

000681

RECOMMENDATIONS

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager must complete the following information for the Council docket:

CASE NO. Project Number 55352, Plum / Poe Street Vacation

STAFF'S

Please indicate recommendation for each action. ie: resolution/ ordinance

Approve Public Right-of-Way Vacation No. 161318

PLANNING COMMISSION (list names of Commissioners voting yea or nay)

Not applicable. This request is for a Summary Street Vacation which does not require a Planning Commission recommendation pursuant to Municipal Code Section No. 125.0940.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Peninsula

- No officially recognized community planning group for this area.
- Community Planning Group has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.

This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By Cory W. Wilkinson
Cory Wilkinson, Project Manager

000683

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE) 332

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
DEVELOPMENT SERVICES

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.

3. DATE: 3/27
December 6, 2006

4. SUBJECT: Poe / Plum Street Right-of-Way Vacation
07 JAN 37 AM 11:16

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Cory Wilkinson (619) 557-7900, M.S. 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Patrick Hooper (619) 557-7992 M.S. 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND			
DEPT.	1317		
ORGANIZATION	1711		
OBJECT ACCOUNT	4022		
JOB ORDER	423628		
C.I.P. NUMBER	N/A		
AMOUNT			

9. ADDITIONAL INFORMATION / ESTIMATED COST:
Fiscal Impact: None, all costs are paid by the applicant.
J.O. 42-3628

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	MARCELA ESCOBAR-ECH	12/8/06	8	DEPUTY CHIEF	JAMES WARRING	12/8/06
2	EAS	KENNETH TEASLEY	12/6/06	9	COO		
3	MAPPING	LEE HENNES	12/7/06	10	CITY ATTORNEY	KARL	2/2/07
4	CFD			11	ORIG. DEPT	MIKE WESTLAKE	12/6/06
5					DOCKET COORD:	COUNCIL LIAISON	
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7						<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____	

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1) Resolution approving Public Right-of-Way Vacation No. 45894.

11A. STAFF RECOMMENDATIONS:

Approve the Public Right-of-Way Vacation as conditioned.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): Two

COMMUNITY AREA(S): Peninsula Community

ENVIRONMENTAL IMPACT: This activity is Exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

HOUSING IMPACT: The Peninsula Community Plan and zone designate the project site for single family residential development. The right-of-way vacation would not affect current densities in the area. Since the proposed project does not propose development, it is exempt from the requirements of the Inclusionary Housing Ordinance.

OTHER ISSUES: None

000685

EXECUTIVE SUMMARY SHEET

RECEIVED
CITY CLERK'S OFFICE

07 JAN 37 AM 11:16
Report No.

Date: December 5, 2006

ATTENTION: COUNCIL PRESIDENT AND CITY COUNCIL
ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES
SUBJECT: PLUM / POE PUBLIC RIGHT-OF-WAY VACATION, PROJECT 55352
COUNCIL DISTRICT: 2
STAFF CONTACT: Cory H. Wilkinson, AICP, 557-7900, cwilkinson@sandiego.gov

REQUESTED ACTION:

Should the City Council approve or deny Public Right-of-Way Vacation No. 161318, of an unimproved portion of Poe and Plum Streets, located in Council District 2, Peninsula Community Plan area, adjacent to 3343 Poe Street?

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 161318.

EXECUTIVE SUMMARY:

Project Description

The project proposes the vacation of an unimproved portion of the Plum and Poe Streets right-of-way, within the Peninsula Community Plan Area. This Public Right-of-Way Vacation is being requested by the adjacent property owner at 3343 Poe Street.

The proposed vacation includes two 70-foot wide portions of unimproved right-of-way as follows: Approximately 180 linear feet of Plum Street, from Poe Street southerly to a previously vacated 6,300 square foot segment adjoining Oliphant Street; and approximately 105 linear feet of Poe Street, from 3343 Poe Street easterly through the intersection with Plum Street. Approximately 15,345 square feet of right-of-way would be vacated, reserving easements for sewer, storm drain, general utilities, and access (approximately 2,973 square feet total).

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street due to the steep topography (approximately 40% slope). This topography precludes safe pedestrian access, although some people do choose to climb the steep grade (more so for recreational purposes, not as a routine path of travel), leading them immediately alongside the existing house at 3343 Poe Street.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the street would be improved in the future to a degree that would facilitate vehicular access. The abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the Peninsula Community Plan and the proposed vacation would not affect existing access to properties.

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Regulatory Framework

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation (Attachment 7). The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. As described in Section 125.0910(b) and 125.0940(c) of the Municipal Code, this section of right-of-way is eligible to be summarily vacated, therefore, a recommendation by the Planning Commission is not required.

Community Plan

The subject site is designated for single-family development in the Peninsula Community Plan. The site is not within a designated public view corridor, and is not a designated pedestrian path. Staff has determined that the unimproved right-of-way cannot be used for the purposes listed above and has no views into designated Open Space. Therefore, the request for the street vacation at this site would not adversely affect the community plan.

PLANNING COMMISSION RECOMMENDATION: The project is considered a summary vacation and therefore does not require a Planning Commission recommendation.

FISCAL CONSIDERATIONS:

There is no fiscal impact. The project is processed through a fee paid for by the applicant

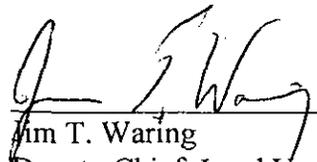
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 19, 2005, a motion carried by the Peninsula Community Planning Board to recommend denial of the proposed right-of-way vacation by a vote 5-0-1. The Board recommended in favor of an Encroachment Removal Agreement rather than a Vacation (6-0-0).

KEY STAKEHOLDERS AND PROJECTED IMPACTS

Stakeholders – Mrs. Heather Nelson, Applicant


Marcela Escobar-Eck
Director,
Development Services Department

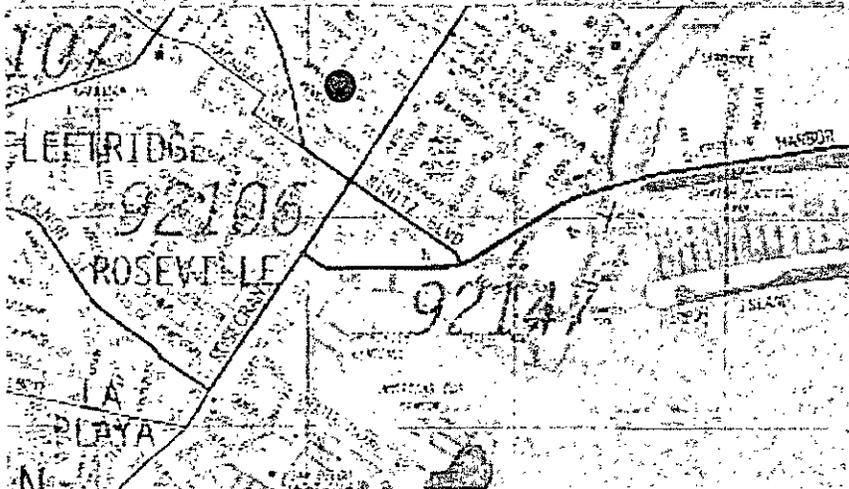
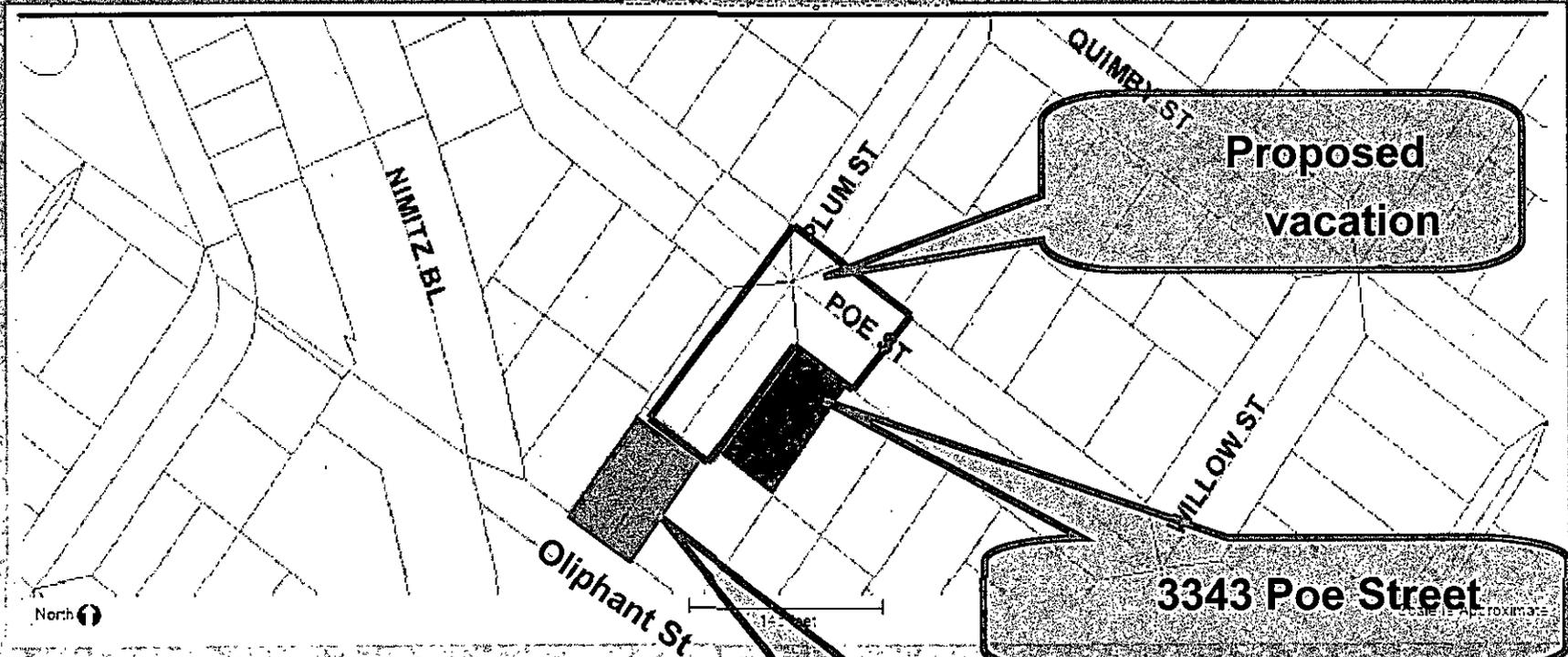

Jim T. Waring
Deputy Chief, Land Use and
Department Economic Development

Attachments:

1. Location Map
2. Community Plan Land Use Maps
3. Aerial Photograph
4. Site Photographs
5. Vacation Exhibits: B-Sheet and Legal Description
6. Proposed Landscape Concept
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Input of Adjacent Neighbors
10. Ownership Disclosure Statement

Development Services Department Project Management

000687

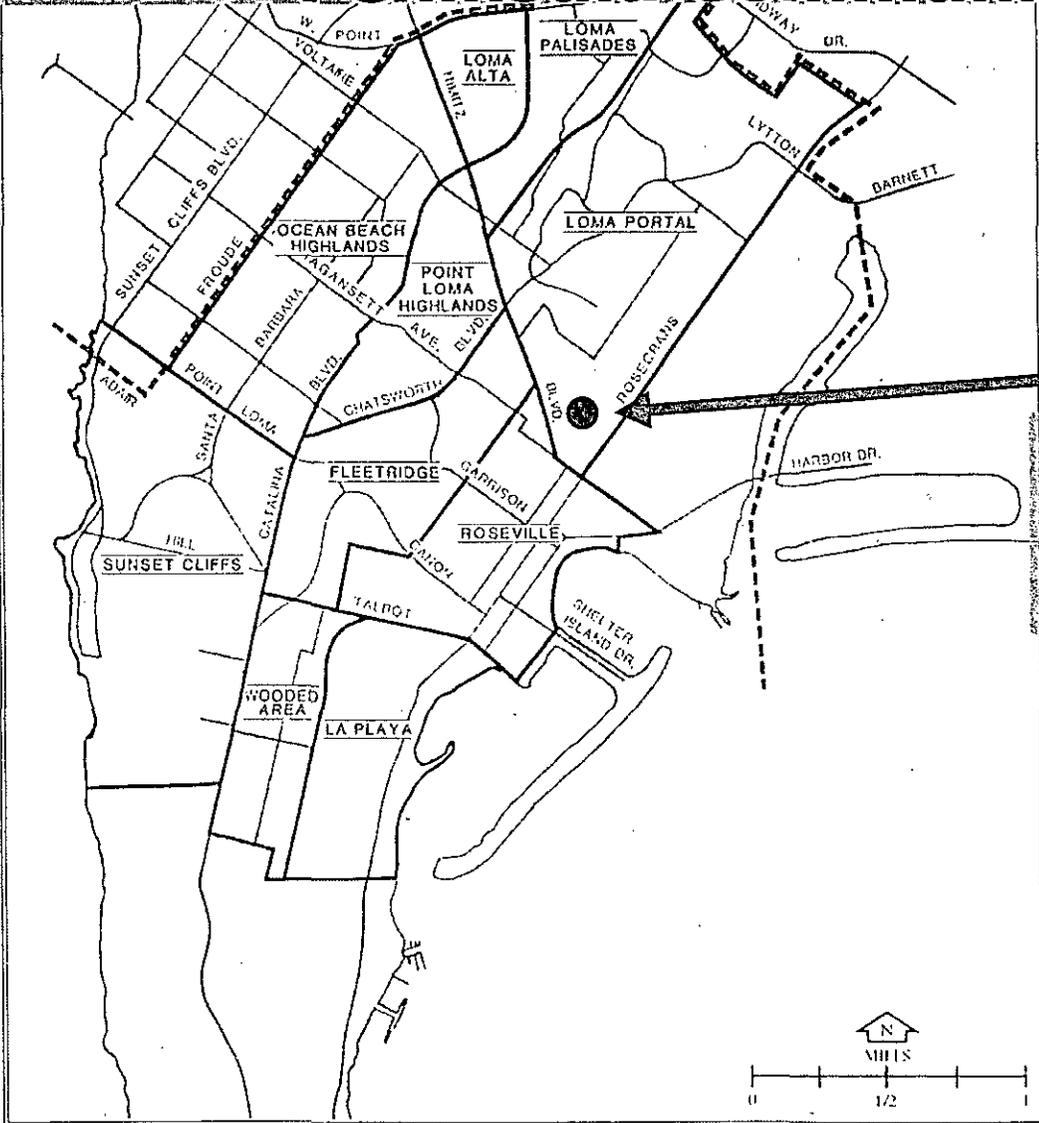


3343 Poe Street

existing vacation

Peninsula Community Plan Map

000688



SITE

Loma Portal
neighborhood



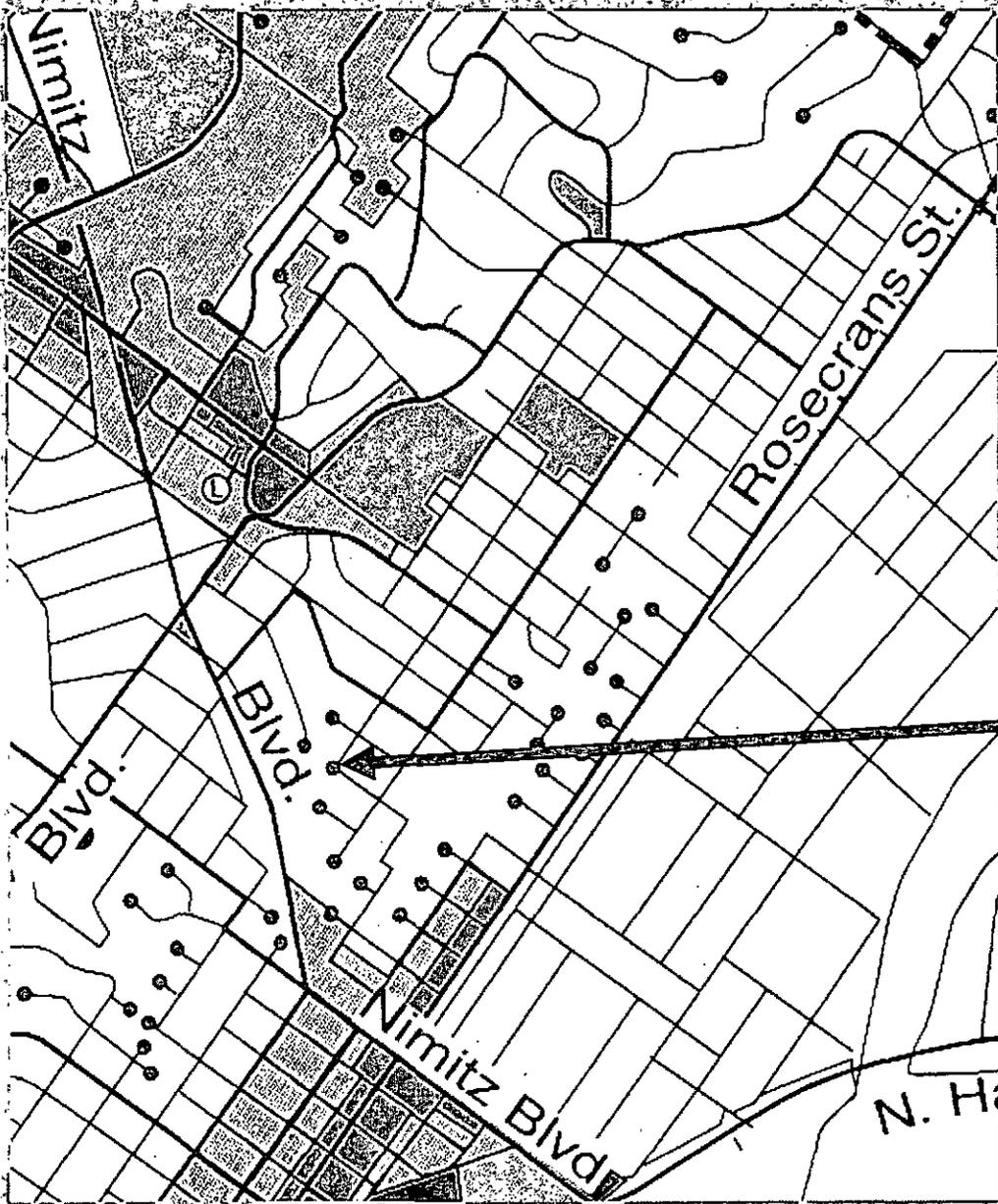
PENINSULA NEIGHBORHOODS

Peninsula Community
City of San Diego-Planning Department

FIGURE
3

Development Services Department
Project Management

000689



SITE

Single-family

Development Services Department

000690

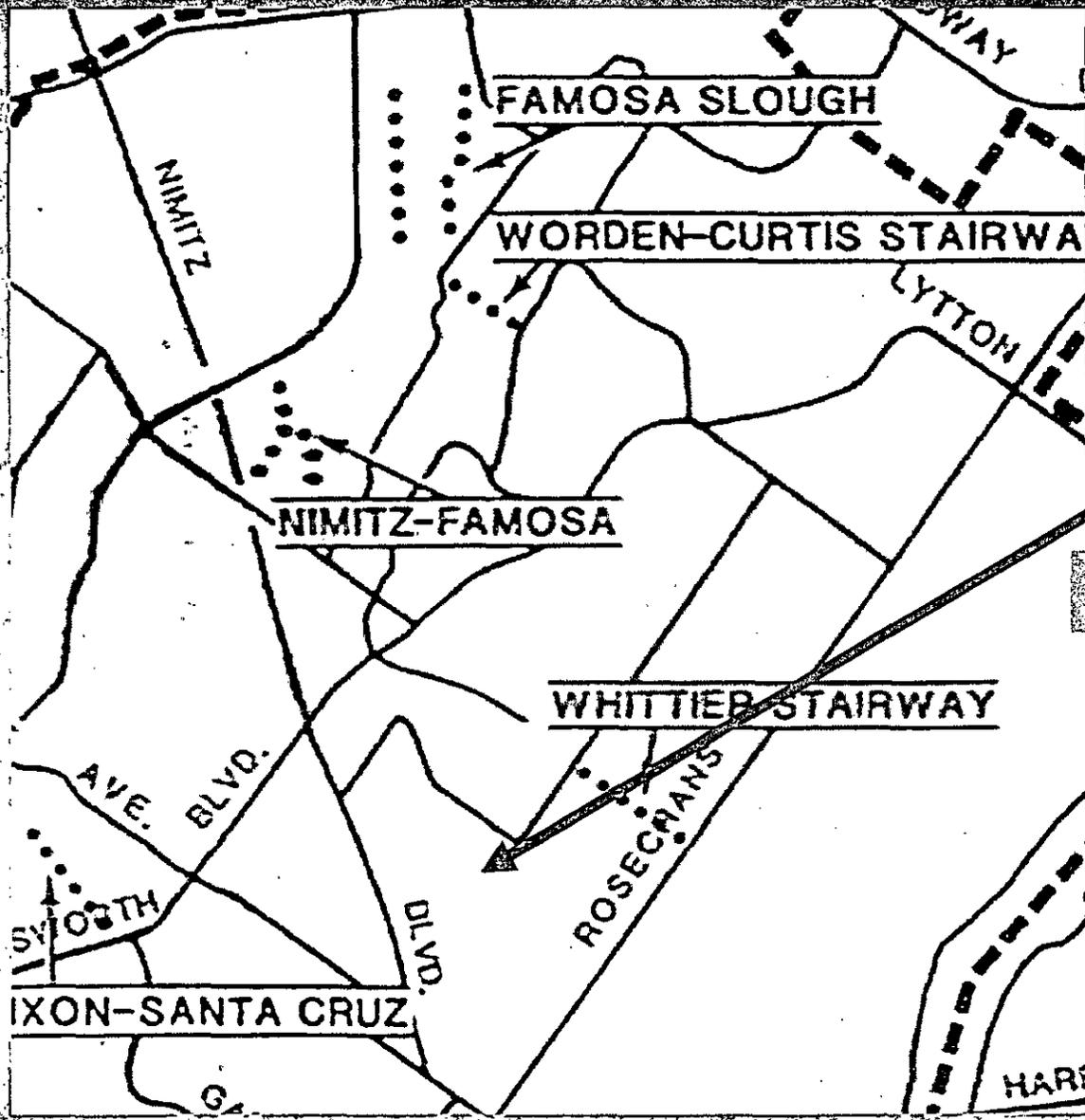


SITE

Not a view
corridor

Development Services Department
Project Management

000691



SITE

Not a pedestrian path

ATTACHMENT 0 2

Development Services Department
Project Management

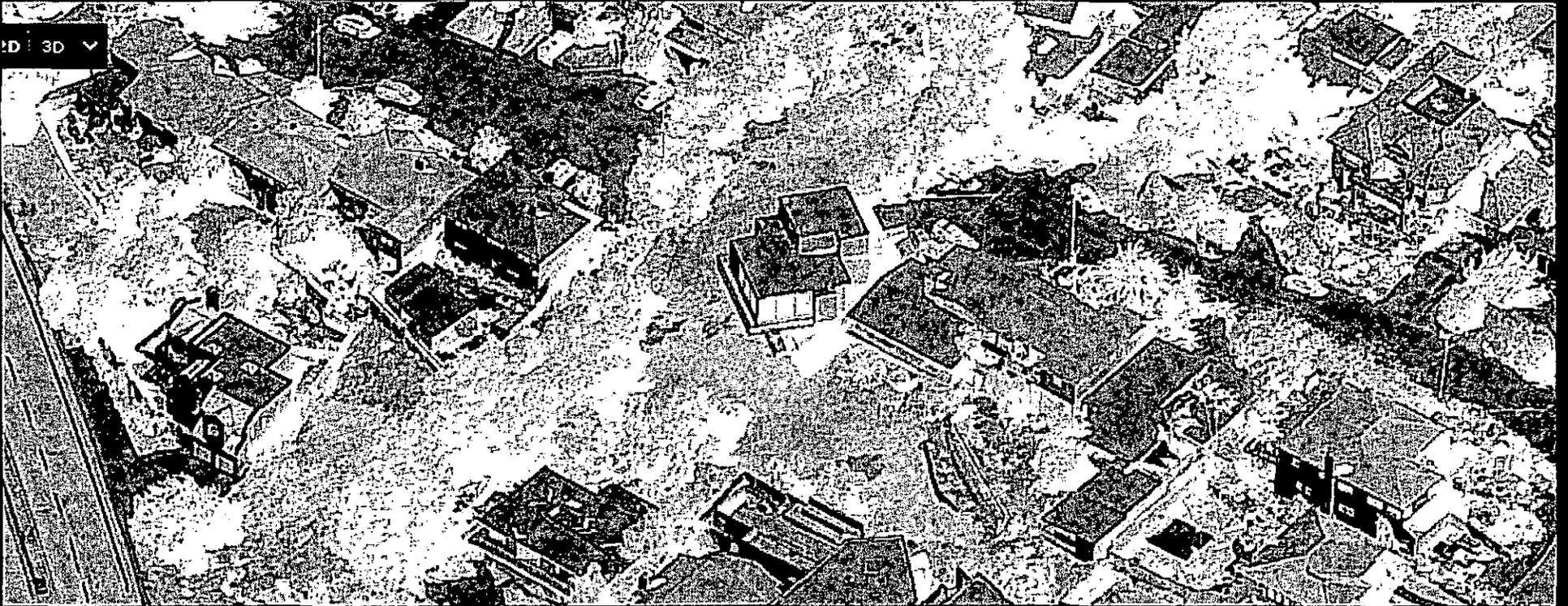
000692



Intersection of unimproved Plum and Poe Streets

**Development Services Department
Project Management**

000693



Intersection of unimproved Plum and Poe Streets

Development Services Department
Project Management

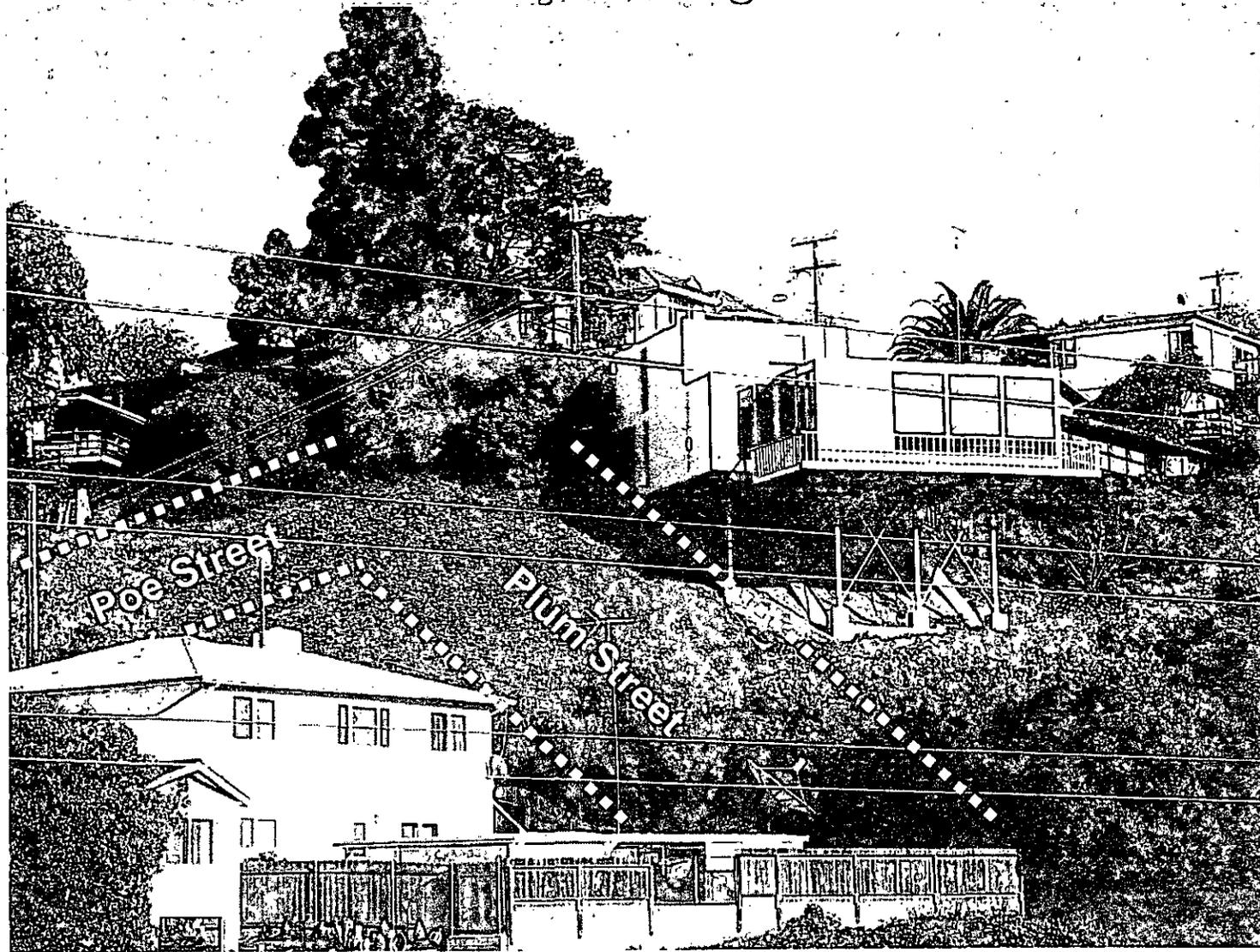
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Intersection of unimproved Plum and Poe Streets

Development Services Department
Project Management

000695



View looking northeast at unimproved Plum Street

BEING A PORTION OF PLUM STREET TOGETHER WITH A PORTION OF POE STREET ALL AS DEDICATED PER MAP NO. 165, LYING ADJACENT TO LOTS 1 & 12 IN BLOCK 133, LOTS 5 & 6 IN BLOCK 134, LOT 5 OF BLOCK 135 & LOT 1 OF BLOCK 136 ALL OF ROSEVILLE, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 165, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF SAID LOT 6 IN BLOCK 134, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG THE NORTH LINE THEREOF

- 1. NORTH 53°46'10" WEST 25.34 FEET TO THE BEGINNING OF A NON-TANGENT 40.00-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 07°16'32" WEST; THENCE LEAVING SAID NORTHERLY LINE ALONG THE ARC OF SAID CURVE
- 2. NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY 85.24 FEET THROUGH A CENTRAL ANGLE OF 122°05'24" TO THE SOUTHERLY LINE OF SAID LOT 5 IN BLOCK 135; THENCE ALONG SAID SOUTHERLY LINE AND CONTINUING TO AND ALONG THE SOUTHERLY LINE OF SAID LOT 1 IN BLOCK 136
- 3. SOUTH 53°46'10" EAST 145.22 FEET TO THE BEGINNING OF A NON-TANGENT 40.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 18°02'09" EAST; THENCE LEAVING SAID SOUTHERLY LINE ALONG THE ARC OF SAID CURVE
- 4. SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 87.22 FEET THROUGH A CENTRAL ANGLE OF 124°56'07" TO THE NORTHERLY LINE OF SAID LOT 12 IN BLOCK 133; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 12
- 5. NORTH 53°46'10" WEST 38.37 FEET ; THENCE ALONG THE WESTERLY LINE OF SAID LOT 12 AND SAID LOT 1 IN BLOCK 133
- 6. SOUTH 36°13'50" WEST 110.00 FEET ; THENCE LEAVING SAID LINE
- 7. NORTH 53°46'10" WEST 70.00 FEET TO THE EASTERLY LINE OF SAID LOT 5 IN BLOCK 134; THENCE ALONG THE EASTERLY LINE OF SAID LOT 5 & 6 IN BLOCK 134
- 8. NORTH 36°13'50" EAST 110.0 FEET TO THE **TRUE POINT OF BEGINNING**.

RESERVING FROM THE HEREON DESCRIBED STREET VACATION A 30-FOOT WIDE SEWER, DRAIN AND ACCESS EASEMENT BEING LOCATED 15-FEET ON EACH SIDE OF THE CENTERLINE OF POE STREET AND A 20-FOOT WIDE GENERAL UTILITIES AND ACCESS EASEMENT LOCATED ALONG THE SOUTHWESTERLY 20-FEET OF POE STREET, THE NORTHEASTERLY LINE OF WHICH IS PARALLEL WITH AND 20-FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF SAID POE STREET.

CONTAINS 15,347 SQUARE FEET MORE OR LESS.

PREPARED BY:
ALTA LAND SURVEYING, INC.

Miguel A. Martinez 09/22/06
MIGUEL A. MARTINEZ DATE
L.S. 7443
LIC. EXP. 06/30/08

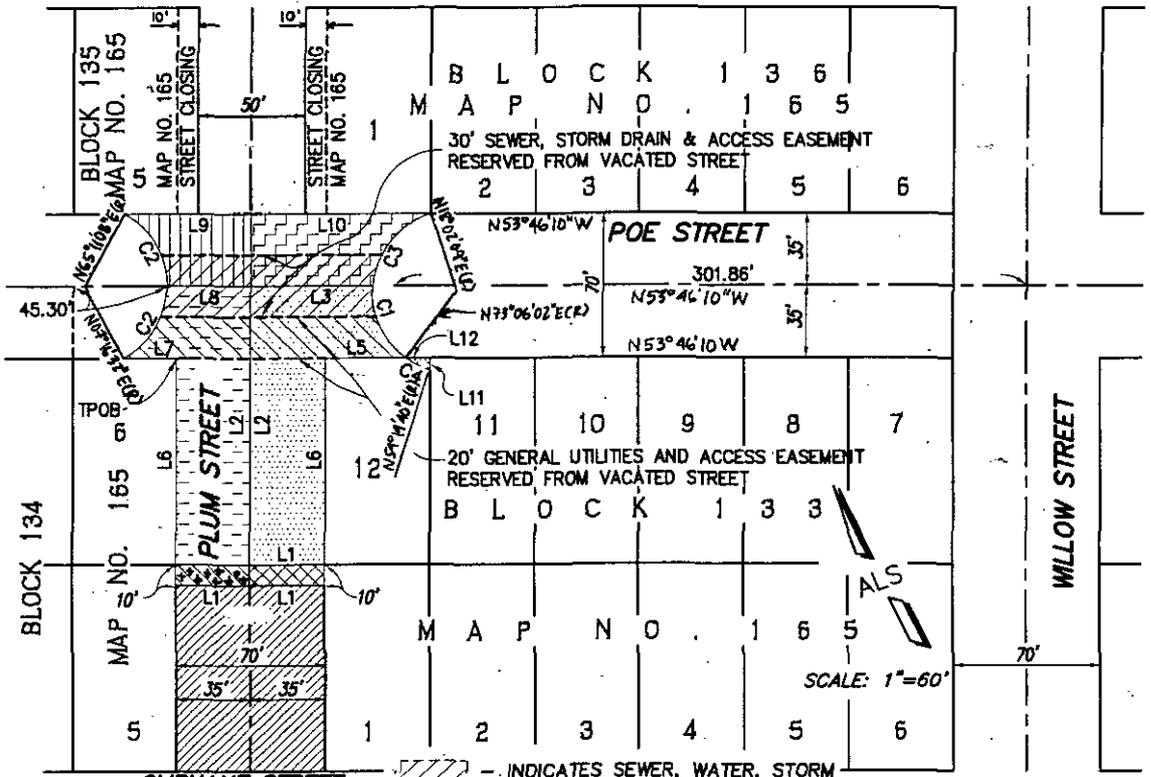


REFERENCE:
DWG. 20302-1-B
FILE PTS 55352

000697

EXHIBIT B

A.P.N.	BASIS OF BEARING:	LINE DATA:
530-315-12	THE BASIS OF BEARINGS FOR THIS PLAT IS A PORTION OF THE CENTERLINE OF POE STREET PER PARCEL MAP NO. 12390. I.E. N53°46'10"W	L1 = N53°46'10"W 35.00'
530-315-15		L2 = N36°13'50"E 135.00'
530-312-09		L3 = N53°46'10"W 57.48'
530-312-04		L4 = N53°13'50"E 4.67'
530-313-04		L5 = N53°46'10"W 38.37'
530-314-12		L6 = N36°13'50"E 100.00'
		L7 = N53°46'10"W 25.34'
		L8 = N53°46'10"W 39.70'
		L9 = N53°46'10"W 60.34'
		L10 = N53°46'10"W 84.88'
		L11 = N36°13'50"E 6.04'
		L12 = N53°46'10"W 11.63'



- INDICATES SEWER, WATER, STORM DRAIN AND ACCESS EASEMENT AREA = 2,973.25 SF
 - INDICATES STREET VACATION = 5,862.22 SF
 - INDICATES STREET VACATION = 350.00 SF
 - INDICATES STREET VACATION = 350.00 SF
 - INDICATES STREET VACATION = 5,098.27 SF
 - INDICATES STREET VACATION = 1,598.27 SF
 - INDICATES STREET VACATION = 2,287.94 SF
 - INDICATES EXISTING STREET VACATION PER DOC. NO. 2003-1053064, O.R.
 - INDICATES STREET DEDICATION = 39.85 SF
- REFERENCE DRAWINGS**
 MAP NO. 165, PARCEL MAP 12390
 CITY OF SAN DIEGO DWG. 3001-D
 CITY OF SAN DIEGO DWG. 12680-L

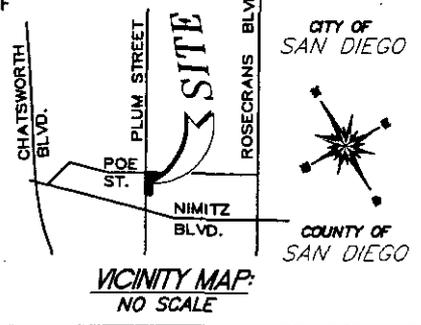
CURVE DATA:
 C1 D=57°25'53" R=40.00' L=40.09'
 C2 D=61°02'42" R=40.00' L=42.62'
 C3 D=67°30'14" R=40.00' L=47.13'
 C4 D=18°51'22" R=40.00' L=13.16'

VICINITY MAP:
 NO SCALE

CITY OF SAN DIEGO
COUNTY OF SAN DIEGO

ALTA LAND SURVEYING, INC.
 1638 EMERALD POINT CT.
 EL CAJON, CALIFORNIA 92019
 PHONE/FAX: (619) 579-2582
 780624 IN: 04-780 DATE: 06/22/05

Miguel A. Martinez
 MIGUEL A. MARTINEZ, L.S. 7443 U.C. EXP. 6/30/08 DATE



STREET VACATION-- PORTIONS OF PLUM STREET AND POE STREET
 WITH SEWER, DRAIN & GENERAL UTILITIES EASEMENTS RESERVED FROM THE VACATED STREETS.

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 55352
ORIGINAL	ALTA	<i>A.L.N.</i>	12-28-06		SHEET 1 OF 2 SHEET	W.O. NO. 423628
					<i>Lee Hennes</i>	1846-6259
					FOR CITY ENGINEER	008 '83 COORDINATES
					12/7/06	208-1699
					DATE	LANBERT COORDINATES
						20302-1-B

000698

REFERENCE DRAWINGS

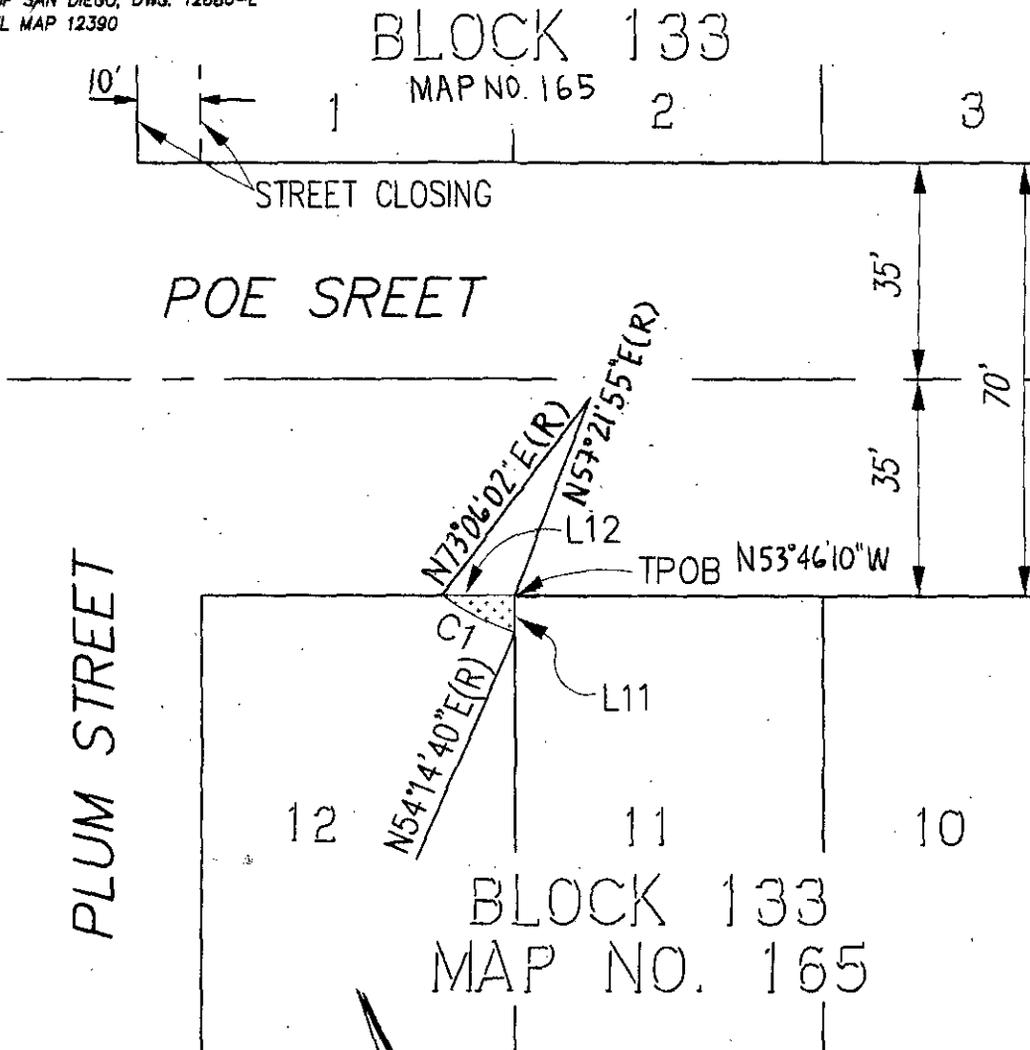
MAP NO. 165
 CITY OF SAN DIEGO, DWG. 3001-D
 CITY OF SAN DIEGO, DWG. 12680-L
 PARCEL MAP 12390

LINE DATA:

L11 = N36°13'50"E 8.04'
 L12 = N53°46'10"W 11.63'

CURVE DATA:

C1 D=18°51'22"
 R=40.00'
 L=13.16'



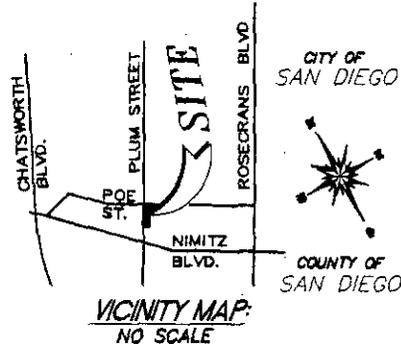
- INDICATES STREET DEDICATION = 39.85 SF

SCALE: 1"=20'



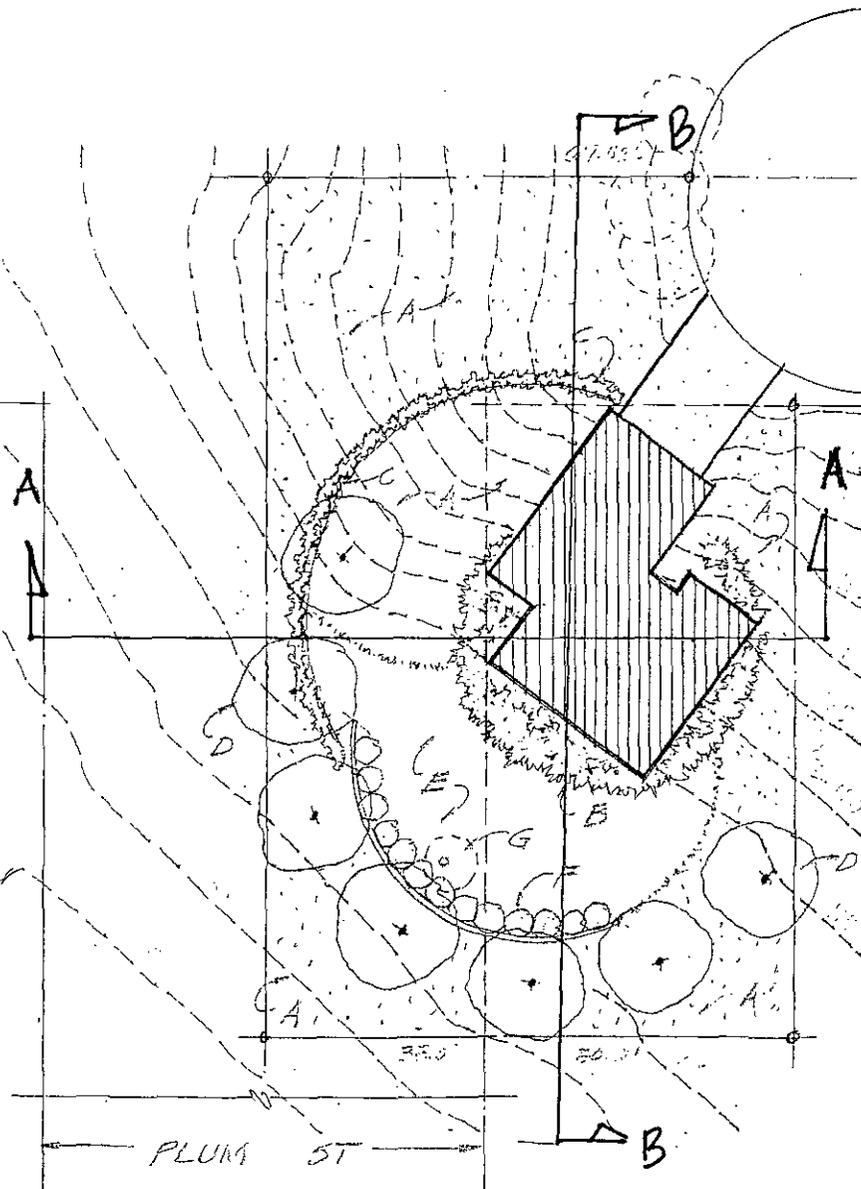
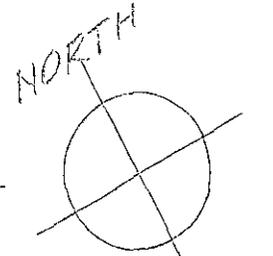
ALTA LAND SURVEYING, INC.
 1638 EMERALD POINT CT.
 EL CAJON, CALIFORNIA 92019
 PHONE/FAX: (619) 579-2582
 7800DWH # 04-780 DATE: 09/22/08

[Signature] 09/22/08
 MIGUEL A. MARTINEZ, L.S. 7443 LIC. EXP. 6/30/08 DATE



STREET DEDICATION - POE STREET IN LOT 12, BLOCK 133, MAP NO. 165

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	ALTA				SHEET 2 OF 2 SHEET	
					FOR CITY ENGINEER _____ DATE _____	
					P.T.S. 55352 W.O. NO. 423628	
					1845-6259 CGE '68 COORDINATES	
					208-1699 LAMBERT COORDINATES	
					20302-2-B	



SITE PLAN 1" = 20'
NELSON RESIDENCE 4/18/05

- A. ICE PLANT
- B. EVERGREEN SCREENING SHRUB - MEDIUM HIGH TO SCREEN HOUSE STRUCTURE
- C. BOUGAINVILLEA ON WIRE FENCE AS SECURITY LINE
- D. MEDIUM/SMALL TREES REQUIRING MIN. WATER
- E. CREEPING THYME OR OTHER SIMILAR GROUND COVER
- F. ROSEMARY PLANTED INTO & ABOVE INTER-LOCKING BLOCK RETAINING WALL ABOUT 2 FT ± HIGH.
- G. DRYWELL W/ INLET TO COLLECT ANY RUNOFF FROM PLANTED AREAS

000700

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0910 provide for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owners have requested the vacation of a portion of Poe Street and Plum Streets located adjacent to 3343 Poe Street, to unencumber this property; 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 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; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the street either for the public street system, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is not inconsistent with the General Plan or the Peninsula Community Plan and Local Coastal Program Plan, and

(d) a sewer, water, storm drain, access, and general utilities easement will be reserved in the vacated right-of-way; and

(e) a public street will be dedicated to provide a required turn-around resulting from the vacated street; and

(f) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation Permit No. 161318 as follows:

000701

A. **PUBLIC RIGHT-OF-WAY VACATION – SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 125.0941**

1. **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 anticipated nature that can be anticipated.** The portion of the public right-of-way proposed to be vacated has never been utilized as a street and would not provide a logical connection to any other street or property. The portions of Poe and Plum Streets proposed to be vacated are unimproved and impassable to vehicle traffic, and do not provide access to any abutting properties or rights-of-way. Additionally, the area proposed to be vacated is inaccessible to vehicles and foot traffic due to the steep topography and therefore unusable for safe pedestrian activities. The portion of the street to be vacated along Plum Street abuts a previously vacated 6,300 square foot portion of Plum Street at Oliphant Street thereby further precluding possible connection of Plum Street as a possible future right-of-way connection for vehicle traffic. Therefore, it is not anticipated that the portion of right-of-way proposed to be vacated would provide a public use of a similar nature.

2. **The public will benefit from the action through improvised use of the land made available by vacation.** The abutting property owners would benefit in that the vacation would revert the dedicated portion of the right-of-way back to private ownership. Additionally, allowing the vacation of this portion of right-of-way would reduce City liability. The proposed vacation would include the retention of the general utility easements and overhead utilities. Therefore, the proposed right-of-way vacation would benefit the public by minimizing public liability while maintaining the public use through a general utility easement.

3. **The vacation does not adversely affect any applicable land use plan or.** No portion of the proposed alley vacation or adjacent properties has been so designated as open space, pedestrian pathway, or a public view corridor in the Peninsula Community Plan and Local Coastal Program Plan. The City of San Diego had determined that the land is not suitable for use as a pocket park due to its steep topography (40 percent slopes). Additionally, the area proposed for vacation is zoned for single-family development, and the land would revert to the abutting single-family property owners. Therefore, the proposed right-of-way vacation does not adversely impact the recommendations found in the community plan.

4. **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.** The California Vehicle Code [2001] defines "Street" as a way or place of whatever nature publicly maintained and open to the use of public purposes of vehicular travel. The area proposed for vacation was dedicated as a 70-foot wide right-of-way which would have extended both Poe and Plum Streets. However, due to the steep topography, the road segment could not be completed. The purpose and intent for which the public right-of-way was originally dedicated no longer is in effect in that the street has not been improved and there is no future plans to do so. Therefore, the public right-of way was originally acquired will not be detrimentally affected by the proposed vacation;

000702

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

That it adopts the following additional findings with respect to Public right-of-way vacation

Permit No. 161318 as follows:

B. SUMMARY PUBLIC RIGHT-OF WAY VACATION - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 125.0910 (b)

The public right-of-way contains public utility facilities that will not be affected by the vacation and the public right-of-way is excess right-of-way and is not required for street or highway purposes. NOW THEREFORE;

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

1. That the portions of Poe and Plum Streets located adjacent to 3343 Poe Street, as described in the legal description marked as Exhibit "A", and as more particularly shown on Drawing No. 20302-1-B, and 20302-2-B, labeled Exhibit "B", on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, and which is by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom an easements for sewer, water, stormdrain, general utilities and access together with ingress and egress for those purposes; and

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly Ann Davies
Deputy City Attorney

KAD:cla
02/02/2007
Or.Dept:DSD
R-2007-701
MMS #4189

000703

ATTACHMENT 07

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage _____

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
 Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
 City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number _____

000704

Peninsula Community Planning Board Draft Minutes
Thursday, May 19, 2005 Point Loma Library - 2130 Poinsettia Street

Parliamentary Items

- A. **Call to Order:** The meeting was called to order at 6:35 pm.
- B. **Chair Report:** No Report
- C. **Treasurers Report:** \$586.58
- D. **Minutes:** M/S/C/U approval for March Postponed , April : Approved B. Bedore 2nd J Ross with addition of Patti Deck in attendance for April
- E. **Attendance:**, Edwina Goddard, William Kelly, Jim Myers, Patti Rank, Gregg Robinson,, Stuart Seymour, Maggie Valentine, Bob Bedore, Glenn Fisher, Cynthia Conger, Patti Deck, Jarvis Ross. **Absent/Excused:** Hollingworth
- F. **Fire Dept.** No Report
- G. **Police Dept.** No Report
- H. **Presenters/Audience:**

Public Comment: Community expressed concerns over lack of hospital care on the Peninsula

II. Action Items:**A. Project Review**

- a. Poe Plum Street Vacation Motion to approve. Denied
- c. 4530Delmonte Cook/Yamada in Public view corridor Motion by J Ross, 2nd P Deck Motion to oppose Approved 8-0-0

B. PLPB Items

- a.
- b.
- c.

III. Government Office Reports/Public Communications:

- A. **Zuchett/Wexler:** No Report
- B. **McMillin/Riser:** No Report
- C. **City Planning/Kempton:** Draft General Plan report is online at City web site.
 - a. Condo Conversions 3 or more units start ADA requirements
 - b. No Difference between Condo development requirements & apartment requirements
- Water/Sewer Update/Sue Blackman:** No report.
- D. **Port of San Diego/Bill Briggs:** No report.
- E. **Mayor/Litchney:** Mayor submitted resignation and thanked all for support

IV. Committee Reports:

- a. **Parks and Recreation:** No Report
- b. **Traffic :** No Report
- c. **No Bay:** M Valentine, Redevelopment of Sports Arena Area postponed 90 days
- d. **Ocean Beach:** No report.
- e. **Midway :** No Report
- f. **Arts & Culture :** G. Fisher, 1st Friday club scheduled for 5/6/05 at Bali Hi
- g. **Airport Authority Report:** Requesting Airport Authority Master Plan for Lindburg Field

Adjournment: The meeting was adjourned at 9:30 pm.



Engineering Planning Science

000705

October 12, 2004

Adjacent Property Owners
San Diego, CA 92160

SUBJECT: Street Vacation for Portions of Plum and Poe Streets

Dear Sir or Ma'am,

This letter is to inform you that Mr. and Mrs. Nelson have an interest to improve their property located at 3343 Poe Street, San Diego, CA 92106 by acquiring portions of the unimproved Plum and Poe Streets. The vacation shall consist of an area designated from the Nelson's property line to the center of these two streets.

The existing conditions of these two unimproved streets have no vehicular or pedestrian access. Mr. and Mrs. Nelson proposal is to improve this area by adding small landscape area to their property backyard. As part of the City of San Diego requirement is to inform our adjacent property owners of the proposed improvements. Your signature below identifies whether you are in favor or against our property improvements. Any questions that you might have regarding this matter do not hesitate to call us or contact Mr. and Mrs. Nelson at 619 222-3617. Thank you for your time.

Adjacent Property Owners:

Name	Address	Approval Yes or No
Sandra Barty	3333 Poe St., San Diego, CA 92104	YES
Barbara Stiles	3321 Poe St SD 92106	YES
Bill & Jo Ann	3336 Poe St SD 92106	YES
Shirley	3344 Poe St SD 92106	YES WITH UNDECIDED ON POE
Danielle Pryor	3329 Poe St SD 92106	YES
James Fernandez	3403 Poe St 92106	YES
Bill & Lisa Caron	3344 Oliphant St, 92106	Undecided
Margaret Benter	3420 Nimitz Blvd 92106	YES
RICHARD LAUBERT	3411 Poe St 92106	Undecided
TALI TUCHIN	3330 POE ST 92106	YES

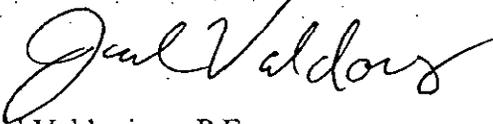
000706

ATTACHMENT 09

Once again any questions that you might have feel free to contact us at 858 866-0128.

Sincerely,

CVALDO CORPORATION

A handwritten signature in cursive script that reads "Joel Valdovinos". The signature is written in black ink and is positioned below the company name.

Joel Valdovinos, P.E.
President

Pamela D. & John R. Walton, Ph.D.
3336 Poe Street
San Diego, California 92106-1804

000707

May 19, 2005

To: Peninsula Planning Board

Re: *Proposed Vacation of Poe Street and Plum Street*

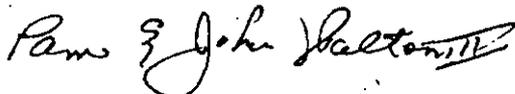
We have reviewed the proposal for vacation of portions of the right-of-way of Poe Street and Plum Street presented by Heather and Doug Nelson to whom the vacated property would be deeded. We support the Nelson's proposal and the vacation of the City's right-of-way. Unfortunately, we are unable to attend the Planning Board meeting. Therefore, we indicate our support in this document.

The slope below the cul-de-sac on Poe Street is an island of natural habitat and vegetation in an otherwise urban area. While isolated, it supports a variety of flora and fauna and provides a degree of ambience lacking in much of the urban environment. The hillside area is very important to us. The proposed modifications to the area appear to enhance the natural character of the hillside, while serving to protect the developed areas.

We understand that no significant topographic modification of the slope will occur and that all vegetation will be native species consistent with coastal zone vegetation. With those provisions the proposal is acceptable to us, as neighbors. In addition, as citizens of the City of San Diego, we believe that the proposal is in the best interest of the City.

If the Planning Board has any questions about our concurrence, please contact us at'

Sincerely Yours,



Pamela D. & John R. Walton, Ph.D.

7 December 2006

000708

Kevin Faulconer
Councilmember, District 2
202 C Street, MS #10A
San Diego, CA 92101

RE: Project #55352 – Street Vacation of Plum & Poe Streets

Dear Mr. Faulconer,

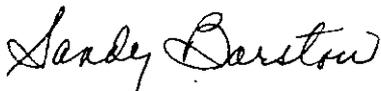
As an original homeowner on Poe Street, I am writing to you to express my support for Douglas & Heather Nelson's project at 3343 Poe Street. I am an immediate neighbor to the project and I support it 100%.

In recent years, the City has failed to up keep the hillside area of Poe and Plum Streets. The trees are overgrown, the ice plant is spotty, vagrants have been seen setting up camp, and erosion is imminent. The proposed landscaping plan addresses both issues that the community could benefit with a street vacation:

1. Maintenance of the hillside & improved safety
2. Improved esthetics: make the area more beautiful

I want to stress to the City of San Diego that the entire community would benefit from this street vacation, and it would be a lovely enhancement to the area. The Nelsons have proved to be good neighbors and mindful of surrounding homeowners. They have always been open to suggestions and comments about the project, and have proposed a plan that enhances our quality of life in the area. Please lend your support with by voting to approve the Poe/Plum Right-of-Way Street Vacation.

Sincerely,



Sandy Barstow, homeowner
3333 Poe Street
San Diego, CA 92106

Jonathan Louie
Andrew Schell

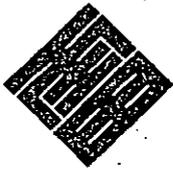
1880 Willow Street
San Diego, California
92106-1822

000709

Kevin Faulconer
Councilmember, District 2

202 C Street
MS #10A
San Diego, CA 92101

December 7, 2006



Dear Mr. Faulconer,

After reviewing the proposed Nelson project at 3343 Poe Street, I am in strong favor of the plans and improvements. Granting the Nelsons a Right-of-way street vacation would benefit the entire neighborhood by improving and maintaining land that is severely neglected by the City of San Diego. We live 3 doors from the address in review. We are in full support, and we encourage the members of the Planning Commission and San Diego City Council to support the project as well.

Sincerely,

Jonathan Louie & Andrew Schell

Two handwritten signatures in black ink. The top signature is for Jonathan Louie and the bottom signature is for Andrew Schell. Both are written in a cursive, flowing style.

000710

7 December 2006

Kevin Faulconer
Councilmember, District 2
202 C Street, MS #10A
San Diego, CA 92101

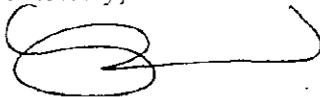
RE: Poe & Plum Right-of-Way Street Vacation, Project #55352

Dear Councilmember Faulconer,

We are writing to lend support for the Right of Way Street Vacation proposed for Poe and Plum Streets. As neighbors on Poe Street, we believe this street vacation would benefit us as well as the surrounding neighbors of Point Loma. The Nelsons have proposed plans that would maintain this neglected area with landscaping conducive to the area & climate of Point Loma. The community benefits with attractive landscaping and continued maintenance of an area that needs attention.

The San Diego Planning Department and the City Council of San Diego should approve this project because the neighbors support it and it benefits the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tali Tuchin', with a stylized flourish at the end.

Tali Tuchin

San Diego, CA 92106

December 8, 2006
000711

Kevin Faulconer
Council Member, District 2
202 C Street, MS #10A
San Diego, CA 92101

RE: Poe/Plum Street Vacation, Project No. 55352

Dear Mr. Faulconer,

We would like to express our support for the Right of Way Street Vacation proposed for the area of Poe and Plum Streets in Point Loma. The City of San Diego has failed to maintain this area, and with the City's financial crisis, we don't anticipate the City will be maintaining it in the future.

My husband and I are extremely supportive of the Nelson's proposed plan as it would beautify the area for all the neighbors, immediate and surrounding. We are excited about the native drought-tolerant plants proposed, and look forward to the improvements. We have supported this Street Vacation from the beginning, and also voiced our support personally at the Peninsula Community Planning Board hearing earlier this year. We hope you also see the value in this project for the whole neighborhood in this Street Vacation, and encourage you to give it your full support with a favorable vote.

Sincerely,



Denise Pryor
3329 Poe Street
San Diego, CA 92106



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

000712

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other RightofWayVacation

Project Title: Plum/Poc Street Vacation Project No. For City Use Only: 55352

Project Address: 3343 Poc Street, San Diego, CA 92106

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
 Douglas D. Nelson
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 3343 Poc Street
 City/State/Zip:
 San Diego, CA 92106
 Phone No: _____ Fax No: _____
 Signature: _____ Date: 12-06-06

Name of Individual (type or print):
 Heather Nichols Nelson
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 3343 Poc Street
 City/State/Zip:
 San Diego, CA 92106
 Phone No: _____ Fax No: _____
 Signature: *Heather Nichols Nelson* Date: 12-06-06

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

000713

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 55352

Date: January 24, 2005

Action/Permit(s): STREET VACATION

Description of Activity: STREET VACATION OF PLUM STREET AND POE STREET (PROCESS 5 DECISION). PROJECT IS LOCATED IN BASE ZONE RS-1-7 WITHIN THE AIRPORT APPROACH AND COASTAL HEIGHT LIMIT OVERLAY ZONES. COUNCIL DISTRICT 2.

Location of Activity: PROJECT IS LOCATED AT 3343 POE STREET, SAN DIEGO, CA 92106

(CHECK BOXES BELOW)

- 1. This activity is EXEMPT FROM CEQA pursuant to:
 - Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
- 2. This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

- | Section | Short Name |
|---|---|
| <input checked="" type="checkbox"/> 15301 | Existing Facilities |
| <input type="checkbox"/> 15302 | Replacement or Reconstruction |
| <input type="checkbox"/> 15303 | New Construction or Conversion
of Small Structures |
| <input type="checkbox"/> 15304 | Minor Alterations to Land |
| <input type="checkbox"/> 15305 | Minor Alteration in Land Use |
| <input type="checkbox"/> 15306 | Information Collection |
| <input type="checkbox"/> 15311 | Accessory Structures |
| <input type="checkbox"/> 15312 | Surplus Government Property Sales |
| <input type="checkbox"/> 15315 | Minor Land Divisions |
| <input type="checkbox"/> 15317 | Open Space Contracts or Easements |
| <input type="checkbox"/> 15319 | Annexation of Existing Facilities
and Lots for Exempt Facilities |
| <input type="checkbox"/> 15325 | Transfer of Ownership of Interest
in Land to Preserve Open Space |
| <input type="checkbox"/> Other | |

**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

- | Section | Short Name |
|--------------------------------|--|
| <input type="checkbox"/> 15261 | Ongoing Project |
| <input type="checkbox"/> 15262 | Feasibility and Planning Studies |
| <input type="checkbox"/> 15265 | Adoption of Coastal Plans and Programs |
| <input type="checkbox"/> 15268 | Ministerial Projects |
| <input type="checkbox"/> 15269 | Emergency Projects |
| <input type="checkbox"/> Other | |

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Kenneth Inoué
 Senior Planner
 Environmental Analysis Section

Distribution:

Exemption or Project file
PROJECT MANAGER

000715

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0910 provide for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owners have requested the vacation of a portion of Poe Street and Plum Streets located adjacent to 3343 Poe Street, to unencumber this property; 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 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; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the street either for the public street system, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is not inconsistent with the General Plan or the Peninsula Community Plan and Local Coastal Program Plan, and

(d) a sewer, water, storm drain, access, and general utilities easement will be reserved in the vacated right-of-way; and

(e) a public street will be dedicated to provide a required turn-around resulting from the vacated street; and

(f) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following

findings with respect to Public Right-of-Way Vacation Permit No. 161318 as follows:

000716

A. **PUBLIC RIGHT-OF-WAY VACATION – SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 125.0941**

1. 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 anticipated nature that can be anticipated. The portion of the public right-of-way proposed to be vacated has never been utilized as a street and would not provide a logical connection to any other street or property. The portions of Poe and Plum Streets proposed to be vacated are unimproved and impassable to vehicle traffic, and do not provide access to any abutting properties or rights-of-way. Additionally, the area proposed to be vacated is inaccessible to vehicles and foot traffic due to the steep topography and therefore unusable for safe pedestrian activities. The portion of the street to be vacated along Plum Street abuts a previously vacated 6,300 square foot portion of Plum Street at Oliphant Street thereby further precluding possible connection of Plum Street as a possible future right-of-way connection for vehicle traffic. Therefore, it is not anticipated that the portion of right-of-way proposed to be vacated would provide a public use of a similar nature.

2. The public will benefit from the action through improvised use of the land made available by vacation. The abutting property owners would benefit in that the vacation would revert the dedicated portion of the right-of-way back to private ownership. Additionally, allowing the vacation of this portion of right-of-way would reduce City liability. The proposed vacation would include the retention of the general utility easements and overhead utilities. Therefore, the proposed right-of-way vacation would benefit the public by minimizing public liability while maintaining the public use through a general utility easement.

3. The vacation does not adversely affect any applicable land use plan or. No portion of the proposed alley vacation or adjacent properties has been so designated as open space, pedestrian pathway, or a public view corridor in the Peninsula Community Plan and Local Coastal Program Plan. The City of San Diego had determined that the land is not suitable for use as a pocket park due to its steep topography (40 percent slopes). Additionally, the area proposed for vacation is zoned for single-family development, and the land would revert to the abutting single-family property owners. Therefore, the proposed right-of-way vacation does not adversely impact the recommendations found in the community plan.

4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The California Vehicle Code [2001] defines "Street" as a way or place of whatever nature publicly maintained and open to the use of public purposes of vehicular travel. The area proposed for vacation was dedicated as a 70-foot wide right-of-way which would have extended both Poe and Plum Streets. However, due to the steep topography, the road segment could not be completed. The purpose and intent for which the public right-of-way was originally dedicated no longer is in effect in that the street has not been improved and there is no future plans to do so. Therefore, the public right-of way was originally acquired will not be detrimentally affected by the proposed vacation;

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

That it adopts the following additional findings with respect to Public right-of-way vacation

Permit No. 161318 as follows:

000717

B. SUMMARY PUBLIC RIGHT-OF WAY VACATION - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 125.0910 (b)

The public right-of-way contains public utility facilities that will not be affected by the vacation and the public right-of-way is excess right-of-way and is not required for street or highway purposes. NOW THEREFORE;

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

1. That the portions of Poe and Plum Streets located adjacent to 3343 Poe Street, as described in the legal description marked as Exhibit "A", and as more particularly shown on Drawing No. 20302-1-B, and 20302-2-B, labeled Exhibit "B", on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, and which is by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom an easements for sewer, water, stormdrain, general utilities and access together with ingress and egress for those purposes; and

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:cla
02/02/2007
Or.Dept:DSD
R-2007-701
COR.COPY 3/15/07
MMS #4189

EXHIBIT 'A'
STREET VACATION

000718

BEING A PORTION OF PLUM STREET TOGETHER WITH A PORTION OF POE STREET ALL AS DEDICATED PER MAP NO. 165, LYING ADJACENT TO LOTS 1 & 12 IN BLOCK 133, LOTS 5 & 6 IN BLOCK 134, LOT 5 OF BLOCK 135 & LOT 1 OF BLOCK 136 ALL OF ROSEVILLE, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 165, BEING DESCRIBED AS FOLLOWS:

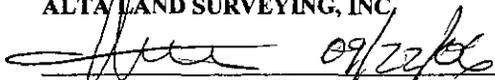
BEGINNING AT THE NORTH EAST CORNER OF SAID LOT 6 IN BLOCK 134, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG THE NORTH LINE THEREOF

- | | | | |
|----|--|-------------|--|
| 1. | NORTH 53°46'10" WEST | 25.34 FEET | TO THE BEGINNING OF A NON-TANGENT 40.00-FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 07°16'32" WEST; THENCE LEAVING SAID NORTHERLY LINE ALONG THE ARC OF SAID CURVE |
| 2. | NORTHEASTERLY,
NORTHERLY AND
NORTHWESTERLY | 85.24 FEET | THROUGH A CENTRAL ANGLE OF 122°05'24" TO THE SOUTHERLY LINE OF SAID LOT 5 IN BLOCK 135; THENCE ALONG SAID SOUTHERLY LINE AND CONTINUING TO AND ALONG THE SOUTHERLY LINE OF SAID LOT 1 IN BLOCK 136 |
| 3. | SOUTH 53°46'10" EAST | 145.22 FEET | TO THE BEGINNING OF A NON-TANGENT 40.00-FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 18°02'09" EAST; THENCE LEAVING SAID SOUTHERLY LINE ALONG THE ARC OF SAID CURVE |
| 4. | SOUTHWESTERLY,
SOUTHERLY AND
SOUTHEASTERLY | 87.22 FEET | THROUGH A CENTRAL ANGLE OF 124°56'07" TO THE NORTHERLY LINE OF SAID LOT 12 IN BLOCK 133; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 12 |
| 5. | NORTH 53°46'10" WEST | 38.37 FEET | ; THENCE ALONG THE WESTERLY LINE OF SAID LOT 12 AND SAID LOT 1 IN BLOCK 133 |
| 6. | SOUTH 36°13'50" WEST | 110.00 FEET | ; THENCE LEAVING SAID LINE |
| 7. | NORTH 53°46'10" WEST | 70.00 FEET | TO THE EASTERLY LINE OF SAID LOT 5 IN BLOCK 134; THENCE ALONG THE EASTERLY LINE OF SAID LOT 5 & 6 IN BLOCK 134 |
| 8. | NORTH 36°13'50" EAST | 110.0 FEET | TO THE TRUE POINT OF BEGINNING . |

RESERVING FROM THE HEREON DESCRIBED STREET VACATION A 30-FOOT WIDE SEWER, DRAIN AND ACCESS EASEMENT BEING LOCATED 15-FEET ON EACH SIDE OF THE CENTERLINE OF POE STREET AND A 20-FOOT WIDE GENERAL UTILITIES AND ACCESS EASEMENT LOCATED ALONG THE SOUTHWESTERLY 20-FEET OF POE STREET, THE NORTHEASTERLY LINE OF WHICH IS PARALLEL WITH AND 20-FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF SAID POE STREET.

CONTAINS 15,347 SQUARE FEET MORE OR LESS.

PREPARED BY:
ALTA LAND SURVEYING, INC.


MIGUEL A. MARTINEZ DATE
L.S. 7443
LIC. EXP. 06/30/08

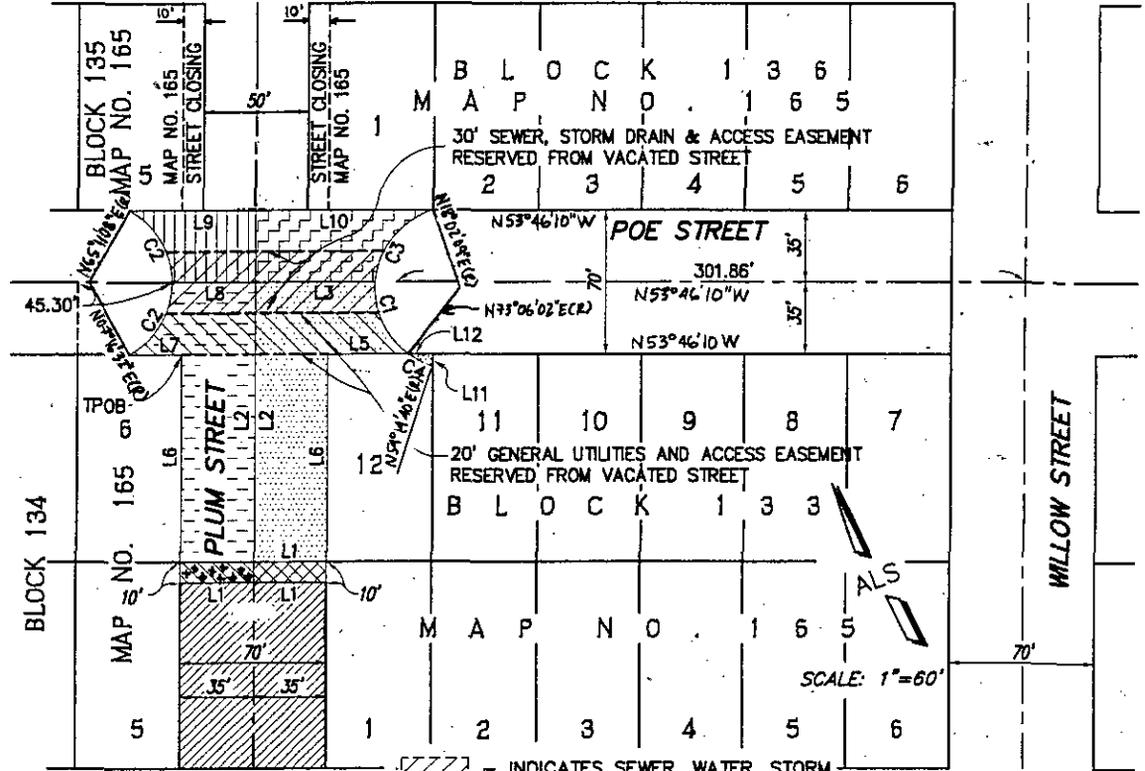


REFERENCE:
DWG. 20302-1-B
FILE PTS 55352

EXHIBIT B

000719

APN	BASIS OF BEARING	LINE DATA:
530-315-12	THE BASIS OF BEARINGS FOR THIS PLAT IS A PORTION OF THE CENTERLINE OF POE STREET PER PARCEL MAP NO. 12390. I.E. N53°46'10"W	L1 = N53°46'10"W 35.00'
530-315-15		L2 = N36°13'50"E 135.00'
530-312-09		L3 = N53°46'10"W 57.48'
530-312-04		L4 = N53°13'50"E 4.67'
530-313-04		L5 = N53°46'10"W 38.37'
530-314-12		L6 = N36°13'50"E 100.00'
		L7 = N53°46'10"W 25.34'
		L8 = N53°46'10"W 39.70'
		L9 = N53°46'10"W 60.34'
		L10 = N53°46'10"W 84.88'
		L11 = N36°13'50"E 6.04'
		L12 = N53°46'10"W 11.63'



- INDICATES SEWER, WATER, STORM DRAIN AND ACCESS EASEMENT AREA = 2,973.25 SF
- INDICATES GENERAL UTILITIES AND ACCESS EASEMENT
- INDICATES STREET VACATION = 5,662.22 SF
- INDICATES STREET VACATION = 350.00 SF
- INDICATES STREET VACATION = 350.00 SF
- INDICATES STREET VACATION = 5,098.27 SF
- INDICATES STREET VACATION = 1,598.27 SF
- INDICATES STREET VACATION = 2,287.94 SF
- INDICATES STREET VACATION PER DOC. NO. 2003-1053064, O.R.
- INDICATES STREET DEDICATION = 39.85 SF

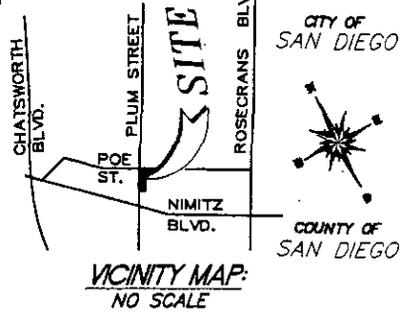
CURVE DATA:

C1 D=57°25'53"	C3 D=67°30'14"
R=40.00'	R=40.00'
L=40.09'	L=47.13'
C2 D=61°02'42"	C4 D=18°51'22"
R=40.00'	R=40.00'
L=42.62'	L=13.16'

REFERENCE DRAWINGS
 MAP NO. 165, PARCEL MAP 12390
 CITY OF SAN DIEGO DWG. 3001-D
 CITY OF SAN DIEGO DWG. 12680-L

ALTA LAND SURVEYING, INC.
 1638 EMERALD POINT CT.
 EL CAJON, CALIFORNIA 92019
 PHONE/FAX: (619) 579-2582
 780EXH No. 04-780 DATE: 09/22/05

Miguel A. Martinez
 MIGUEL A. MARTINEZ, L.S. 7443 LIC. EXP. 6/30/08 DATE



STREET VACATION - PORTIONS OF PLUM STREET AND POE STREET

WITH SEWER, DRAIN & GENERAL UTILITIES EASEMENTS RESERVED FROM THE VACATED STREETS.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		P.T.S. 55352
ORIGINAL	ALTA	<i>M.A.M.</i>	12-06-2006		SHEET 1 OF 2 SHEET		W.O. NO. 423628
					<i>Joe Blumens</i>	12/7/06	1846-6259
					FOR CITY ENGINEER	DATE	808 '82 COORDINATES
							206-1669
							LANEY COORDINATES
							20302-1-B

Item 11

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MARCH 1, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:08 a.m. Chairperson Schultz adjourned the meeting at 10:33 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Vacancy
Mary Wright, Planning Department – present
Mike Westlake, Development Services-present
Shirley Edwards, City Attorney- present
Sabrina Curtin, Recorder-present

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PAGE

APPROVE COASTAL DEVELOPMENT PERMIT NO. 147134, AND APPROVE SITE DEVELOPMENT PERMIT NO. 389939.

Second by Commissioner Naslund passed by a 6-0-1 vote with a vacancy. Resolution No. 4227-PC.

ITEM-10: **4368 OHIO STREET TENTATIVE MAP - PROJECT NO. 86838**

Speaker slips submitted in favor by Chris Christensen, Patrick Pierce, and Robert Bateman.

No one present to speak in opposition.

COMMISSION ACTION:

CONSENT MOTION BY VICE-CHAIRPERSON GARCIA TO APPROVE TENTATIVE MAP NO. 275812 AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES.

Second by Commissioner Ontai. Passed by a 5-1-1 vote with Commissioner Griswold voting nay and a vacant seat. Resolution No. 4228-PC.

ITEM-11: ***LOS VIENTOS - PROJECT NO. 103439**

Farah Mahzari presented Report No. PC-07-034

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER ONTAI TO RECOMMEND THAT THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION NO. 103439, AND ADOPT MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP);

RECOMMEND THAT THE CITY COUNCIL APPROVE PROGRESS GUIDE AND GENERAL PLAN AMENDMENT/COMMUNITY PLAN AMENDMENT, THE BARRIO LOGAN PLANNED DISTRICT ORDINANCE AMENDMENT, AND AMENDMENT TO THE LOCAL COASTAL PROGRAM NO. 341661;

RECOMMEND THAT THE CITY COUNCIL APPROVE REZONE NO. 341660;

RECOMMEND THAT THE CITY COUNCIL APPROVE EASEMENT ABANDONMENT NO. 417546 TO VACATE THE SEWER CROSSING 1629

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PAGE

NATIONAL AVENUE;

RECOMMEND THAT THE CITY COUNCIL APPROVE SITE DEVELOPMENT PERMIT NO. 341663, COASTAL DEVELOPMENT PERMIT NO. 341662, AND PLANNED DEVELOPMENT PERMIT NO. 417547.

Second by Commissioner Otsuji. Passed by a 5-0-2 vote Chairperson Schultz recusing and one vacancy.

Chairperson Schultz adjourned the Planning Commission meeting at 10:33 a.m.

000725

From: "Tali Tuchin" <
To: <Hearings1@sandiego.gov>
Date: Wed, Mar 14, 2007 11:20 AM
Subject: Project number: 55352 - Poe/Plum Street Vacation

Dear Sir or Madam,

We are writing to express support of Project number 55352 called the Poe/Plum Street Vacation. As 8-year homeowners on Poe Street, we believe the vacation of the empty lot and conversion into living space will improve the neighborhood, both in quality of life and to be more visually pleasing. We have known the Nelsons for all the years that we have been neighbors, and they are responsible, reliable, and trustworthy residents and friends. We believe that transferring ownership to the Nelsons will be a good decision for the neighborhood and the City. Please contact us if you would like any more information.

Regards,
Tali Tuchin and Mark Christian

San Diego, Ca 92106

Looking for earth-friendly autos?
Browse Top Cars by "Green Rating" at Yahoo! Autos' Green Center.
http://autos.yahoo.com/green_center/

000727**From:**

To: <rhodes@laplayaheritage.com>, <cwilkinson@sandiego.gov>, <hearings1@sandiego.gov>, <emaland@sandiego.gov>

Date: Mon, Mar 19, 2007 7:39 AM

Subject: Re: Plum Street Vacation - City Council Meeting of March 27, 2007, Project No. 55352

I firmly support Katheryn Rhodes's request that the Plum Street vacation be pulled from the City Council agenda, on the grounds stated, that the applicant has not appeared before the Peninsula Community Planning Board as required.

Geoff Page
Peninsula Community Planning Board

>

> From: rhodes@laplayaheritage.com

> Date: 2007/03/19 Mon AM 10:01:47 EDT

> To: cwilkinson@sandiego.gov, hearings1@sandiego.gov, emaland@sandiego.gov

> CC: tkempton@sandiego.gov, KEVINFAULCONER@sandiego.gov, smcnally@sandiego.gov,

> MAwbrey@sandiego.gov

> Subject: Plum Street Vacation - City Council Meeting of March 27, 2007,

> Project No. 55352

>

> Reference: See link and attached document.

>

> <http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=0900145180100d90>

>

> Hello City Council, City Clerk, and Mr. Wilkinson:

>

> The Plum Street Vacation is a Process 5 project. The applicant, Heather

> Nelson, has not brought her application or plans before the full Peninsula

> Community Planning Board as required by the Municipal Code. The

Plum

> Street vacation was previously on the PCPB agenda, but the applicant never

000728

- > showed up to the Planning Review Committee meeting or the full PCPB
- > meeting.
- >
- > As a matter of law and to follow the Municipal Code for Process 5
- > projects, I am requested that the Plum Street Vacation be pulled from the
- > City Council's agenda of March 27, 2007 until after the applicant brings
- > their request for a street vacation to the full local planning board as
- > required. The Peninsula Community Planning Board has the obligation
- and
- > responsibility to vote on the public benefits of this free land
- > transaction. We are also requested the Staff Report that will accompany
- > this project.
- >
- > There has not been a full board meeting on the subject of the Plum
- Street
- > Vacation. There was only a Special Meeting to tour the site by a portion
- > of the board. No vote was held, and the matter will be discussed at a
- > future PCPB meeting when the applicant shows their proposed plan and
- > explains the public benefit to the whole community.
- >
- > The Special Meeting Agenda can be found at the following link:
- >
- > <http://www.pcpb.net/agendas/070302boardagenda.pdf>
- >
- > The Minutes of the Special Meeting can be found at the following link and
- > is summarized below:
- >
- > <http://www.pcpb.net/agendas/070302boardspecialminutes.pdf>
- >
- > Peninsula Community Planning Board, Minutes of Special Meeting
- > Friday, March 2, 2007, 12:30pm is as follows: 4. Finally, the 1944 Plum
- > Street agenda did result in 7 of the board members actually visiting the
- > site together, with the owner in attendance. There appears to be a
- number
- > of issues that will be discussed in public at a future PRC meeting and
- > board meetings. All members, please carefully review the "Street
- > Vacation," the board's Resolution passed last year (will send) and San
- > Diego City's Municipal Code (all items are mandatory in findings)
- > Requirements (below), as well as our own Planning Board's instructions
- in



THE CITY OF SAN DIEGO

Publication Date: March 9, 2007
 Requesting Department: Development Services
 Type of Notice: Public Hearing

DATE OF MEETING: TUESDAY, MARCH 27, 2007
 TIME OF MEETING: 2:00 p.m.
 PLACE OF MEETING: COUNCIL CHAMBERS, 12TH FLOOR, CITY ADMINISTRATION BUILDING, 202 "C" STREET, SAN DIEGO, CALIFORNIA

PROJECT NO: 55352
 PROJECT NAME: Poe / Plum Street Vacation
 APPLICANT: Heather Nelson

COMMUNITY
 PLAN AREA: Peninsula
 COUNCIL DISTRICT: District 2

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
 CITY PROJECT MANAGER/PHONE: Cory Wilkinson at (619) 557-7900

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following project:

Matter of approving, conditionally approving, modifying, or denying the proposed vacation of an unimproved portion of Poe and Plum Streets, located in the Peninsula Community Plan area, adjacent to 3343 Poe Street. The vacation includes two 70-foot wide portions of unimproved right-of-way as follows: Plum Street, from Poe Street southerly to a previously vacated segment joining Oliphant Street; and Poe Street, from 3343 Poe Street easterly through the intersection with Plum Street. Approximately 15,345 square feet of right-of-way would be vacated, reserving easements for sewer, storm drain, general utilities, and access (approximately 2,973 square feet total).

The decision of the City Council is final.

COMMUNICATIONS

This item may begin at any time after the time specified. Any interested person may address the City Council to express support or opposition to this issue. **Time allotted to each speaker is determined by the Chair and, in general, is limited to three (3) minutes;** moreover, collective testimony by those in support or opposition shall be limited to no more than fifteen (15) minutes total per side.

000730

Those unable to attend the hearing may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-3862, Mail Station 2A; OR you can reach us by E-mail at: Hearings1@sandiego.gov or FAX: (619) 533-4045. All communications will be forwarded to the Mayor and Council.

If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings.

This material is available in alternative formats upon request. To order information in an alternative format, or to arrange for a sign language or oral interpreter for the meeting, please call the Clerk's office at least 5 working days prior to the meeting at 533-4000 (voice) or 236-7012 (TT).

kc

**LIZ MALAND
SAN DIEGO CITY CLERK**

000731

From:
To: <cwilkinson@sandiego.gov>, <hearings1@sandiego.gov>, <emaland@sandiego.gov>
Date: Mon, Mar 19, 2007 7:03 AM
Subject: Plum Street Vacation - City Council Meeting of March 27, 2007, Project No. 55352

Reference: See link and attached document.
<http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=0900145180100d90>

Hello City Council, City Clerk, and Mr. Wilkinson:

The Plum Street Vacation is a Process 5 project. The applicant, Heather Nelson, has not brought her application or plans before the full Peninsula Community Planning Board as required by the Municipal Code. The Plum Street vacation was previously on the PCPB agenda, but the applicant never showed up to the Planning Review Committee meeting or the full PCPB meeting.

As a matter of law and to follow the Municipal Code for Process 5 projects, I am requested that the Plum Street Vacation be pulled from the City Council's agenda of March 27, 2007 until after the applicant brings their request for a street vacation to the full local planning board as required. The Peninsula Community Planning Board has the obligation and responsibility to vote on the public benefits of this free land transaction. We are also requested the Staff Report that will accompany this project.

There has not been a full board meeting on the subject of the Plum Street Vacation. There was only a Special Meeting to tour the site by a portion of the board. No vote was held, and the matter will be discussed at a future PCPB meeting when the applicant shows their proposed plan and explains the public benefit to the whole community.

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000732

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We did not attend the Special Board Meeting so we do not know the particulars of the planned Plum Street Vacation.

Your help in clearing up this matter of local planning review voting before the city council voting will be appreciated. Please respond.

Regards,

Katheryn Rhodes and Conrad Hartsell, M.D.
371 San Fernando Street
San Diego, California 92106

CC: <tkempton@sandiego.gov>,
<KEVINFAULCONER@sandiego.gov>, <smcnally@sandiego.gov>,
<MAwbrey@sandiego.gov>

0000733



THE CITY OF SAN DIEGO

Publication Date: March 9, 2007
Requesting Department: Development Services
Type of Notice: Public Hearing

DATE OF MEETING: TUESDAY, MARCH 27, 2007
TIME OF MEETING: 2:00 p.m.
PLACE OF MEETING: COUNCIL CHAMBERS, 12TH FLOOR, CITY ADMINISTRATION BUILDING, 202 "C" STREET, SAN DIEGO, CALIFORNIA

PROJECT NO: 55352
PROJECT NAME: Poe / Plum Street Vacation
APPLICANT: Heather Nelson

COMMUNITY
PLAN AREA: Peninsula
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000734

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kc

**LIZ MALAND
SAN DIEGO CITY CLERK**