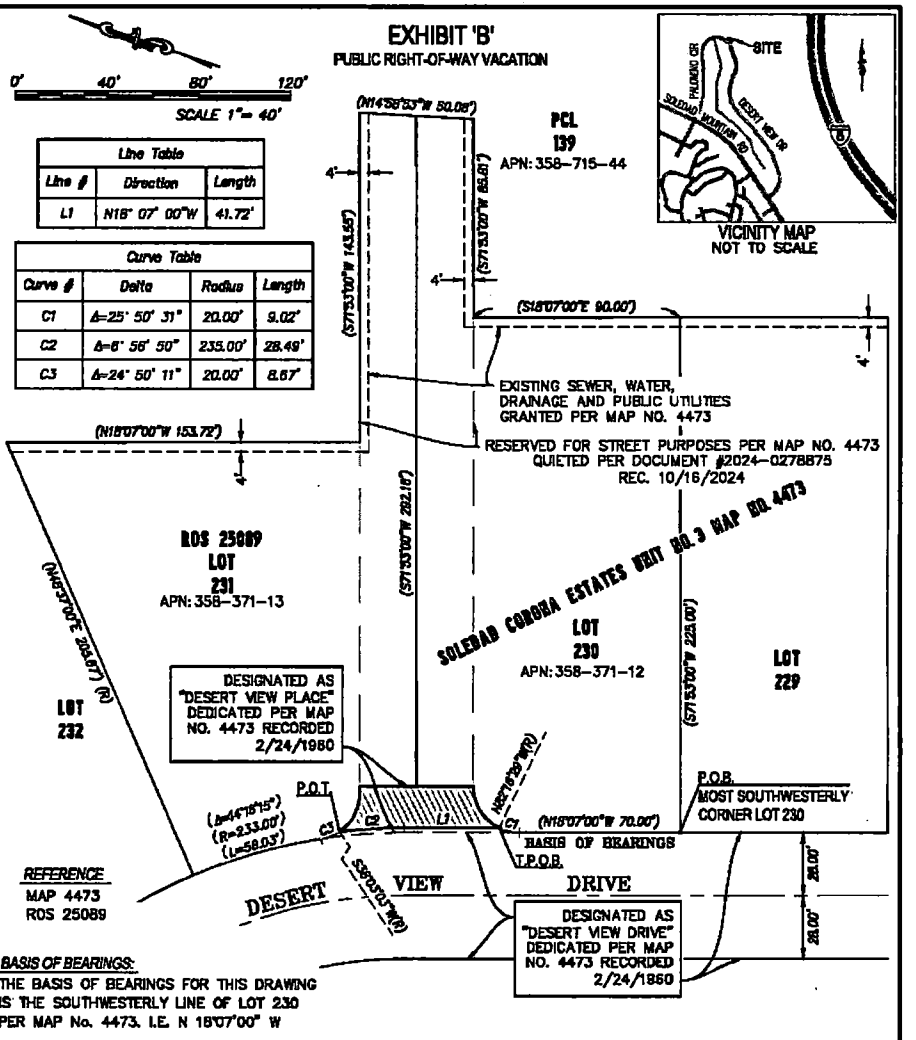
_____ Date: 7/29/2026

Nicholas A. Rossi, PLS 9149

PRJ NO: 1138629
PMT NO: 3360692
DRAWING NO: 102415-B

EXHIBIT 'B'

PUBLIC RIGHT-OF-WAY VACATION



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE SOUTHWESTERLY LINE OF LOT 230 PER MAP No. 4473. I.E. N 18°07'00" W

EPOCH SURVEYING AND MAPPING, INC.
11503 SCRIPPS CREEK DRIVE
SAN DIEGO, CA 92131
858.437.9980

7/29/2026

NICHOLAS A. ROSSI P.L.S. 9149 DATE

LICENSED LAND SURVEYOR NICHOLAS A. ROSSI No. L9149 STATE OF CALIFORNIA

RESOLUTION No. _____

ADOPTED _____

DOCUMENT No. _____

RECORDED _____

RIGHT-OF-WAY VACATION

PORTION OF DESERT VIEW DRIVING ADJOINING LOTS 230 & 231 OF SOLEDAD CORONA ESTATES No. 3, MAP No. 4473

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	NAR			

STATUS

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 2 SHEET

FOR CITY LAND SURVEYOR _____ DATE _____

PRJ NO. 1138629

PMT NO. 3360692

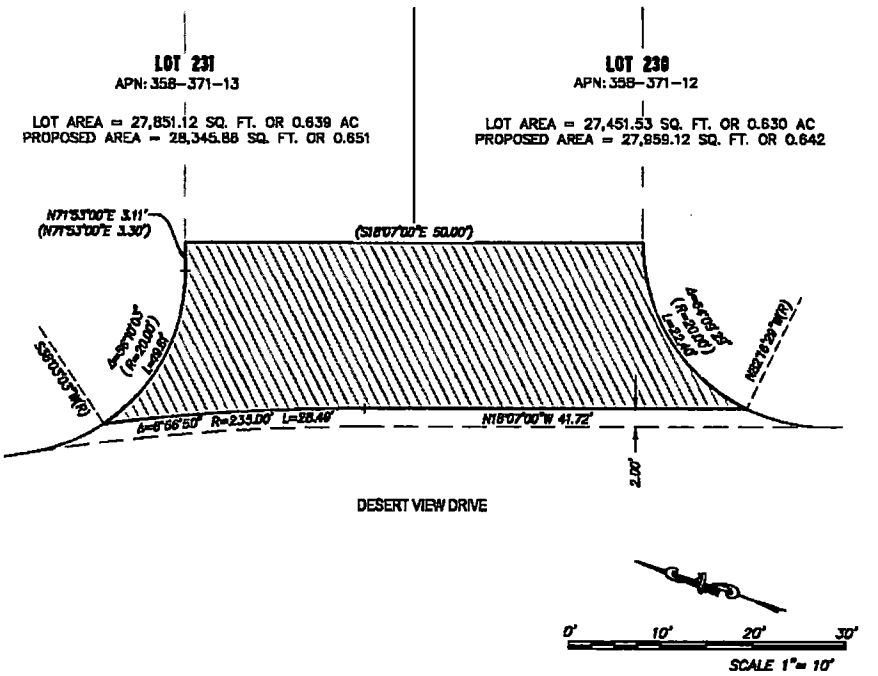
1882-6257
CCS 83 COORDINATES

242-1697
NAD 27 COORDINATES

102415-1-B

EXHIBIT 'B'

PUBLIC RIGHT-OF-WAY VACATION



LEGEND

	INDICATES A PORTION OF DESERT VIEW PLACE DEDICATED PER MAP NO. 4473, VACATED HEREON AREA = 1002.32 SQ. FT., 0.023 ACRES
———	INDICATES CENTER LINE
———	INDICATES LOT LINE/RIGHT-OF-WAY LINE
- - - - - - -	INDICATES EXISTING EASEMENT LINE
(R)	INDICATES BEARING IS RADIAL
( )	INDICATES RECORD DATA PER MAP NO. 4473
P.O.B.	INDICATES POINT OF BEGINNING
T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
P.O.T.	INDICATES POINT OF TERMINUS

EPOCH SURVEYING AND MAPPING, INC.
11503 SCRIPPS CREEK DRIVE
SAN DIEGO, CA 92131
858.437.9980

LICENSED LAND SURVEYOR NICHOLAS A. ROSSI No. L9149 STATE OF CALIFORNIA

7/29/2026

NICHOLAS A. ROSSI P.L.S. 9149 DATE

RESOLUTION No. _____

ADOPTED _____

DOCUMENT No. _____

RECORDED _____

RIGHT-OF-WAY VACATION

PORTION OF DESERT VIEW DRIVING ADJOINING LOTS 230 & 231 OF SOLEDAD CORONA ESTATES No. 3, MAP No. 4473

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	NAR			

STATUS

CITY OF SAN DIEGO, CALIFORNIA

SHEET 2 OF 2 SHEET

FOR CITY LAND SURVEYOR _____ DATE _____

PRJ NO. 1138629
PMT NO. 3360892

1882-6257
CCS 83 COORDINATES

242-1697
NAD 27 COORDINATES

102415-2-B

Passed by the Council of The City of San Diego on SEP 14 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☑	☐	☐	☐
Jennifer Campbell	☑	☐	☐	☐
Stephen Whitburn	☑	☐	☐	☐
Henry L. Foster III	☐	☐	☑	☐
Marni von Wilpert	☐	☐	☑	☐
Kent Lee	☑	☐	☐	☐
Raul A. Campillo	☑	☐	☐	☐
Vivian Moreno	☑	☐	☐	☐
Sean Elo-Rivera	☑	☐	☐	☐

Date of final passage SEP 14 2026.

(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 Krystel Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 316928