

001217		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services		3. DATE: 335 6/27/08 07/29			
4. SUBJECT: La Cresta Public Right-of-Way Vacation							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Morris Dye, x 65201, MS 501		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): Patrick Hooper, x 77992, MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT. 1300				No cost to the City. The applicant has deposited funds to cover associated project processing costs.			
ORGANIZATION 1671							
OBJECT ACCOUNT 4038							
JOB ORDER 430465							
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON <i>[Signature]</i>	7/1/08	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	7/7/08
2	DSD/EAS	KENNETH L. BISHOP <i>[Signature]</i>	7/1/08	9			
3				10	CITY ATTORNEY	MARIANNE GREENE <i>[Signature]</i>	7/11/08
4				11	ORIG. DEPT	MIKE WESTLAKE <i>[Signature]</i>	7/1/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
A resolution approving a vacation of a portion of La Cresta Drive.							
11A. STAFF RECOMMENDATIONS: Approve the Resolution.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)							
COUNCIL DISTRICT(S): 2							
COMMUNITY AREA(S): Peninsula							
ENVIRONMENTAL IMPACT: This activity is Exempt from CEQA pursuant to Section 15301(1) of the State CEQA Guidelines (Existing Facilities).							
HOUSING IMPACT: None.							
OTHER ISSUES: None							

03 2008 - 65 112

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: June 30, 2008

REPORT NO.:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: La Cresta Right-of-Way Vacation-PTS 151444

COUNCIL DISTRICT: 2

STAFF CONTACT: Morris Dye, (619) 446-5201, mdye@sandiego.gov

REQUESTED ACTION:

The vacation of portions of La Cresta Drive within the Peninsula Community Plan area.

STAFF RECOMMENDATION:

APPROVE Public Right-of-Way Vacation No. 534617.

EXECUTIVE SUMMARY:

The project site includes two single family residences at 3875 and 3885 La Cresta Drive, located between Bernice Drive and Centraloma Drive in the Peninsula Community Plan Area. The applicants have requested the vacation of portions of La Cresta Drive to facilitate the reconstruction of private garages currently located approximately 9.5 feet within the public right-of-way. La Cresta Drive was constructed more easterly than originally envisioned and the reserved public right-of-way is now no longer required.

Pursuant to the San Diego Municipal Code and Subdivision Map Act, to approve the requested vacations, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

City staff have confirmed that there is no present or prospective use for the right-of-way for which it was originally acquired, and that no public use of a like nature is anticipated. The vacations would allow for the two applicants to rebuild garages constructed in 1931, which are now crumbling due to age. The fronts of the garages are located near the existing sidewalk, and their repair would ensure public safety at this location. The Peninsula Community Plan identifies this area for single family residential use. As this proposed vacation would support that designation, the project is consistent with the community plan. City staff have determined that the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

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FISCAL CONSIDERATIONS:

No cost to the city. The applicant has deposited funds to cover project processing costs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

No previous City Council action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

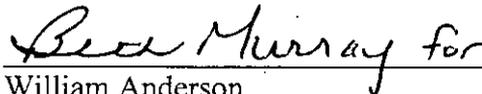
On June 19, 2008, the Peninsula Community Planning Board voted 10-1-0 in favor of the Right-of-Way Vacation, with no recommended conditions.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Norman Walker and Brian Cegelski, property owners.



Kelly Broughton
Director, Development Services
Department



William Anderson
Deputy Chief Operating Officer,
Executive Director of City Planning and
Development

DETERMINATION OF: ENVIRONMENTAL EXEMPTION

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

001221

AGENCY: CITY OF SAN DIEGO

PROJECT NO.: 151444

DATE: April 11, 208

Action/Permit: Right of Way Vacation

Permit No.: N/A

Description of Activity: La Cresta Right of Way Vacation: The vacation of 10 feet by 120 feet of right-of-way on the west side of La Cresta Drive just south of Bernice Drive. When La Cresta Drive was constructed it was moved off the centerline of the existing map due to the terrain on the west side of the street. This resulted in the garages of two existing structures constructed 1930 and 1931 being located 9 1/2 feet in the public right-of-way. Since the street, curb and sidewalk are already in place, there no need for the right-of-way and no physical change would result from the vacation.

Location of Activity: 3875 & 3885 La Cresta Drive, Peninsula Community Plan area

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)

Sec.	Short Name
<input checked="" type="checkbox"/> 15301 1	Existing Facilities
<input type="checkbox"/> 15302 2	Replacement or Reconstruction
<input type="checkbox"/> 15303 3	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304 4	Minor Alterations to Land
<input type="checkbox"/> 15305 5	Minor Alterations in Land Use Limitations
<input type="checkbox"/> 15306 6	Information Collection
<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"/>	

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

Sec.	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 Teasley, Senior Planner
Environmental Analysis Section

Distribution:

Exemption file
Project Manager

001223

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right of way may be summarily vacated provided that the public right of way is excess and is not required for street or highway purposes; and

WHEREAS, the portion of La Cresta Drive is excess right of way and is not required for street purposes; and

WHEREAS, San Diego Municipal Code Section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment and the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

WHEREAS, the City finds that:

(a) there are no present or prospective uses for the public rights-of-way either for a public facility or the purposes for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

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



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(c) the vacation does not adversely affect any applicable land use plan and is consistent with the General Plan and approved Community Plan; and

(d) the public street system and the other public purposes for which the right-of-way were originally acquired will not be detrimentally affected by this vacation; 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

NOW, THEREFORE,

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

1. That a portion of La Cresta Drive, as described in the legal description marked as Exhibit "A," and as more particularly shown on Drawing 20847-B, labeled Exhibit "B," on file in the office of the City Clerk as Document No. RR-_____ which is by reference incorporated herein and made part hereof, is 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 AGUIRRE, City Attorney

By _____

Marianne Greene
Deputy City Attorney

001225

DM:

Date

Or.Dept:Dev.Svcs.

W.O. 430465

R-

001227

Exhibit "A"

LEGAL DESCRIPTION

Vacation of a Portion of La Cresta Drive

That portion of La Cresta Drive, in the City of San Diego, County of San Diego, State of California, as shown on Map 1852 and filed in the office of the Recorder of said San Diego County on August 21, 1925, more particularly described as follows:

The Southwesterly 10 Feet of La Cresta Drive adjoining Lots 18 and 19 as shown on said Map 1852.

Attached hereto is Drawing No. 20847-B (Exhibit "B") and by reference is made a part hereof.



VVF

Vernon V Franck, PLS 7927

6-30-08

Date

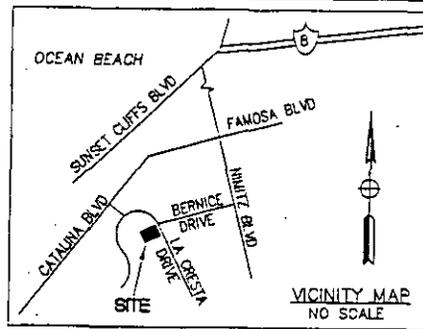
PTS No. 151444 JO No. 430465 Drawing No. 20847-B

REFERENCE DRAWINGS
MAP 1852

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BASIS OF BEARINGS

THE WESTERLY RIGHT OF WAY OF LA CRESTA DRIVE
AS SHOWN ON MAP 1852

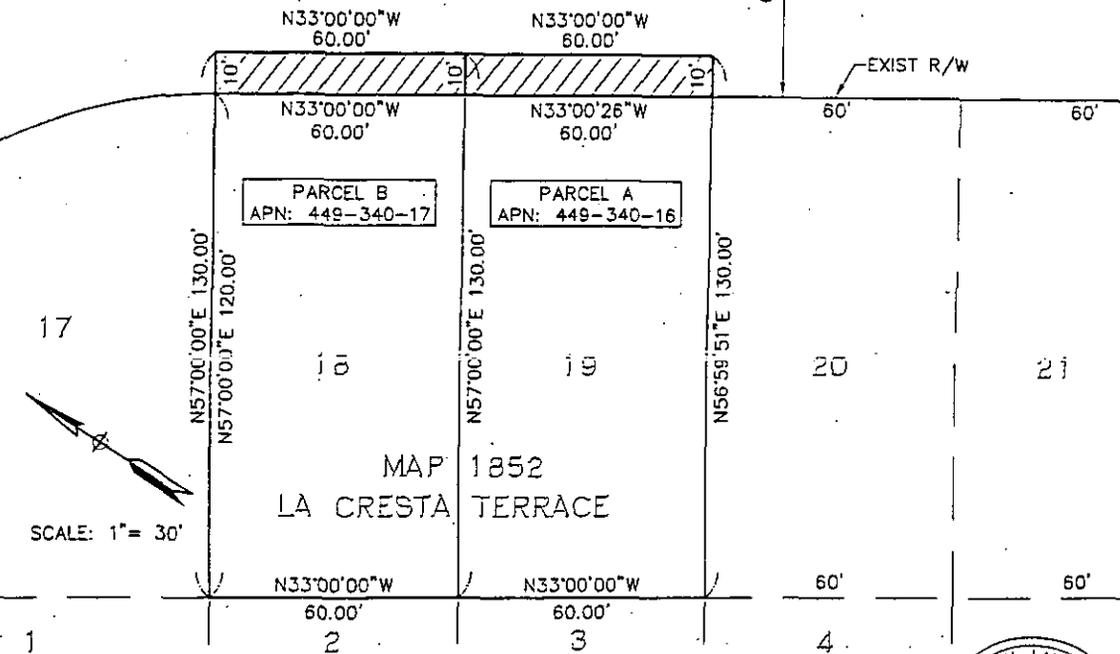


BLOCK C
LOT 21

BERNICE DRIVE

MAP 1523
BLOCK D
LOT 16

LA CRESTA DRIVE
(DEDICATED PER MAP 1523)



SCALE: 1" = 30'

MAP 1852
LA CRESTA TERRACE



LEGEND:

INDICATES STREET VACATION
PARCEL C
1,200 SQ. FT. OR 0.0275 ACRES

VERNON V FRANCK
PLS 7927

DATE

metropolitan mapping, inc.
2421 india street san diego, ca 92101
tel: 619-564-6091 fax: 619-330-1830

STREET VACATION-PORTION OF LA CRESTA DRIVE AT THE INTERSECTION OF BERNICE DRIVE
EXHIBIT 'B'

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS NO.
ORIGINAL	VF				SHEET 1 OF 1 SHEET	151444
					FOR CITY ENGINEER	NAD 83 COORDINATES
					DATE	LAUBERT COORDINATES
					JO NO. 430465	20847-B
					STATUS	

001229

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING A VACATION OF A PORTION OF LA
CRESTA DRIVE.

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right-of-way may be summarily vacated provided that the public right-of-way is excess and is not required for streets or highway purposes; and

WHEREAS, the portion of La Cresta Drive is excess right-of-way and is not required for street purposes; and

WHEREAS, San Diego Municipal Code section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment and the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301(1); 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

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decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego finds that:

(a) there are no present or prospective uses for the public right-of-way either for a public facility or the purposes for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

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

(c) the vacation does not adversely affect any applicable land use plan and is consistent with the General Plan or an approved Community Plan; and

(d) the public street system and the other public purposes for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds:

1. That a portion of La Cresta Drive located between Bernice Drive and Centraloma Drive in the Peninsula Community Plan area, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20847-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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
07/09/08
Or.Dept:DSD
R-2009-51
MMS#6494

001233

Exhibit "A"

LEGAL DESCRIPTION

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Attached hereto is Drawing No. 20847-B (Exhibit "B") and by reference is made a part hereof.



VVF

Vernon V Franck, PLS 7927

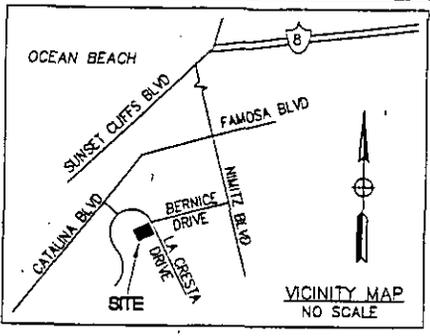
6-30-08

Date

REFERENCE DRAWINGS
MAP 1852

001234

BASIS OF BEARINGS
THE WESTERLY RIGHT OF WAY OF LA CRESTA DRIVE
AS SHOWN ON MAP 1852

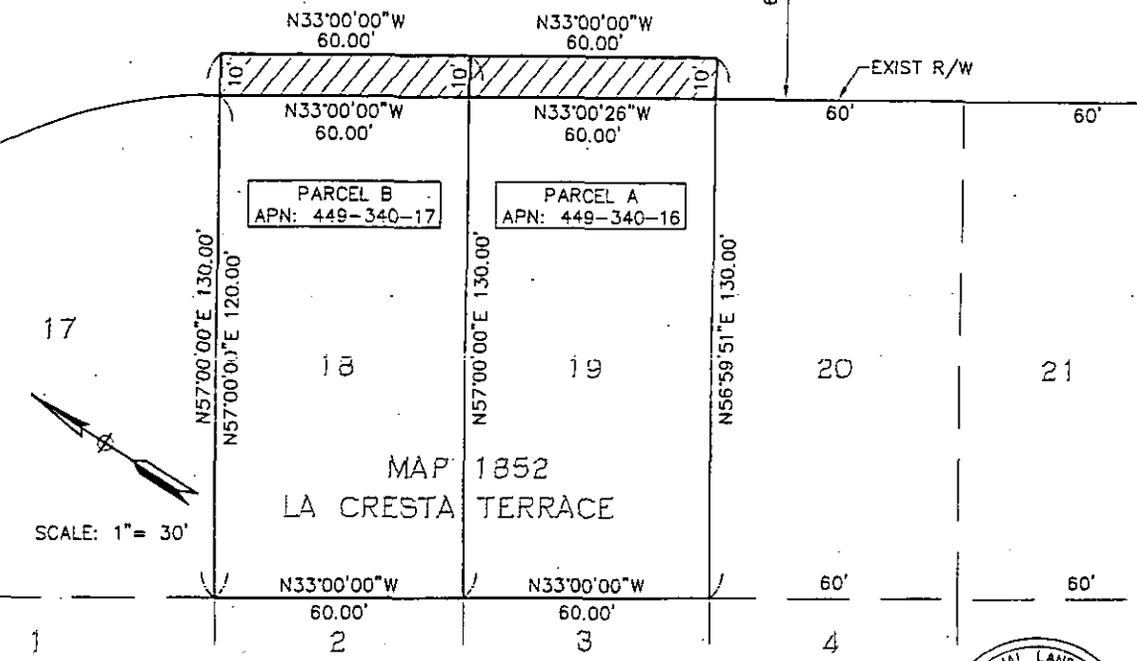


BLOCK C
LOT 21

BERNICE DRIVE

MAP 1523
BLOCK D
LOT 16

LA CRESTA DRIVE
(DEDICATED PER MAP 1523)



17

PARCEL B
APN: 449-340-17

PARCEL A
APN: 449-340-16

MAP 1852
LA CRESTA TERRACE

SCALE: 1" = 30'



LEGEND:

INDICATES STREET VACATION
PARCEL C
1,200 SQ. FT. OR 0.0275 ACRES

VERNON V FRANCK DATE
PLS 7927

metropolitan mapping, inc.
2421 india street san diego, ca 92101
tel: 619-564-6091 fax: 619-330-1830

STREET VACATION-PORTION OF LA CRESTA DRIVE AT THE INTERSECTION OF BERNICE DRIVE

EXHIBIT 'B'

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ORIGINAL	VF				SHEET 1 OF 1 SHEET	151444
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