



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 7, 2013 **REPORT NO.** PC-13-126

ATTENTION: Planning Commission, Agenda of November 14, 2013

SUBJECT: MORRELL STREET VACATION
PROJECT NO. 315688. PROCESS 5.

**OWNER/
APPLICANT:** MARQUEZ FAMILY TRUST (Attachment 9)

SUMMARY

Issue(s) - Should the Planning Commission recommend the City Council approve the vacation of public right-of-way within the Pacific Beach Community Planning area?

Staff Recommendation: Recommend the City Council **Approve** Public Right-of-Way Vacation No. 1103410 and Coastal Development Permit No. 1200871.

Community Planning Group Recommendation - On May 22, 2013, the Pacific Beach Planning Group voted 11-5-1 to recommend approval of the project with no conditions.

Environmental Review – This project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 2, 2013 and the opportunity to appeal that determination ended May 16, 2013.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - None with this action.

BACKGROUND

The Morrell Street Vacation project proposes to vacate a 10-foot segment of Morrell Street located on the west side of the street, running the full length of the block, between Oliver Avenue to the south and an unnamed alley to the north. The portion of Morrell Street to be vacated is excess public right-of-way between the curb and front property lines adjacent to three properties developed with three residences located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue. No development is proposed with this application. The site is zoned RM-1-1 and designated for residential uses (9-14 units per acre) within the Pacific Beach Community Plan (Attachments 1-3). Surrounding developments are single-family and multi-family residences.

As the site is located within the Coastal Overlay Zone, the proposed vacation action also requires a Coastal Development Permit. As such, the Public Right-of-Way Vacation and Coastal Development Permit require a Planning Commission recommendation to the City Council.

DISCUSSION

Project Description

The project would vacate a 10-foot portion of the existing 20 foot curb-to-property line distance. Ten feet is the current standard. The area to be vacated and the existing curb, gutter and sidewalk would remain unchanged. The vacated area may be utilized in the future for potential expansions and/or redevelopment of the existing residential developments.

Required Findings

The approval of the public right-of-way vacation requires four findings to be affirmed by a positive declaration of facts. Those findings are:

- (a) There is no present or prospective public use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated;*
- (b) The public will benefit from the action through improved use of the land made available by the vacation;*
- (c) The vacation does not adversely affect any applicable land use plan; and*
- (d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.*

The draft Vacation Resolution with findings is provided as Attachment 5. The draft Coastal Development Permit Resolution with findings is Attachment 6. The draft findings present a positive declaration of facts affirming the proposed street vacation would be consistent with the required criteria.

Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed public right-of-way vacation (Attachments 5 and 6). Staff is recommending the Planning Commission recommend the City Council approve the project as proposed.

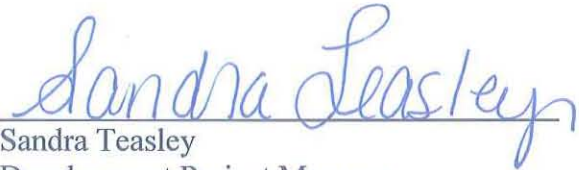
ALTERNATIVES

1. **Approve** Public Right-of-Way Vacation No. 1103410 and Coastal Development Permit No. 1200871, **with modifications.**
2. **Deny** Public Right-of-Way Vacation No. 1103410 and Coastal Development Permit No. 1200871, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department



Sandra Teasley
Development Project Manager
Development Services Department

TOMLINSON:SMT

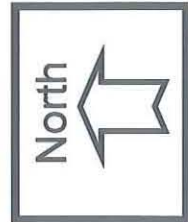
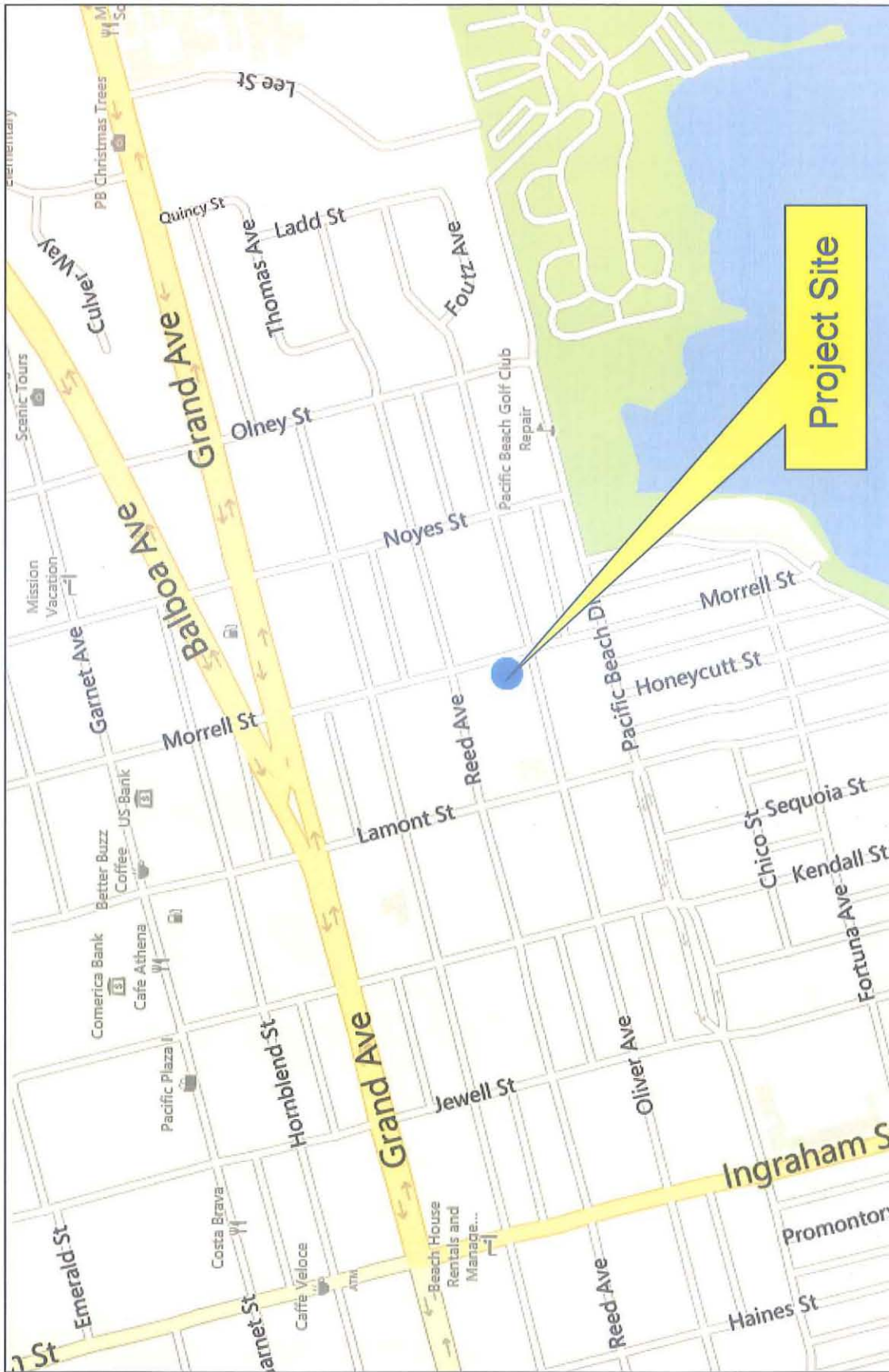
Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Public Right-of-Way drawing 37279-B
5. Public Right-of-Way Vacation Resolution with Findings
6. Coastal Development Permit Resolution with Findings
7. Coastal Development Permit
8. Planning Commission Recommendation to City Council Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Notice of Exemption



Location Aerial Photo
MORRELL STREET VACATION
PROJECT NO. 315688

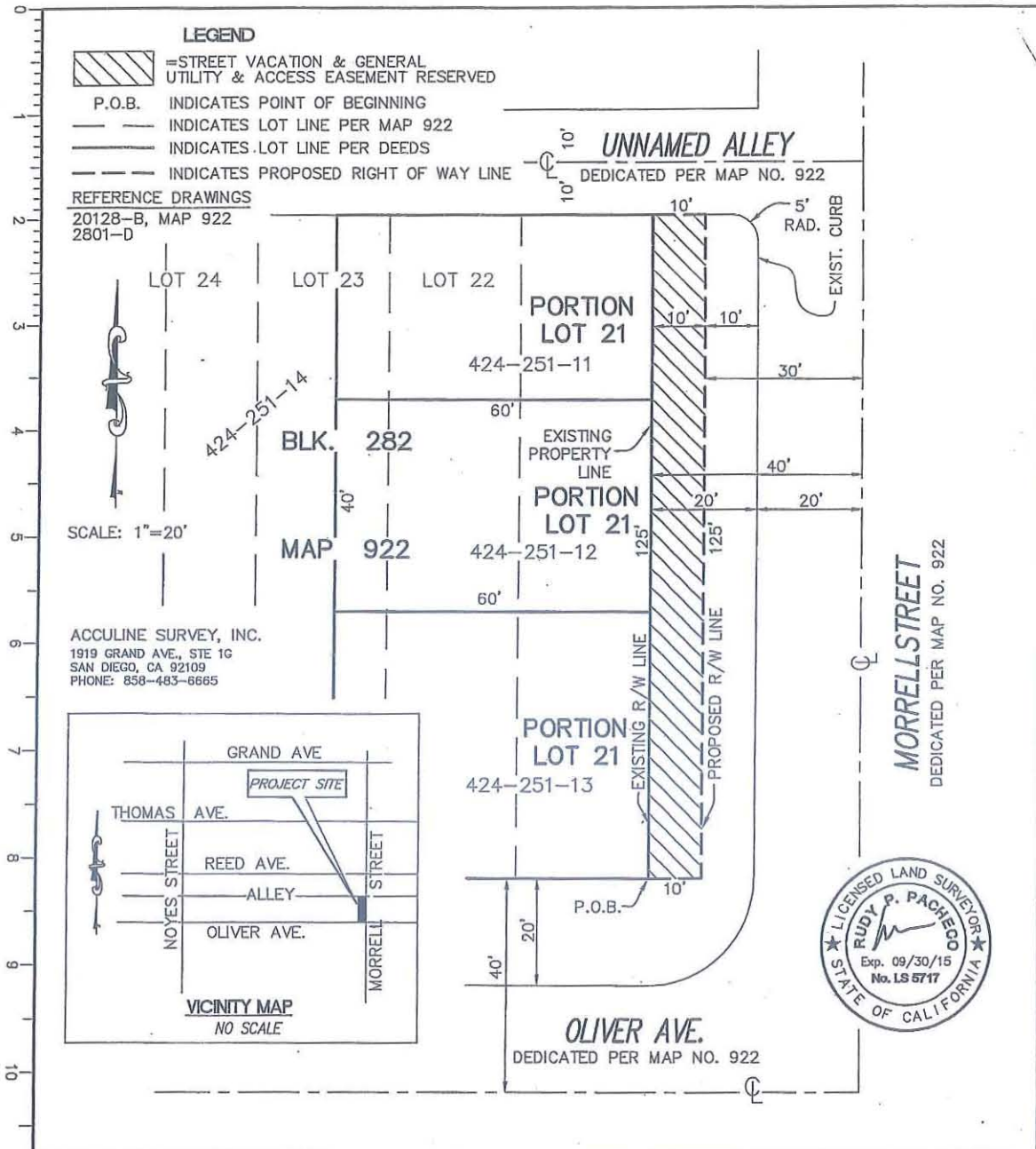




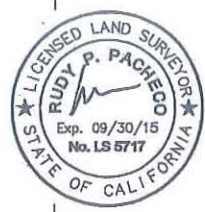
Project Location Map

MORRELL STREET VACATION
PROJECT NO. 315688





1554.DWG 09-26-13



[Signature] 9/26/2013
 RUDY P. PACHECO P.L.S. 5717 DATE

PUBLIC STREET VACATION
 OF A PORTION OF MORRELL STREET
 ADJOINING LOT 21 IN BLOCK 282, MAP 922

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO. 315688
ORIGINAL	ACCULINE				SHEET 1 OF 1 SHEET	IO. NO. 24003613
	MB	✓	10/1/13		<i>[Signature]</i> 9-30-2013 FOR CITY ENGINEER DATE	1870-6257 NAD 83 COORDINATES
						230-1697 LAMBERT COORDINATES
STATUS						37483-B

EXHIBIT "A"

PARTIAL STREET VACATION WITH
GENERAL UTILITY AND ACCESS EASEMENT RESERVED

THAT PORTION OF MORREL STREET ADJOINING LOT 21, IN BLOCK 282, ACCORDING TO MAP THEREOF NO. 922, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BOUNDED ON THE NORTH BY AN UNNAMED 20 FOOT ALLEY AND ON THE SOUTH BY OLIVER AVE, SAID PORTION BEING 10 FEET IN WIDTH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21, BEING THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF MORREL STREET WITH THE NORTH RIGHT OF WAY OF OLIVER AVENUE, THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE OF MORREL STREET AND LOT 21, A DISTANCE OF 125.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 21, ALSO BEING A POINT ON THE SOUTHERLY RIGHT WAY LINE OF SAID UNNAMED 20 FOOT ALLEY; THENCE LEAVING SAID COMMON LINE WITH LOT 21 AND MORREL STREET, EASTERLY AND PERPENDICULAR TO SAID RIGHT OF WAY OF MORREL STREET, A DISTANCE OF 10.00 FEET, THENCE; SOUTHERLY AND PARALLEL WITH SAID LOT 21 AND RIGHT OF WAY LINE OF MORREL STREET A DISTANCE OF 125.00 FEET, THENCE; WESTERLY, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM, A GENERAL EASEMENT FOR PUBLIC UTILITIES AND ACCESS FOR SAID UTILITIES.

SAID LAND CONTAINS 1,250.0 SQUARE FEET , MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 37483-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF

I.O. #24003613
PTS #315688
DWG #37483-B



1554.leg

[Signature]
9/26/2013

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION VACATING A PORTION OF MORRELL STREET PUBLIC RIGHT-OF-WAY VACATION NO. 1103410 WITH RESERVATION OF EASEMENT LOCATED AT 4214 AND 4216 MORRELL STREET AND 1976 OLIVER AVENUE BETWEEN OLIVER AVENUE AND AN UNNAMED ALLEY PROJECT NO. 315668.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, MARQUEZ FAMILY TRUST filed an application to vacate a 10-foot section of excess public right-of-way between the curb and the front property line on the west side of Morrell Street located north of Oliver Avenue and the south of an unnamed alley described as Right-of-Way Vacation No. 1103410; and

WHEREAS, Right-of-Way Vacation No. 1103410 to vacate a 10-foot segment of excess public right-of-way is located on property owned by Marquez Family Trust, Kisch Krista A Trust and Angel Light Revocable Trust; and

WHEREAS, in connection with Right-of-Way Vacation No. 1103410, the City desires to reserve and except a general utility and access easement from the Right-of-Way Vacation No. 1103410 as shown on Drawing No. 37483-B; 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, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and 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 with respect to Right-of-Way Vacation No. 1103410, the Council finds that:

(a) There is no present or prospective public use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The portion of Morrell Street to be vacated is excess public right-of-way between the curb and front property lines adjacent to properties developed with three residences (4214 and 4216 Morrell Street and 1976 Oliver Avenue). The curb-to-property line distance is 20 feet where 10 feet is the current standard. The area to be vacated and the existing curb, gutter and sidewalk would remain unchanged. The public right-of-way was originally acquired for circulation, access and public services in the year 1904, yet the street was never constructed for the purposes the right-of-way was dedicated. As such, the existing public right-of-way will no longer be necessary and will have no prospective use. There is no present or prospective public use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

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

The portion of Morrell Street to be vacated is excess public right-of-way between the curb and front property lines adjacent to properties developed with three residences. The block would retain a 10-foot curb-to-property line distance and, a general utility and access easement will be reserved over the area being vacated to ensure all City, utility and public access rights are preserved. The public will benefit from the action through improved utilization of the land in that the owners of the properties may expand or redevelop with increased floor area where currently, all three of the lots are substandard in size which creates site constraints. Additionally, the land will revert to private ownership, potentially reducing City liability as well as creating the potential of an increase in revenue to the City through property taxes paid on improvements. In that the use of the land for public right-of-way purposes has never materialized, it is in the public interest to vacate the right-of-way and transfer responsibility of it to the adjacent property owners. The public will benefit by the vacation of the public right-of-way.

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

The adopted Pacific Beach Community Plan identifies this public right-of-way for residential development. The vacation of the public right-of-way will facilitate the fullest and highest use of the property as designated by the community plan. The three adjoining properties (4214 and 4216 Morrell Street and 1976 Oliver Avenue) affected by this Vacation are substandard in size based on current standards, a unique circumstance for this segment of Pacific Beach; therefore, any future expansions or redevelopment of these properties should not create a development that is out of character with respect to bulk and scale, based on lot size and dimension. The properties measure as follows: 50 feet X 60 feet (3,000 square feet), 40 foot X 60 (2,400 square feet), and 35 feet X 60 feet (2,100 square feet), where the RM-1-1 zone requires 50 feet of frontage, 100 feet of depth and 5000 square feet in area for newly created lots.

For these reasons the proposed vacation of the public right-of-way is consistent with the policies and goals of the adopted within the Pacific Beach Community Plan and will not adversely affect the Pacific Beach Community Plan.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The portion of Morrell Street to be vacated is excess public right-of-way between the curb and front property lines adjacent to properties developed with three residences (4214 and 4216 Morrell Street and 1976 Oliver Avenue). The public right-of-way was originally acquired for circulation, access and public services in the year 1904 yet the street was never constructed for the purposes which the right-of-way was dedicated. The excess right-of-way is not required for any future street widening and serves no public purpose. An easement for public utilities and access will be reserved. There is no other use of a like nature for this specific right-of-way which can be reasonably anticipated and the purpose for which the right-of-way was originally acquired will no longer exist.

BE IT FURTHER RESOLVED, that the public right-of-way located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue north of Oliver Avenue and south of an unnamed alley, described as being Public Right-of-way Vacation No. 1103410, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37483-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Right-of-Way Vacation No.1103410 the permanent easement as more particularly described hereinafter for public utility and access purposes.

ATTACHMENT 5

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of Morrell Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37483-B, marked as Exhibit "B."

BE IT FURTHER RESOLVED, the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]

(R-____)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, MARQUEZ FAMILY TRUST, representing themselves, and three other property owners all of whom will be affected by the vacation of Morrell Street and who have given their permission to process the application and assigned MARQUEZ FAMILY TRUST to sign said permit on their behalf, as representative of the Owners/Permittees, filed an application with the City of San Diego for a Coastal Development Permit No. 1200871 to vacate a 10-foot portion of Morrell Street pursuant to Public Right-Of-Way Vacation No. 1103410, known as the Morrell Street Vacation project, located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue between Oliver Avenue to the south and an unnamed alley to the north, San Diego, California. The project site is legally described as follows: That portion of Morrell Street adjoining Lot 21 in Block 282, According to Map NO. 922, in the city of San Diego, County of San Diego, State of California, bounded on the north by an unnamed 20-foot alley and on the south by Oliver Avenue, said portion being 10 feet in width; and,

WHEREAS, on November 14, 2013, the Planning Commission of the City of San Diego considered Public Right-of-way Vacation No. 1103410, and pursuant to Resolution No. _____ voted _____ recommending the City Council approve the Public Right-of-way 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 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 No. 1200871:

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. The proposed coastal development is the vacation of a 10-foot segment of an existing public right-of-way and as such no change upon the land to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. Furthermore, the site 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 because none exist at this site and none are planned for this site. The proposed coastal development, which is the vacation of an existing public right-of-way, will have no effect upon public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. Furthermore, there are no public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan from this site or across this site to these visual resources.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed coastal development is the vacation of a 10-foot segment of an existing public right-of-way and as such no change upon the land to the existing property which contains the public right-of-

way will occur with the approval of the coastal development permit. The site is a developed suburban property. The site does not contain any environmentally sensitive lands or environmentally sensitive resources and as such the proposed coastal development will not adversely affect 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 coastal development is the vacation of a 10-foot segment of an existing public right-of-way and as such no change upon the land to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. The adopted Pacific Beach Community Plan designates this site for residential uses and the vacation of the public right-of-way is consistent with those uses. The vacation of the public right-of-way complies with all regulations of the certified Implementation Program for the adopted Pacific Beach Community 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 coastal development is the vacation of a 10-foot segment of an existing public right-of-way and as such no change upon the land to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. The site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. As such the vacation of an existing public right-of-way and approval of the coastal development permit will have no effect upon the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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. 1200871 is granted to MARQUEZ FAMILY TRUST, representing themselves and three other property owners all of whom will be affected by the vacation and who have given their permission to process the application and assigned Morrell Family Trust to sign said permit on their behalf, as representative of the Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
XXXXXXXXXXXXX
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
JO: 24001726
R-

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

INTERNAL ORDER NUMBER: 24003613

COASTAL DEVELOPMENT PERMIT NO. 1200871
MORRELL STREET PUBLIC RIGHT-OF-WAY VACATION - PROJECT NO. 315688
CITY COUNCIL

This Coastal Development Permit No. 1200871 is granted by the City Council of the City of San Diego to MARQUEZ FAMILY TRUST, representing themselves and three other property owners all of whom will be affected by the vacation of Morrell Street and who have given their permission to process the application and assigned Morrell Family Trust to sign said permit on their behalf, as representative of the Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 10-foot segment of Morrell Street to be vacated measures approximately 1,250 square feet in area and is located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue between Oliver Avenue to the south and an unnamed alley to the north, San Diego, California, in the RM-1-1 zone of the Pacific Beach Community Plan. The project site is legally described as follows: That portion of Morrell Street adjoining Lot 21, in Block 282, According to Map No. 922, in the City of San Diego, County of San Diego, State of California, bounded on the north by an unnamed 20-foot alley and on the south by Oliver Avenue, said portion being 10 feet in width.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to vacate an existing public right-of-way described and identified by size, dimension, quantity, type, and location as shown on Drawing No. 37483-B, on file in the Development Services Department.

The project shall include:

- a. The vacation of a 10-foot portion of Morrell Street pursuant to Public Right-Of-Way Vacation No. 1103410.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. This permit expires on _____. Utilization of this permit shall be deemed the recordation of the resolution approving the vacation of the public right-of-way in the San Diego County Recorder's Office. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1, of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
3. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
4. Issuance of this Permit by the City of San Diego does not authorize the Owner/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.).
5. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

6. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and

ATTACHMENT 7

employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 (to be filled in), as San Diego Resolution Number RR-_____.

ATTACHMENT 7

Permit Type/PTS Approval No.: Coastal Development Permit No. 1200871.
Date of Approval: _____.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT:

BY: _____
Mike Westlake
Acting Deputy Director

NOTE: NOTARY ACKNOWLEDGMENT MUST BE ATTACHED PER CALIFORNIA CIVIL CODE SECTION 1189 *ET SEQ.*

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

MARQUEZ FAMILY RUST
Owner/Permittee

BY: _____
Name: _____
Title: _____

NOTE: NOTARY ACKNOWLEDGMENT MUST BE ATTACHED PER CALIFORNIA CIVIL CODE SECTION 1189 *ET SEQ.*

PLANNING COMMISSION RESOLUTION NO. _____

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
PUBLIC RIGHT-OF-WAY VACATION NO. 1103410 AND
COASTAL DEVELOPMENT PERMIT NO. 1200871
MORRELL STREET VACATION - PROJECT NO. 315688

WHEREAS, on November 14, 2013, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval of Public Right-of-way Vacation No. 1103410 and Coastal Development Permit No. 1200871; and

WHEREAS, MARQUEZ FAMILY TRUST, Applicant, requested Public Right-of-Way Vacation No. 1103410 and Coastal Development Permit No. 1200871 for the purpose of facilitating future improvements on the property located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue between Oliver Avenue and an unnamed alley within the Pacific Beach Community Plan area; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approve Public Right-of-way Vacation No. 1103410 and Coastal Development Permit No. 1200871.

Sandra Teasley
Development Project Manager
Development Services

Dated November 14, 2013

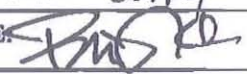
By a vote of: _____



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Morrell Street Vacation		Project Number: 315688	Distribution Date: 3/26/2013
Project Scope/Location: PACIFIC BEACH - (Process 5) Public Right of Way Vacation for a portion of Morell Street north of Oliver Avenue and South of Alley, Map 922 Blk 282. Notice Card 1			
Applicant Name: Colleen Marquez		Applicant Phone Number: (619) 985-0001	
Project Manager: Sandra Teasley	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	E-mail Address: STeasley@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 11	Members No 5	Members Abstain 1
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: Brian Curry		TITLE: Chair	
SIGNATURE: 		DATE: 5/22/13	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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

Ownership Disclosure Statement

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 Subdivision

Project Title _____ **Project No. For City Use Only** _____

Vacation of a Portion of Morrell St.

Project Address:

4214 Morrell St. , San Diego, CA. 92109

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):
Marquez Family Trust
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
4214 Morrell St.

City/State/Zip:
San Diego, CA 92109

Phone No: (619) 985-0001 Fax No: (619) 238-5702

Signature : Golleen Marquez Date: 3/11/13

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: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

OWNERSHIP DISCLOSURE STATEMENT

Owner: MARQUEZ FAMILY TRUST

Members of the Trust:

Luis Mario Marquez

Colleen E. Marquez

Diego Luis Marquez

Lola Ann Marquez

NOTICE OF EXEMPTION

(Check one or both)

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.: 315688

PROJECT TITLE: Morrell Street Vacation

PROJECT LOCATION-SPECIFIC: 4214 Morrell Street between Oliver Avenue and the 20' Alley north of Oliver. (Portion Block 282, Lot 21,22,23, Map 922) and within the RM-1-1 Zone in the Pacific Beach Community Planning area.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Public Right of Way Vacation for a 10-foot segment of Morrell Street, located adjacent to 4214 Morrell Street, running the full length of the block north of Oliver Avenue and south of an alley.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Colleen Marquez, 4214 Morrell Street, San Diego, CA 92109 (619) 985-0001

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: Section 15305(a) (Minor alterations in land use limitations)
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego has determined the project meets the categorical exemption criteria set forth in the CEQA State Guidelines, Sections 15305(a) (Minor alterations in land use limitations) which allows for minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel. Since the project is only proposing a 10-foot extension of the existing Right of Way into the existing 20-foot sidewalk and would not create a new lot, this exemption does apply and the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: de Freitas

TELEPHONE: (619) 446-5187

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

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

JOSE GONZALEZ / SENIOR PLANNER
SIGNATURE/TITLE

5/2/13
DATE

CHECK ONE:

SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

SIGNED BY APPLICANT