

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

336
10/30

000391

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

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

CASE NO. 120296

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

APPROVE Coastal Development Permit No. 427149 and

APPROVE Public Right-of-Way Vacation No. 427153

PLANNING COMMISSION (List names of Commissioners voting yea or nay) NA

YEAS:

NAYS:

ABSTAINING:

TO: (List recommendation or action)

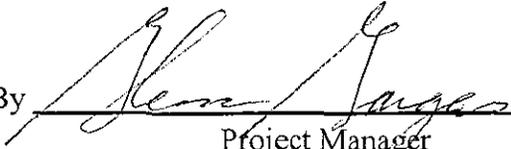
COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: La Jolla

- 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: 12

Opposed: 0

By 
Project Manager

000393

La Jolla Community Planning Association
CDP CONSENT AGENDA
March 1, 2007

Attention: Glenn Gargas, Project Manager

Project: FRANKS-ROW VAC - EXCHANGE PL. 7767 Exchange Place
JO 42-7291 / PTS 120296

Motion: TO ADOPT THE CDP COMMITTEE RECOMMENDATION AND APPROVE THE PROJECT. Vote: 12-0-0

Signature Philip Merten Date MARCH 6, 2007
Philip Merten, Chair, CDP Committee
La Jolla Community Planning Association

2/20/07 CDP FINAL

Present: Louis Beacham, Bob Collins, Lynne Hayes, Sherri Lightner, Dave Little, Claude A Marengo, Phil Merten, Paul Metcalf, Joanne Pearson,

Absent: Jim Sullivan

Project Name: FRANKS-ROW VAC - EXCHANGE PL. Permits: ROW VAC / CDP
7767 Exchange Place
Project Number: JO 42-7291 / PTS 120296 DPM: Glenn Gargas 619-446-5142
GGargas@sandiego.gov
Zone: RS-1-7 Applicant: Claude-Anthony Marengo 619-417-1111
cmarengo@san.rr.com
Scope of Work: ROW VAC / CDP (Process 5) Public Right of Way Vacation to vacate a portion of Exchange Place.

MOTION: (Metcalf, Collins) The Findings can be made for approval a CDP and ROW VAC at the subject property.

VOTE: 5/0/0 Motion Passes

MOTION: (Metcalf, Collins) The CDP Committee supports similar ROW VAC for all the properties on this short block of Exchange Place between Torrey pine Road and Park Row.

VOTE: 6/0/0 Motion Passes

Signature Philip Merten Date 2/20/07
Philip Merten, Chairman
CDP Review Committee

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

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

TO: **000395**
CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
DEVELOPMENT SERVICES DEPARTMENT

3. DATE:
Sept. 28, 2007

4. SUBJECT:
Franks Right-of-Way Vacation – Project Number 120296

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Glenn Gargas, 446-5142, MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Jeannette Temple, 557-7908, MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1317			
ORGANIZATION	1671			
OBJECT ACCOUNT	4001			
JOB ORDER	42-7291			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:
Fiscal Impact: None, all costs are paid by the applicant.
J.O. 42-7291

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIG. DEPT <i>MJK</i>	PATTI BOEKAMP <i>[Signature]</i>	10/3/07	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	10-7-07	
2	EAS	MARTHA BLAKE <i>[Signature]</i>	10/3/07	9	COO			
3				10	CITY ATTORNEY	SHIRLEY EDWARDS <i>[Signature]</i>	10-09-07	
4				11	ORIG. DEPT	MIKE WESTLAKE <i>[Signature]</i>	10/8/07	
5				DOCKET COORD: _____ COUNCIL LIAISON _____				
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
7					REFER TO: _____	COUNCIL DATE: _____		

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

- Resolution approving Coastal Development Permit No. 414404. — *[Signature]*
- Resolution approving Public Right-of-Way Vacation No. 408389.

11A. STAFF RECOMMENDATIONS: Approve the Resolution and Coastal Development Permit

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

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): LA JOLLA

ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

HOUSING IMPACT: None. The project vacates a portion of public right-of-way.

INSTRUCTIONS TO CITY CLERK:

- Ten –day public noticing is required.
- Return copies of the Resolution to Glenn Gargas, MS-501
- Council action requires a majority vote.

000397

EXECUTIVE SUMMARY SHEET

Date Issued:

Report No.

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Franks Right-of-Way Street Vacation - Project No. 120296
COUNCIL DISTRICT: 1
STAFF CONTACT: Glenn Gargas (446-5142)

REQUESTED ACTION:

Vacation of a portion of Exchange Place.

STAFF RECOMMENDATION:

1. **APPROVE** Coastal Development Permit No. 414404, and
2. **APPROVE** a Resolution to allow Street Vacation No. 408389.

EXECUTIVE SUMMARY:

The proposed Vacation is a portion of the public right-of-way along the east side of Exchange Place, located at 7767 Exchange Place. The proposed area to be vacated is approximately 125 foot long and varies between 9 to 12 feet in width. The vacation of this portion of Exchange Place is necessary for the property owner/applicant in order to allow completion of pending remodel of their existing residence. The area of the proposed vacation is excess right-of-way, and is enclosed by a site wall within an area which appears as part of the property owner's front yard. The portion to be vacated has not been utilized by vehicular or pedestrian activity for well over fifty years.

The proposed Vacation will not alter vehicular, pedestrian and bicycle use along this portion of Exchange Place. The area of the Vacation is within the required setback for the existing residence, thus no public view that is identified within the La Jolla/La Jolla Shores Local Coastal Plan will be negatively impacted. The Vacation does not need to include any reservation for General Utility, Pedestrian or Non-Motor Vehicular Easements.

The Street Vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action. The Street Vacation may be summarily vacated as it does not contain public facilities, and the portion of the street to be vacated is excess and is not required for present or future use.

Exchange Place has been constructed to its ultimate width and the reservation area is no longer needed. The portion of the Exchange Place to be vacated is not a part of the Transportation Element of the General Plan or La Jolla/La Jolla Shores Local Coastal Program and will not be detrimentally affected by the vacation.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant through a deposit account.

000398

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

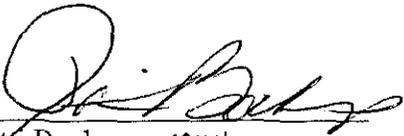
The street vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

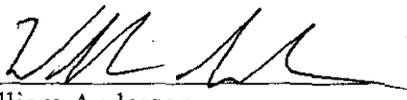
On March 1, 2007, the La Jolla Community Planning Association voted 12-0-0 to recommend approval of the proposed action without recommended conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Irwin Frank, Property Owner



Patti Boekamp ^{MOVED}
Interim Director
Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Right-of-Way Vacation Exhibit
2. Draft Coastal Development Permit
3. Draft Coastal Development Permit Resolution
4. Draft Street Vacation Resolution
5. Existing Conditions – Site Plan

000401

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO

CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7291

COASTAL DEVELOPMENT PERMIT NO. 414404
FRANKS RIGHT-OF-WAY VACATION – PROJECT NO. 120296
 CITY COUNCIL

This Coastal Development Permit No. 414404, is granted by the City Council of the City of San Diego to Irwin Frank, Individual, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 125.0901. The subject site is located on the east side of Exchange Place with an unimproved portion of Exchange Place to the south side of the property. The project site is located at 7767 Exchange Place, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as a Lot 9, Block 47, La Jolla Park, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee's to vacate excess Public Right-of-Way, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated October 16, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. The vacation of excess dedicated Public Right-of-Way of a portion of Exchange Place on the south side of the property located at 7767 Exchange Place on a property containing an existing single-family residence; and
- b. Existing landscaping (planting, irrigation and landscape related improvements) within the public right-of-way remaining to be maintained.

STANDARD REQUIREMENTS:

1. Vacation of the described Public Right-of-Way, must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically

void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. Vacation of the Public Right-of-Way described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

000403

8. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

ENGINEERING REQUIREMENT :

9. The Owner/Permittee shall provide adequate sidewalk transitions adjacent to the existing driveway on Exchange Place.

10. The Owner/Permittee shall provide and maintain adequate visibility area along the front setback. No obstacles higher than 36" shall be located within this area (e.g. walls, landscaping, shrubbs..etc) per LDC Section 113.0273.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on October 16, 2007, Resolution No.

000405

CITY COUNCIL
RESOLUTION NO. – _____
COASTAL DEVELOPMENT PERMIT NO. 414404
FRANKS RIGHT-OF-WAY VACATION – PROJECT NO. 120296

WHEREAS, Irwin Frank, Owner/Permittee, filed an application with the City of San Diego to vacate a portion of Exchange Place adjacent to an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 414404, on portions of a 5,649 square foot property;

WHEREAS, the project site is located at 7767 Exchange Place, in RS-1-7 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the La Jolla Community Planning Area;

WHEREAS, the project site is legally described as Lot 9, Block 47, La Jolla Park, Map No.352;

WHEREAS, on October 16, 2007, the CITY COUNCIL of the City of San Diego considered Coastal Development Permit No. 414404, pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the CITY COUNCIL of the City of San Diego as follows:

That the CITY COUNCIL adopts the following written Findings, dated October 16, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 5,649 square-foot project site, is currently developed with an existing single family residence. The development proposes to vacate a portion of public right-of-way along Exchange Place and is located approximately one half mile from the coastline. The proposed development is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. The project site is situated along Exchange Place, within a developed residential and commercial area. The area of the proposed vacation is currently developed with a site wall and improved lawn area of an existing residence, no further development is proposed.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 5,649 square-foot project site is currently developed, and based on City Staff's site visit the project site is fully disturbed where the proposed vacation area is located and the site does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site has been fully disturbed and does not contain any Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed street vacation, is located adjacent to a site which is designated as Medium Density Residential (15-30 du/ac) in the La Jolla Community Plan. The proposed street vacation area would become part of the adjacent single family lot, which conforms with this land use designation and density. The proposed vacation to Exchange Place would narrow the future public right-of-way to approximately 58 feet in width, which was found to be consistent with the Transportation Element of the La Jolla Community Plan. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. Due to these factors the proposed street vacation project was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed street vacation is adjacent a 5,649 square foot site, currently developed with an existing residential structure, is part of and within a well established urbanized area of La Jolla. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately one half mile away from the Pacific Ocean. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. The existing residence, currently is designed to take access off the existing public street, exchange Place, with adequate off street parking. The existing character and pedestrian design of the street will remain unaltered and/or be improved.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the CITY COUNCIL, Coastal Development Permit No. 414404 is hereby GRANTED by the CITY COUNCIL to the referenced

000407

ATTACHMENT 3

Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 414404, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: October 16, 2007

Job Order No. 42-7291

cc: Legislative Recorder, Planning Department

RESOLUTION NUMBER R-

ADOPTED ON

WHEREAS, California Streets and Highways Code Section 8330 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of public right-of-way reservation of a portion of Exchange Place to facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public street system, for which the right-of-way it was originally acquired, or for any other public use of a like nature that can be anticipated in that the street is not needed for road 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 an approved Community Plan; and

(d) 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, as follows:

1. That the street vacation as more particularly described in the legal description marked as Exhibit "A" and as shown on Engineering Drawing No. 20659-B, marked as Exhibit "B," and on file in the office of the City Clerk as

000410

ATTACHMENT 4

Document No. RR-_____, which are by this reference incorporated herein and made a part hereof, are ordered vacated.

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
Shirley Edwards
Deputy City Attorney

SE:
03/02/07
Orig.Dept.: Dev.Svcs.
W.O. 427291
PTS 120296
Drawing No. 20659-B
R-2005-

000413

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Irwin Frank, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit to vacate a portion of Exchange Place adjacent to an existing single-family residence for the project to be known as the Franks Right-of-Way Vacation project, located at 7767 Exchange Place, and legally described as Lot 9, Block 47, La Jolla Park, Map No. 352, in the La Jolla Community Plan area, in the RS-1-7zone, Coastal Overlay Zone (non-appealable), and the Coastal Height Limitation Overlay Zone; and

WHEREAS, this project is categorically exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA section 15301; 15304 and/or 15305 and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance 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 matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit [CDP] No. 414404:

000414

A. **COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE**
[SDMC] SECTION 126.0708

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 5,649 square-foot project site, is currently developed with an existing single family residence. The development proposes to vacate a portion of public right-of-way along Exchange Place and is located approximately one half mile from the coastline. The proposed development is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. The project site is situated along Exchange Place, within a developed residential and commercial area. The area of the proposed vacation is currently developed with a site wall and improved lawn area of an existing residence, no further development is proposed.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The 5,649 square-foot project site is currently developed, and based on City Staff's site visit the project site is fully disturbed where the proposed vacation area is located and the site does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site has been fully disturbed and does not contain any Environmentally Sensitive Lands.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The proposed street vacation, is located adjacent to a site which is designated as Medium Density Residential (15-30 du/ac) in the La Jolla Community Plan. The proposed street vacation area would become part of the adjacent single family lot, which conforms with this land use designation and density. The proposed vacation to Exchange Place would narrow the future public right-of-way to approximately 58 feet in width, which was found to be consistent with the Transportation Element of the La Jolla Community Plan. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. Due to these factors the proposed street vacation project was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

000415

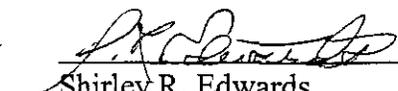
4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed street vacation is adjacent to a 5,649 square foot site, currently developed with an existing residential structure, and is part of and within a well established urbanized area of La Jolla. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately one half mile away from the Pacific Ocean. The project site is located in an area identified as a public view corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. However, the portion of public right-of-way is located within the front setback area of an existing single family residence and will not negatively impact the public view corridor. The existing residence, currently is designed to take access off the existing public street, exchange Place, with adequate off street parking. The existing character and pedestrian design of the street will remain unaltered and/or be improved.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 414404 is granted to Irwin Franks, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/09/07
Or.Dept:DSD
R-2008-306
MMS #5417

000417

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7291

COASTAL DEVELOPMENT PERMIT NO. 414404
FRANKS RIGHT-OF-WAY VACATION – PROJECT NO. 120296
CITY COUNCIL

This Coastal Development Permit No. 414404, is granted by the City Council of the City of San Diego to Irwin Frank, Individual, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 125.0901. The subject site is located on the east side of Exchange Place with an unimproved portion of Exchange Place to the south side of the property. The project site is located at 7767 Exchange Place, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as a Lot 9, Block 47, La Jolla Park, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee's to vacate excess Public Right-of-Way, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. The vacation of excess dedicated Public Right-of-Way of a portion of Exchange Place on the south side of the property located at 7767 Exchange Place on a property containing an existing single-family residence; and
- b. Existing landscaping (planting, irrigation and landscape related improvements) within the public right-of-way remaining to be maintained.

STANDARD REQUIREMENTS:

1. Vacation of the described Public Right-of-Way, must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such

Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. Vacation of the Public Right-of-Way described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

a. The Permittee signs and returns the Permit to the Development Services Department; and

b. The Permit is recorded in the Office of the San Diego County Recorder

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

000419

8. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

ENGINEERING REQUIREMENT :

9. The Owner/Permittee shall provide adequate sidewalk transitions adjacent to the existing driveway on Exchange Place.

10. The Owner/Permittee shall provide and maintain adequate visibility area along the front setback. No obstacles higher than 36" shall be located within this area (e.g. walls, landscaping, shrubs etc.) per Land Development Code section 113.0273.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on October 16, 2007,
Resolution No. R-_____.

000420

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

Irwin Frank
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

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, in conjunction with the findings of Section 125.0941, provide a procedure for the summary vacation of a public right-of-way by City Council resolution; and

WHEREAS, the applicant Irwin Frank, as the affected property owner, has requested a vacation of a public right-of-way running along a portion of Exchange Place on the south side of the owner's affected property located at 7767 Exchange Place, within the La Jolla Community Planning Area, as specifically described in Exhibit "A" and as shown on Engineering Drawing No. 20659-B, marked as Exhibit "B"; and

WHEREAS, although this public right-of-way does contain public utility facilities, said facilities are not affected by the vacation; and

WHEREAS, this portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; 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 matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

000422

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Rights-of Way Vacation No. 408389:

1. There is no present or prospective public use for this public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated in that this portion of street is not needed for road purposes. The proposed portion of Exchange Place to be vacated is approximately 125 foot long and varies between 9 to 12 feet in width. The area of the proposed vacation is excess right-of-way, and is enclosed by a site wall within an area which appears as part of the property owner's front yard. Based on City records, this portion of the public right-of-way to be vacated has not been utilized by vehicular or pedestrian activity for well over fifty years.

2. The public will benefit from the action through improved use of the land made available by the vacation. The area of the proposed vacation has not been used by the public for over fifty years. The public will benefit from this action, as the area will be maintained as a landscaped portion of the adjacent property owner and increase the property tax value.

3. The vacation does not adversely affect any applicable land use plan. The portion of the Exchange Place to be vacated is not a part of the Transportation Element of the General Plan, the La Jolla Community Plan or La Jolla/La Jolla Shores Local Coastal Program and will not be detrimentally affected by the vacation.

4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The existing improved portions of Exchange Place, including the public sidewalks will not be affected or negatively impacted by this proposed vacation. The area to be vacated is excess right-of-way.

BE IT FURTHER RESOLVED, as follows:

1. That this public right-of-way, more particularly described in the legal description marked as Exhibit "A," and as shown on Engineering Drawing No. 20649-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____ which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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.

000423

BE IT FURTHER RESOLVED, that this activity is exempt from the California Environmental Quality Act [CEQA] pursuant to Sections 15301, 15304 and/or 15305 of the State CEQA Guidelines.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/08/07
Or.Dept:DSD
R-2008-307
MM# #5417

NOTICE OF EXEMPTION

000425

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 120296

PROJECT TITLE: Franks-PROW Vac-Exchange PL

PROJECT LOCATION-SPECIFIC: The public right-of-way vacation is to be located along the east side of Exchange Place, and abuts the west property line of an existing single-family residence located at 7767 Exchange Place (Lot 9, Block 47 of Map No. 352).

PROJECT LOCATION-CITY/COUNTY: San Diego

DESCRIPTION OF PROJECT: A Coastal Development Permit and Public Right-of-Way Vacation to vacate an existing 0.027-acre portion of right-of-way along Exchange Place. The portion of right-of-way to be vacated is approximately 125 feet long and varies between 9-12 feet in width. The project site is located at 7767 Exchange Place in the RS-1-7 (Residential—Single-Unit) within the La Jolla Community Plan, Coastal Overlay Zone and Coastal Height Limitation Overlay Zone.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Frank Irwin Address: 7767 Exchange Place, San Diego, CA 92037
Phone: (858) 456-4646

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 15268)
- DECLARED EMERGENCY [SEC. 15269 (A)]
- EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]
- CATEGORICAL EXEMPTION: Existing Facilities, Section 15301
- OTHER:

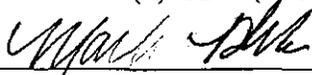
REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment, and meets the requirements of the above-referenced categorical exemption [15301] per CEQA regulations.

CONTACT PERSON: James Arnhart

TELEPHONE: (619) 446-5385

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO


SIGNATURE/TITLE

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING: _____

DETERMINATION OF: ENVIRONMENTAL EXEMPTION

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

Agency: CITY OF SAN DIEGO

PROJECT NO.: 120296

DATE: June 28, 2007

Action/Permit(s): Coastal Development Permit and Public Right-of-Way Vacation (Process 5)

Description of Activity: **Franks-PROW Vac-Exchange PL.** A Coastal Development Permit and Public Right-of-Way Vacation to vacate an existing 0.027-acre portion of right-of-way along Exchange Place. The portion of right-of-way to be vacated is approximately 125 feet long and varies between 9-12 feet in width. The project site is located at 7767 Exchange Place in the RS-1-7 (Residential—Single-Unit) within the La Jolla Community Plan, Coastal Overlay Zone and Coastal Height Limitation Overlay Zone.

Location of Activity: The public right-of-way vacation is to be located along the east side of Exchange Place, and abuts the west property line of an existing single-family residence located at 7767 Exchange Place (Lot 9, Block 47 of Map No. 352).

1. This activity is **EXEMPT FROM CEQA** pursuant to:
- Section 15060(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)		ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)	
Sec.	Short Name	Sec.	Short Name
<input checked="" type="checkbox"/> 15301	1 Existing Facilities	<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15302	2 Replacement or Reconstruction	<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15303	3 New Construction or Conversion of Small Structures	<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15304	4 Minor Alterations to Land	<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15305	5 Minor Alterations in Land Use Limitations	<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> 15306	6 Information Collection	<input type="checkbox"/> Other	
<input type="checkbox"/> 15311	11 Accessory Structures		
<input type="checkbox"/> 15312	12 Surplus Government Property Sales		
<input type="checkbox"/> 15315	15 Minor Land Divisions		
<input type="checkbox"/> 15317	17 Open Space Contracts or Easements		
<input type="checkbox"/> 15319	19 Annexation of Existing Facilities and Lots for Exempt Facilities		
<input type="checkbox"/> 15325	25 Transfer of Ownership of Interest in Land to Preserve Open Space		
<input type="checkbox"/> 15332	In-Fill Development		

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

Distribution:

Martha Blake
Martha Blake, Senior Planner, AICP
Environmental Analysis Section

Exemption file
Project Manager

EXHIBIT "A"

000427

A PORTION OF THE PUBLIC RIGHT OF WAY OF EXCHANGE PLACE, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF LA JOLLA PARK, RECORDED AS MAP No. 352, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY PROPERTY LINE OF LOT 9 IN BLOCK 47 OF SAID LA JOLLA PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF SAID LOT 9, SAID POINT BEING THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF TORREY PINES ROAD, 40.00 FEET NORTHWESTERLY OF CENTERLINE, AND THE NORTHEASTERLY RIGHT OF WAY LINE OF EXCHANGE PLACE, 40.00 FEET NORTHEASTERLY OF CENTERLINE;
 THENCE ALONG THE PRODUCED LINE OF THE SOUTHEASTERLY LINE OF SAID LOT 9, SOUTH 41°56'43" WEST, 10.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 652.07 FEET, A RADIAL TO SAID POINT BEING NORTH 74°31'41" EAST, SAID POINT BEING ON A CURVE 31.00 FEET NORTHEASTERLY AND CONCENTRIC WITH THE CENTERLINE OF SAID EXCHANGE PLACE;
 THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°33'05", AN ARC DISTANCE OF 40.42 FEET;
 THENCE RADIAL TO SAID CURVE, SOUTH 70°58'36" WEST, 2.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCENTRIC WITH AND 29.00 FEET NORTHEASTERLY OF THE CENTERLINE OF SAID EXCHANGE PLACE;
 THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°58'47", AN ARC DISTANCE OF 45.45 FEET;
 THENCE RADIAL TO SAID CURVE, NORTH 66°59'49" EAST, 2.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCENTRIC WITH AND 31.00 FEET NORTHEASTERLY OF THE CENTERLINE OF SAID EXCHANGE PLACE;
 THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°09'41", AN ARC DISTANCE OF 35.98 FEET TO THE POINT OF INTERSECTION WITH THE PRODUCED LINE OF THE NORTHWESTERLY LINE OF SAID LOT 9, A RADIAL TO SAID POINT BEING NORTH 63°50'09" EAST;
 THENCE LEAVING SAID CONCENTRIC CURVE, ALONG THE PRODUCED LINE OF THE NORTHWESTERLY LINE OF SAID LOT 9, NORTH 42°03'12" EAST, 9.68 FEET TO THE WEST CORNER OF SAID LOT 9;
 THENCE SOUTHEASTERLY ALONG THE SAID NORTHEASTERLY LINE OF EXCHANGE PLACE AND THE SOUTHWESTERLY LINE OF SAID LOT 9, THROUGH A CENTRAL ANGLE OF 10°30'24", AN ARC DISTANCE OF 121.22 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 1,184 SQ. FT. = 0.027 ACRES

ATTACHED HERETO IS PLAT LABELED "EXHIBIT B" AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT, CONSISTING OF 2 SHEETS, WAS PREPARED BY ME OR UNDER MY DIRECTION.



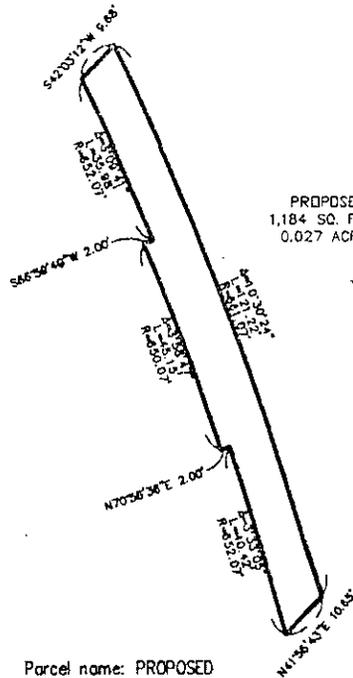
Jerome K. Allen 3/28/07
 JEROME K. ALLEN, L.S. 7157 DATE
 EXP. 12-31-07

REVISIONS	BY	DATE	J.O. No. 427291
REVISED PER CLIENT	JA	03/28/07	P.T.S. No. 120296
REVISED PER CITY LETTER	JA	01/04/07	

PUBLIC RIGHT OF WAY VACATION	PREPARED FOR: MARENGO MORTON ARCHITECTS 7855 IVANHOE AVE. SUITE 110 LA JOLLA, CA 92037 TEL: 858-459-3769	PREPARED BY: MP Surveyors 17821 SKY PARK CIRCLE, SUITE L IRVINE, CALIFORNIA 92614 Office: (949) 250-0272 Fax: (949) 250-0275 EMAIL: mail@mpsurveyors.com WEBSITE: www.mpsurveyors.com	SHEET 1 OF 2 SHEETS
			DRAWN: 12/01/05
			BY: JA
			CHECKED: FC
		FILE: 6752.cwg	

CLOSURE

000428



PROPOSED
1,184 SQ. FT. =
0.027 ACRES

Parcel name: PROPOSED

North: 5604.3882	East: 5531.0303
Curve Length: 35.98	Radius: 652.07
Delta: 3-09-40	Tangent: 17.99
Chord: 35.97	Course: S 24-35-01 E
Course In: S 63-50-09 W	Course Out: N 66-59-49 E
RP North: 5316.8614	East: 4945.7751
End North: 5571.6775	East: 5545.9951
Line Course: S 66-59-49 W Length: 2.00	
North: 5570.8959	East: 5544.1541
Curve Length: 45.15	Radius: 650.07
Delta: 3-58-47	Tangent: 22.59
Chord: 45.14	Course: S 21-00-47 E
Course In: S 66-59-49 W	Course Out: N 70-58-36 E
RP North: 5316.8614	East: 4945.7751
End North: 5528.7538	East: 5560.3421
Line Course: N 70-58-36 E Length: 2.00	
North: 5529.4057	East: 5562.2329
Curve Length: 40.42	Radius: 652.07
Delta: 3-33-05	Tangent: 20.22
Chord: 40.41	Course: S 17-14-51 E
Course In: S 70-58-36 W	Course Out: N 74-31-41 E
RP North: 5316.8614	East: 4945.7751
End North: 5490.8118	East: 5574.2148
Line Course: N 41-56-43 E Length: 10.65	
North: 5498.7331	East: 5581.3335
Curve Length: 121.22	Radius: 661.07
Delta: 10-30-24	Tangent: 60.78
Chord: 121.05	Course: N 21-13-20 W
Course In: S 74-01-52 W	Course Out: N 63-31-28 E
RP North: 5316.8626	East: 4945.7734
End North: 5611.5782	East: 5537.5134
Line Course: S 42-03-12 W Length: 9.68	
North: 5604.3906	East: 5531.0296

Perimeter: 267.11 Area: 1,184 SQ. FT. = 0.027 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0025 Course: N 16-23-05 W
 Error North: 0.00241 East: -0.00071
 Precision 1: 106,840.00

<p>PUBLIC RIGHT OF WAY VACATION</p>	<p>PREPARED FOR:</p>	<p>PREPARED BY:</p>	<p>SHEET</p>
	<p>MARENGO MORTON ARCHITECTS</p>	<p>MP Surveyors</p>	<p>2</p>
	<p>7855 IVANHOE AVE. SUITE 110 LA JOLLA, CA 92037 TEL: 858-459-3769</p>	<p>17821 SKY PARK CIRCLE, SUITE L IRVINE, CALIFORNIA 92614 Office: (949) 250-0272 Fax: (949) 250-0275 EMAIL: mail@mpsurveyors.com WEBSITE: www.mpsurveyors.com</p>	<p>OF 2 SHEETS</p>
			<p>DRAWN: 12/31/06</p>
			<p>BY: JA</p>
		<p>CHECKED: FC</p>	
		<p>FILE: 6752.dwg</p>	

