



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: March 23, 2017 REPORT NO. PC-17-027

HEARING DATE: March 30, 2017

SUBJECT: BioLegend – ROW Vacation; Process Five Decision

PROJECT NUMBER: [490921](#)

OWNER/APPLICANT: BioLegend Inc., Kent Johnson

### SUMMARY

Issue: Should the Planning Commission recommend approval to the City Council of Public Right-of-Way and Easement Vacations located at Terman Court within the Mira Mesa Community Plan area?

#### Staff Recommendations:

1. Recommend the City Council Approve Public Right-of-Way Vacation No. 1727973; and
2. Recommend the City Council Approve Public Easement Vacation No. 1727974.

Community Planning Group Recommendation: On October 16, 2016, the Mira Mesa Community Planning Group voted unanimously to recommend approval of the project without recommendations or conditions (Attachment 12).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) and is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 10, 2017 and the opportunity to appeal that determination ended February 27, 2017.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Housing Impact Statement: There are no housing units proposed with this project.

### BACKGROUND

The 7.388-acre site is located at 8928 – 8958 Terman Court, northeast of the corner of Carroll Road and Camino Santa Fe, in the IL-2-1 Zone of the Mira Mesa Community Plan area (MMCP). The site

consists of four separate lots surrounding Terman Court, a cul-de-sac, and developed with four, single-tenant commercial and industrial buildings constructed between 1984 and 1986 (Attachments 1 – 3). The site is designated for Industrial Uses and is surrounded by other industrial and office uses within a built, urban environment. Terman Court, the proposed public right-of-way vacation, is classified as a two-lane industrial local street perpendicular to Carroll Road, and located approximately 300 feet east of Camino Santa Fe. The street is developed with curb returns, curb ramps, gutters, and sidewalks with landscaping (Attachment 3).

The Terman Court right-of-way was accepted by the City of San Diego in 1984 in conjunction with the development of the four adjacent parcels under separate ownerships (Attachment 14). Currently all parcels are under one ownership, and pursuant San Diego Municipal Code Section [125.0910\(b\)\(2\)](#), when a public right-of-way lies within one ownership and does not continue through that ownership or touch the property of another owner, a public right-of-way vacation may be initiated.

## DISCUSSION

### Project Description:

The project proposes to vacate the Terman Court Public Right-of-Way, vacate a 10-foot-wide drainage easement, and vacate a 24-foot-wide water easement ancillary to Terman Court. If approved, the existing improvements located within those easements would be privatized and an encroachment removal and maintenance agreement recorded where the private drainage system discharges into the public drainage system. Where Terman Court meets Carroll Road, the existing curb returns will be removed and a 30-foot-wide City-standard driveway constructed. As Terman Court is already improved, the vacation will in effect convert Terman Court from a publicly maintained right-of-way into a private drive. To ensure all parcels have access to a street frontage, a parcel map to merge the landlocked parcel at the rear of the development, will be required as a condition of approval. A Private Access Easement Dedication will also be required to maintain access for private utilities currently located in the right-of-way. Additional improvements will include relocating a street light from vacated area to the Carroll Road right-of-way. As Carroll Road is not yet built as a four-lane urban collector in this area, an Irrevocable Offer of Dedication is included in this application.

### Community Plan Analysis:

The MMCP does not list Terman Court within its Transportation Element, and therefore the proposed vacation will not affect the land use plan. However, Carroll Road, the street perpendicular to the proposed public right-of-way vacation, is classified as a four-lane collector urban street in the MMCP and is currently a 70-foot-wide two-lane roadway with center turning lane. Per the City's Street Design Manual, a four-lane collector width measures 110 feet. The Irrevocable Offer of Dedication proposed by the applicant assures land necessary for the future Carroll Road expansion and would meet the recommendations of the MMCP.

### Project-Related Issues:

Public Right-of-Way Vacation– Terman Court is an improved cul-de-sac constructed in 1984-86 as part of the developments noted above. The four parcels surrounding the Right-of-Way are under one ownership, BioLegend Inc. Terman Court terminates at a cul-de-sac, no easement for road

purposes extend beyond its current terminus, and there are no future plans to extend it farther. If approved, Terman Court and the cul-de-sac will be vacated and the existing improvements converted to a private drive. The public access point to the four parcels will be moved from the cul-de-sac to Carroll Road by replacing the curb returns at that intersection with a City standard driveway. These changes are reflected by conditions of approval written into the resolutions prepared for the project.

Easement Vacations– The four parcels surrounding Terman Court contain a 24-foot-wide water easement and a 10-foot-wide drainage easement that were reserved by the City for access to public facilities. These easements were created ancillary to the right-of-way as part of the original developments and cul-de-sac. The proposed vacation of Terman Court will require privatization of these facilities and the vacation of these easements, as the need for the City to provide services at these easements will no longer be required. The City's responsibility to maintain public services will be effectively moved to Carroll Road, and the maintenance of the privatized facilities transferred to the owner. Where these privatized facilities discharge into City public services, Encroachment Maintenance and Removal Agreements will be recorded and enforced.

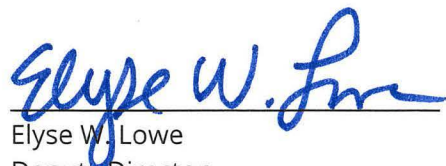
Conclusion:

Staff has analyzed the project and determined that the public right-of-way at Terman Court is no longer needed for its original purpose of providing a public street to the surrounding parcels. Staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site pursuant the adopted Mira Mesa Community Plan and Land Development Code.


ALTERNATIVES

1. Recommend the City Council Approve Public Right-of-Way Vacation No. 1727973 and Public Easement Vacation No. 1727974, with modifications.
2. Recommend the City Council Deny Public Right-of-Way Vacation No. 1727973 and Public Easement Vacation No. 1727974, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse W. Lowe  
Deputy Director  
Development Services Department



Francisco Mendoza  
Development Project Manager  
Development Services Department

LOWE/FM

Attachments:

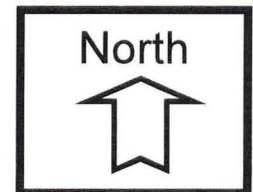
1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Draft Public Right-of-Way Resolution with Findings
6. Draft Public Easement Vacation Resolution with Findings
7. Environmental Exemption
8. Exhibit A – Legal Description Public Street Easement Vacation
9. Exhibit A – Legal Description Irrevocable Offer of Dedication
10. Exhibit B – Public Street, Water, and Drainage Easement Vacations
11. Exhibit B – Irrevocable Offer of Dedication
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Resolution Granting Right-of-Way to the City of San Diego 1984

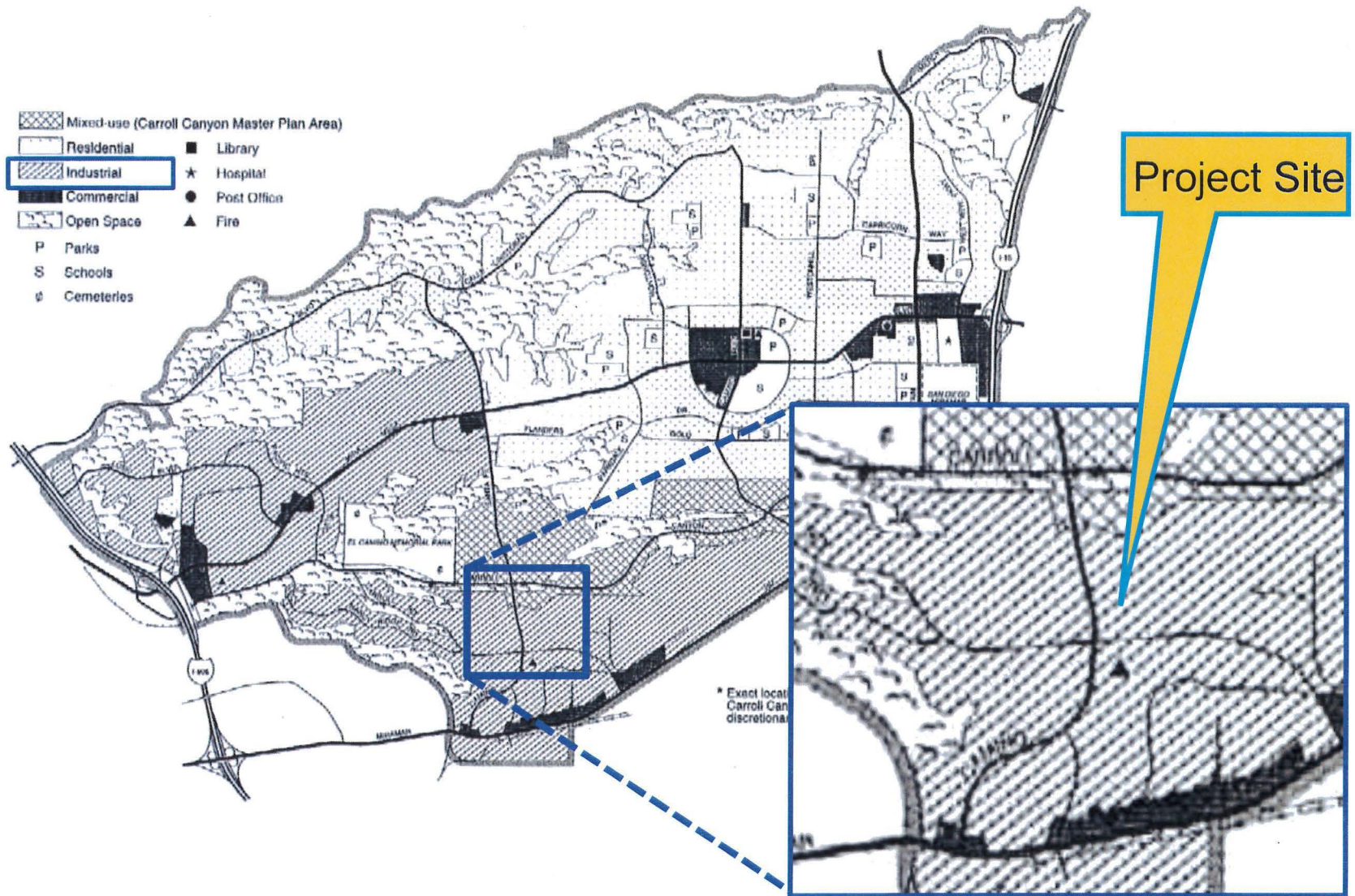




## Project Location Map

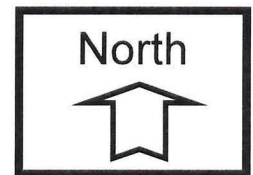
Biolegend ROW Vacation / 8928-8958 Terman Court  
PROJECT NO. 490921





## Mira Mesa Land Use Map

Biolegend ROW Vacation / 8928-8958 Terman Court  
PROJECT NO. 490921

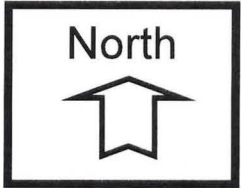






## Aerial Photograph

Biolegend ROW Vacation / 8928-8958 Terman Court  
PROJECT NO. 490921



# PROJECT DATA SHEET

<b>PROJECT NAME:</b>	BioLegend ROW Vacation	
<b>PROJECT DESCRIPTION:</b>	Vacate Terman Court Cul-De-Sac	
<b>COMMUNITY PLAN AREA:</b>	Mira Mesa	
<b>DISCRETIONARY ACTIONS:</b>	Public Right Of Way Vacation and Easement Vacation	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Industrial	
<p align="center"><b>ZONING INFORMATION:</b> (no construction proposed)</p> <p><b>ZONE:</b> IL-2-1 (light industrial, office, and limited commercial)</p> <p><b>HEIGHT LIMIT:</b> None</p> <p><b>LOT SIZE:</b> Min 15,000 (No Max)</p> <p><b>FLOOR AREA RATIO:</b> 2.0</p> <p><b>FRONT SETBACK:</b> 15 feet</p> <p><b>STREET SETBACK:</b> 20 feet</p> <p><b>SIDE SETBACK:</b> 10 feet</p> <p><b>REAR SETBACK:</b> 15 feet</p>		
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	IL-2-1	Industrial; Office Building
<b>SOUTH:</b>	IL-2-1	Industrial; Materials Handling
<b>EAST:</b>	IL-2-1	Industrial; Pharmaceuticals
<b>WEST:</b>	IL-2-1	Industrial; Light Industrial Building
<b>DEVIATION REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On October 17, 2016, the Mira Mesa Community Planning Group voted unanimously to recommend approval of the project without recommendations or conditions.	



RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION VACATING Terman Court (RIGHT-OF-WAY  
VACATION NO. 1727973) BIOLEGEND ROWV – PROJECT NO. 490921.

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, BIOLEGEND, INC., a California corporation, filed an application to vacate Terman  
Court, being described as Right-of-Way Vacation No. 1727973; and

WHEREAS, Right-of-Way Vacation No. 1727973 is located on property owned by BIOLEGEND  
INC., a California corporation; 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. 1727973, the Council finds that:

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

The Terman Court right-of-way was acquired by the City of San Diego in 1984 in conjunction with the development of the four adjacent parcels under separate ownerships. Currently all parcels are under one ownership, and pursuant San Diego Municipal Code Section 125.0910(b)(2), when a public right-of-way lies within one ownership and does not continue through that ownership or touch the property of another owner, a right-of-way vacation may be initiated. Public access to the four parcels is currently taken at the cul-de-sac of Terman Court. Terman Court terminates at a cul-de-sac, does not continue through the project site, no easement for road purposes extends beyond its current terminus, and there are no future plans to extend it farther. The vacation of Terman Court would replace the public access point to the four parcels from the cul-de-sac to the proposed driveway entrance at Carroll Road, the nearest public road. As public access will be provided from Carroll Road, there would be no present or prospective public use for the Terman Court 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.

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

All parcels surrounding the easements are now under one ownership. The Terman Court right-of-way will be vacated and access to the four parcels provided by a private drive, and all ancillary utility and maintenance responsibilities transferred to the owner. The vacation would reduce the operational expenses to the City, and the release of the land to the owner would improve its utilization by increasing the allowable development under the Industrial Land Use as recommended in the community plan. The increase in allowable development may also provide additional services to the public. Therefore, the public will benefit from the vacation through the improved use of the land made available by the vacation.

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

The Mira Mesa Community Plan does not list Terman Court within its Transportation Element, and therefore the proposed vacation would not affect the land use plan. However, Carroll Road, the street perpendicular to the proposed public right-of-way vacation, is classified as a four-lane collector street in the community plan and is currently a 70-foot-wide two-lane roadway with center turning lane. Per the City's Street Design Manual, a four-lane collector width measures 110 feet. The Irrevocable Offer of Dedication proposed by the applicant assures land necessary for the future Carroll Road expansion and meets the recommendations of the community plan. Therefore, the vacation does not adversely affect any applicable land use plan.

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

The Terman Court right-of-way was created for access to four adjacent parcels under separate ownerships, which contain public water, and drainage facilities with ancillary easements necessary for all parcels connected to Terman Court to access those services. Vacating Terman Court would require privatizing those facilities and vacating the existing easements, with maintenance responsibilities transferred to the owner. Where privately maintained facilities connect to or discharge into public facilities, an Encroachment Maintenance and Removal Agreement would be recorded and enforced. Therefore, public facilities would not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1727973 , in connection with Easement Vacation No. 1727974, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 39490-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following conditions which are made a part of this resolution:

1. Prior to recordation of the Right-of-Way Vacation Exhibits, the applicant shall obtain a Construction Permit to construct a clean out per City standard on the existing storm drain line at the most northerly portion of Lot 3.
2. Prior to recordation of Right-of-Way Vacation Exhibits, a Private Access Easement must be recorded to secure access for private utilities located within the vacated public right-of-way.
3. Prior to recordation of the Right-of-Way Vacation Exhibits, the applicant must obtain an Encroachment and Maintenance Removal Agreement (EMRA) for connecting the private discharge to the public drainage system.
4. Prior to recordation of Right-of-Way Vacation Exhibits, the applicant must obtain a Construction Permit to relocate the existing street light from the corner of Carrol Road and Terman Court to the Carrol Road Right-of-Way.
5. Prior to recordation of Right-of-Way Vacation Exhibits, the applicant must obtain a Construction Permit to remove the existing street light from the Terman Court cul-de-sac to the satisfaction of the City Engineer.
6. Prior to the recordation of the Right-of-Way Vacation Exhibits, the applicant shall assure, by Construction permit and bond, the construction of a new 30-foot-wide driveway per current City Standards, on Carrol Road to replace the existing Terman Court curb return.

**ATTACHMENT 5**

(R-[Reso Code])

BE IT FURTHER RESOLVED, that 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: Mara W. Elliott, City Attorney

By

\_\_\_\_\_  
[Attorney]

Deputy City Attorney

[Initials]:[Initials]

[Month]/[Day]/[Year]

Or.Dept:[Dept]

Document No:



RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION VACATING PUBLIC WATER AND DRAINAGE  
EASEMENTS (BIOLEGEND ROW VACATION, EASEMENT VACATION  
NO. 1727974 – PROJECT NO. 490921).

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego  
Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public service  
easements by City Council resolution; and

WHEREAS, BioLegend, Inc., a California corporation, filed an application to vacate a 24-foot-  
wide public water and a 10-foot-wide drainage easements, being described as Easement Vacation  
No. 1727974; and

WHEREAS, Easement Vacation No. 1727974 is located on property owned by BioLegend, Inc.,  
a California corporation; 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 Easement  
Vacation No. 1727974, the Council finds that:

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

The development surrounding Terman Court contains easements created ancillary to the existing right-of-way as a result of development of four commercial buildings on four parcels under separate ownership for the City to provide public services. The proposed vacation of the Terman Court right-of-way will require privatization of the present facilities and the vacation of these easements, as the need for the City to provide service and maintenance of these facilities within these easements would no longer be required from the vacated area. The City's responsibility to maintain public services or infrastructure would end at the intersection of Terman Court and Carroll Road, and the maintenance of the privatized facilities transferred to the owner. Where these privatized facilities discharge into City public facilities, Encroachment Maintenance and Removal Agreements will be recorded and enforced. As the City would no longer need access to the privatized facilities, there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

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

The City reserved the easements as a result of development of four commercial buildings on four parcels under separate ownership. All parcels surrounding the easements are now under one ownership, and the applicant is requesting to vacate the Terman Court right-of-way and the ancillary easements connected to the cul-de-sac. The easements and public facilities would be privatized with maintenance responsibility transferred from the City to the owner. The removal of the easements would reduce the operational expenses of the City, and the release of the land to the owner would improve its utilization by increasing the allowable development under the Industrial Land Use recommendation of the community plan. The increase in allowable development may provide additional services to the public. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

**(c) The vacation is consistent with any applicable land use plan.**

The Mira Mesa Community Plan designates the site for industrial development and does not identify any proposed utility for the requested easement vacation area, therefore the vacation of the easement would be consistent with the land use plan. The development originally required public water and drainage facilities with easements necessary for all parcels connected to Terman Court to access those public services. As the vacation of Terman Court would require the privatization of facilities and vacation of easements, the action would allow additional development of the site under the industrial land use designation and is therefore consistent with the goals and policies of the General Plan and the Community Plan.

**(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.**

The proposed vacation of Terman Court would require privatization of the ancillary public facilities and the vacation of the present easements. These easements were acquired by the City for access to public facilities, service, or maintenance. The City's responsibility to maintain public services or infrastructure would end at the intersection of Terman Court and Carroll Road, and the maintenance of the privatized facilities transferred to the owner. The need for the City to provide access, service,

and maintenance for these easements would no longer be required, therefore the purpose for which the easements were originally acquired would no longer exist.

BE IT FURTHER RESOLVED, that Easement Vacation No. 1727974, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 39490-1-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following condition(s) which are made a part of this resolution:

1. Prior to the recordation of the Right-of-Way and Easement Vacation Resolution, the applicant shall assure, by Construction permit, bond, and the As-Built Drawings, the abandonment or privatization of all public water facilities, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

BE IT FURTHER RESOLVED, that 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: Mara W. Elliott, City Attorney

By \_\_\_\_\_  
[Attorney]  
Deputy City Attorney

[Initials]:[Initials]  
[Month]/[Day]/[Year]  
Or.Dept:[Dept]  
Document No.

## NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk  
 P.O. Box 1750, MS A-33  
 1600 Pacific Hwy, Room 260  
 San Diego, CA 92101-2400

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 Name:** BIOLEGEND ROWV/EV

**Project No. / SCH No.:** 490921

**Project Location-Specific:** 8928-8958 Terman Ct San Diego, CA 92121

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** Public Right of Way Vacation to vacate Terman Ct., Public Easement Vacation of existing 10' wide drainage easement and 24' wide water easement and Access Easement Dedication within portions of 8928-8958 Terman Ct., legally described as Parcels 1-4 of Parcel Map 13198. The 7.388 acre site is fully developed in an urbanized area with an office park use, in the IL-2-1 zone within the Mira Mesa Community Plan Area, Council District 6.

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** Kent Johnson, 7 Petalcup Place, Woodlands, TX 77381, 858-488-3465

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: 15305 (Minor Alterations in Land Use Limitations)
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15305 (Minor Alterations in Land Use Limitations) which allows minor alterations in land use limitations in areas with an average slope of less than 20% and which do not result in any changes in land use or density. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effects on the environment were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Lead Agency Contact Person: Courtney Holowach

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



ATTACHMENT 7

Polly Lynne / SENIOR PLANNOR  
Signature/Title

2/27/2017  
Date

Check One:

☒ (X) Signed By Lead Agency

☐ ( ) Signed by Applicant

Date Received for Filing with County Clerk or OPR:

J.N. 1349.40

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**PUBLIC STREET EASEMENT VACATION**

ALL THAT DRAINAGE EASEMENT AND WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO ON PARCEL MAP NO. 13198, LOCATED WITHIN:

PORTIONS OF PARCELS 1, 2, 3 AND 4 OF PARCEL MAP NO. 13198, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, FEBRUARY 29, 1984 AS INSTRUMENT NO. 84-074333 OF OFFICIAL RECORDS, TOGETHER WITH Terman Court, AS SAID Terman Court IS DEDICATED PER CITY OF SAN DIEGO RESOLUTION NO. 260190 ADOPTED FEBRUARY 27, 1984, VACATED.

ATTACHED HERETO IS A DRAWING NO. 39490-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

  
C. JOHN EARDENSOHN  
LS 5278 EXPIRES 12-31-17



FILE: PTS 490921  
I.O. NO. 24006720

J.N. 1349.40

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC STREET PURPOSES**


THAT PORTION OF PARCELS 1 AND 4 OF PARCEL MAP NO. 13198, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, FEBRUARY 29, 1984 AS INSTRUMENT NO. 84-074333 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 4 OF PARCEL MAP NO. 13198, SAID POINT ALSO LYING ON A 1451.10 FOOT RADIUS CURVE, CONCAVE WESTERLY, A LINE RADIAL TO SAID POINT BEARING NORTH 83°08'47" EAST; THENCE ALONG THE WESTERLY SIDE OF SAID PARCEL 4 AND THE ARC OF SAID CURVE

- |                          |              |                                                                                                        |
|--------------------------|--------------|--------------------------------------------------------------------------------------------------------|
| 1. SOUTHERLY             | 173.56 FEET  | THROUGH A CENTRAL ANGLE OF 6°51'13" THENCE ALONG THE WESTERLY SIDE OF PARCEL 4;                        |
| 2. SOUTH 00°00'38" WEST  | 174.86 FEET; | THENCE TO THE <b>TRUE POINT OF BEGINNING</b> THENCE                                                    |
| 3. SOUTH 00° 00'38" WEST | 30.91 FEET;  | TO A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY;                                           |
| 4. SOUTHEASTERLY         | 33.04 FEET   | THENCE THROUGH A CENTRAL ANGLE OF 94° 39'51"; THENCE ALONG THE SOUTHERLY SIDE OF SAID PARCELS 1 AND 4; |
| 5. NORTH 85° 20'44" EAST | 531.35 FEET; | THENCE LEAVING SAID SOUTHERLY SIDE                                                                     |
| 6. NORTH 04°39'16" WEST  | 20.00 FEET;  | THENCE                                                                                                 |
| 7. SOUTH 85° 20'44" WEST | 518.87 FEET; | TO A TANGENT 30.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE                                    |
| 8. NORTHWESTERLY         | 49.56 FEET   | THROUGH A CENTRAL ANGLE OF 94°39'33" TO THE <b>TRUE POINT OF BEGINNING</b>                             |

SAID IRREVOCABLE OFFER OF DEDICATION CONTAINS AN AREA OF 11,173.93 SF  
(0.257 ACRES) MORE OR LESS

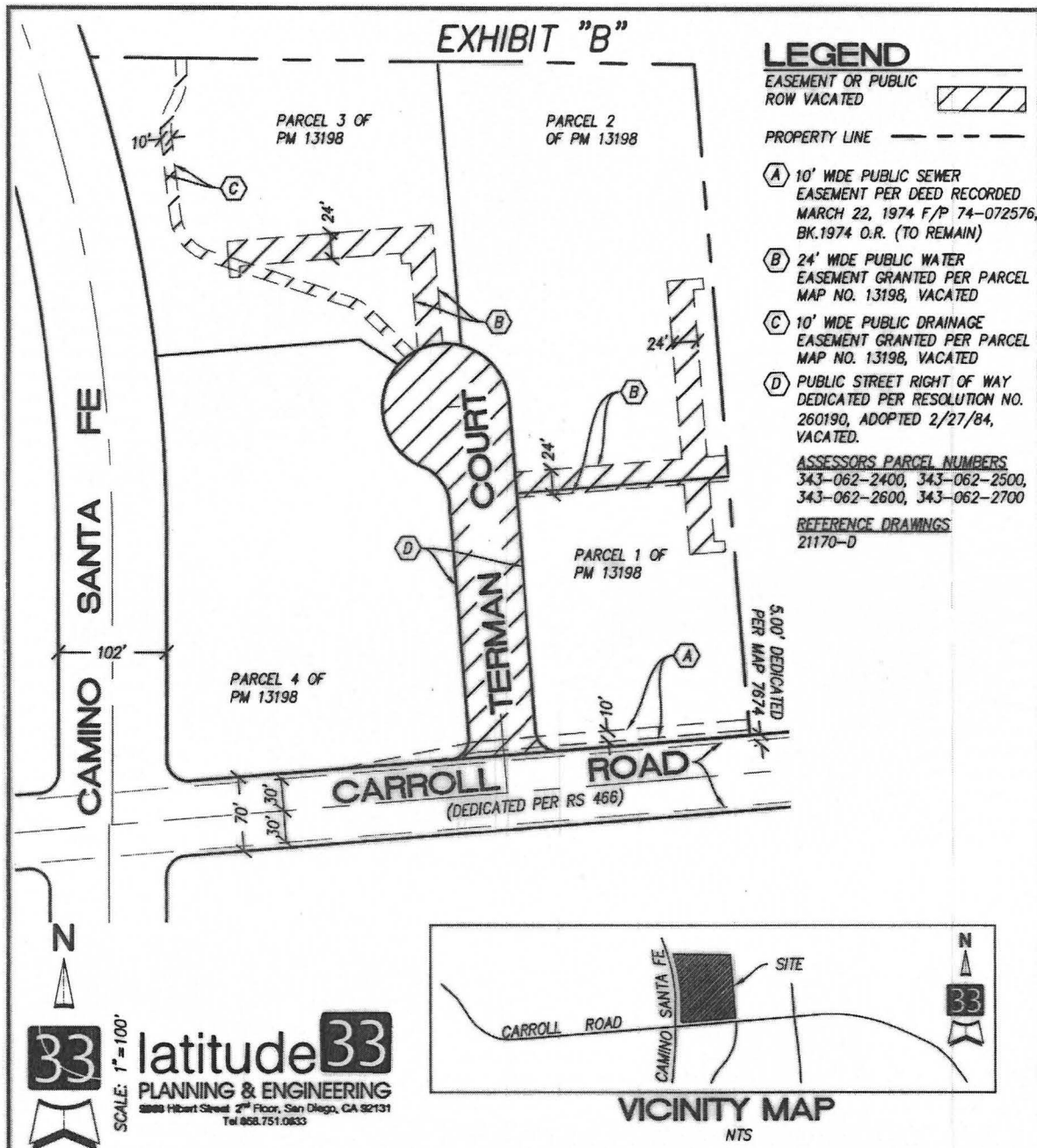
ATTACHED HERETO IS A DRAWING NO. 39764-B LABELED EXHIBIT "B" AND BY  
THIS REFERENCE MADE A PART HEREOF.

 2/28/17  
C. JOHN EARDENSOHN  
LS 5278 EXPIRES 12-31-17



FILE: PTS 490921  
I.O. NO. 24006720





*John Eardensohn* 2/28/17  
C. JOHN EARDENSOHN LS 5278 DATE



RESOLUTION No. \_\_\_\_\_

RECORDED \_\_\_\_\_

DOCUMENT No. \_\_\_\_\_

RECORDED \_\_\_\_\_

**PUBLIC STREET EASEMENT, WATER EASEMENT & DRAINAGE  
EASEMENT VACATIONS  
IN PORTIONS OF PARCELS 1 THRU 4 OF PM 13198**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	I.O. NO. 24006720 PTS NO. 490921
ORIGINAL	LAT33				FOR CITY ENGINEER _____ DATE _____	1902-6279 CCS '83 COORDINATES
						262-1719 LAMBERT COORDINATES
						39490-1-B

## EXHIBIT "B"

LINE TABLE		
LINE NO.	LENGTH (FT)	BEARING
L1	30.91'	S0° 00' 38"W
L2	531.35'	N85° 20' 44"E
L3	20.00'	N4° 39' 16"W
L4	518.87'	S85° 20' 44"W

CURVE TABLE			
CURVE NO.	LENGTH (FT)	RADIUS	BEARING
C1	33.04'	20.00'	94°39'51"
C2	49.56'	30.00'	94°39'33"

## LEGEND

IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC STREET PURPOSES  
ROW LINE

PROPERTY LINE

EASEMENT LINE

P.O.B. INDICATES POINT OF BEGINNING

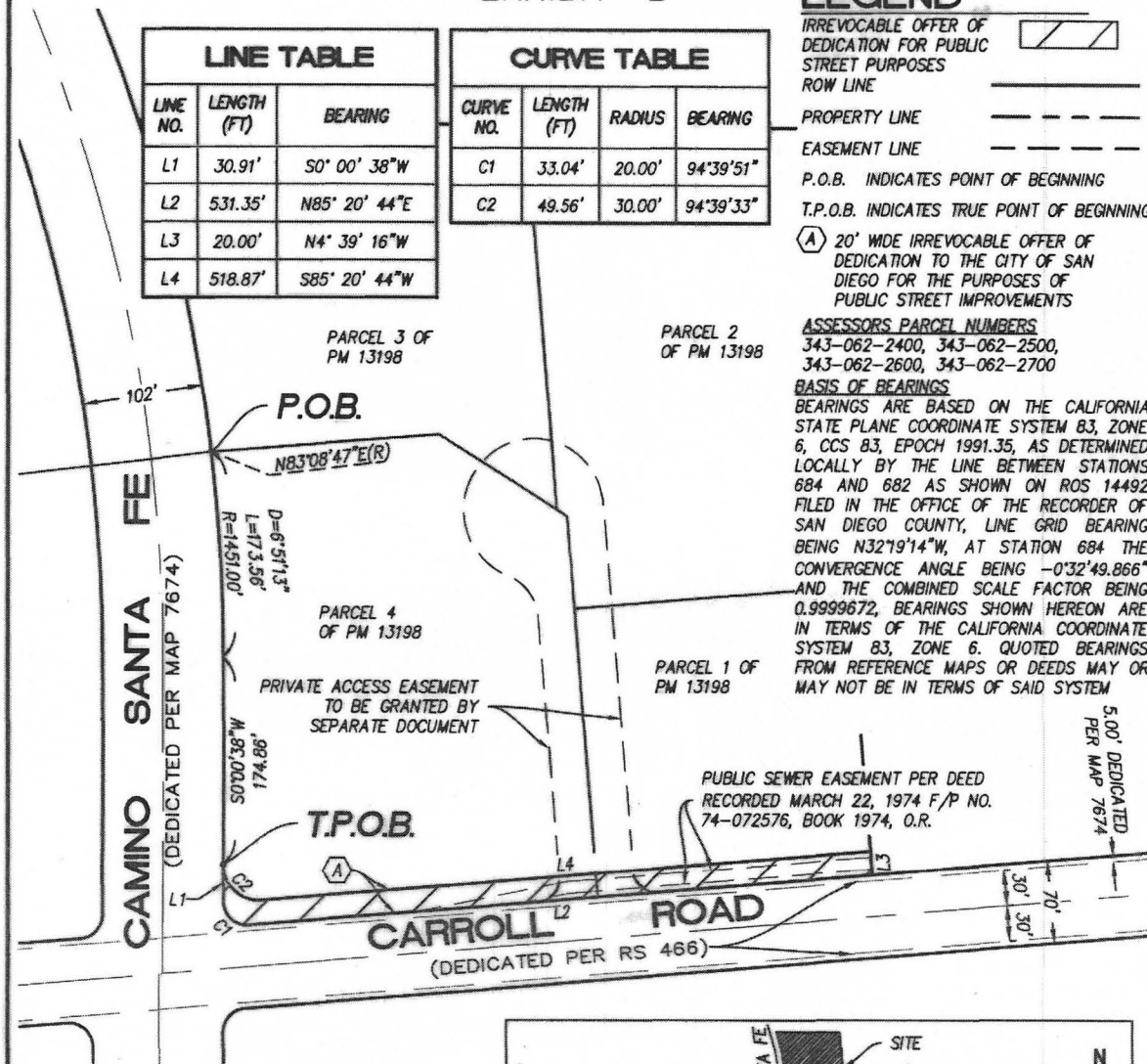
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

(A) 20' WIDE IRREVOCABLE OFFER OF DEDICATION TO THE CITY OF SAN DIEGO FOR THE PURPOSES OF PUBLIC STREET IMPROVEMENTS

ASSESSORS PARCEL NUMBERS  
343-062-2400, 343-062-2500,  
343-062-2600, 343-062-2700

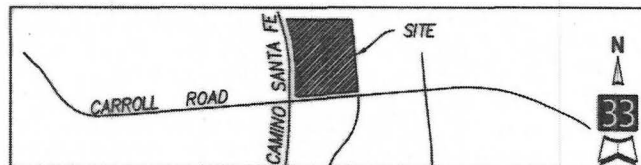
## BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM 83, ZONE 6, CCS 83, EPOCH 1991.35, AS DETERMINED LOCALLY BY THE LINE BETWEEN STATIONS 684 AND 682 AS SHOWN ON ROS 14492 FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, LINE GRID BEARING BEING N32°19'14"W, AT STATION 684 THE CONVERGENCE ANGLE BEING -0°32'49.866" AND THE COMBINED SCALE FACTOR BEING 0.9999672, BEARINGS SHOWN HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM 83, ZONE 6. QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM



SCALE: 1" = 100'

**latitude 33**  
PLANNING & ENGINEERING  
9868 Hilbert Street 2nd Floor, San Diego, CA 92131  
Tel 858.751.0833



VICINITY MAP  
NTS

*John Eardensohn* 2/28/17  
C. JOHN EARDENSOHN LS 5278 DATE



RESOLUTION No. \_\_\_\_\_  
RECORDED \_\_\_\_\_  
DOCUMENT No. \_\_\_\_\_  
RECORDED \_\_\_\_\_

## IRREVOCABLE OFFER OF DEDICATION IN PORTIONS OF PARCEL 1 AND PARCEL 4 OF PM 13198

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	I.O. NO. 24006720 PTS. NO. 490921
ORIGINAL	LAT33					
					FOR CITY ENGINEER	1902-6279 CCS '83 COORDINATES
					DATE	262-1719 LAMBERT COORDINATES
						39764-B

## **Mira Mesa Community Planning Group Meeting**

October 17, 2016

Mira Mesa Public Library

Draft Minutes

### **Executive Members Attending**

Ken Kaplan  
Jeff Stevens  
Joe Punsalan  
Chris Morrow  
Bruce Brown  
Marv Miles  
Joe Frichtel  
Jon Labaw  
John Horst  
Ralph Carolin  
Julia Schriber  
Craig Radke  
Michael Linton  
Robert Mixon  
Tom Derr  
Craig Jackson

### **Call to Order and Quorum Requirements**

The meeting was called to order at 7:03 PM and a quorum of Executive Members was present.

**Modifications to the Agenda:** approved

**Adoption of Previous Meeting Minutes:** approved

### **Non-Agenda Public Comment**

- Sean McCormick, Eligibility Specialist from the Family Center of San Diego, shared information about a Mobile Medical Unit that currently provides services to Mira Mesa homeless and underserved population.

### **Report of the Chair**

- CPUC unanimously approved Alternative 5 for SDG&E's 230-kv Transmission Line project.
- Sorrento Valley sign installation is inconsistent with prior recommendation of the MMCPG. Although no challenge to their erection or placement is

contemplated, the Chair requested an explanation about the approval process and an evaluation of community liability.

## Agenda Items

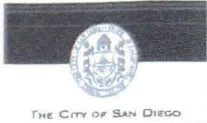
### Old Business

- SANDAG Rail Double Tracking Project Update: Todd Philips had requested time to provide an update, but did not attend the meeting.

### New Business

- Neighbor First Coalition (NFC) Meeting  
Luis Pallera and Mitz Lee extended an open invitation to an NFC's priorities meeting that was scheduled for the following evening at the Senior Citizens Center.
- Moratorium On Proposition 64  
Luis Pallera announced a pending proposal for City Council consideration that specifies for a 45-day moratorium on the opening of marijuana-related businesses and personal use of recreational marijuana should Proposition 64 be passed in the November 8<sup>th</sup> election. The moratorium will provide time to conduct a comprehensive land-use and public safety analysis before the proposition will take effect. This will provide an opportunity for the City Council to modify the proposition if required. The moratorium can be extended.
- Repair of the Miramar Pipeline  
City Public Works staff provided information regarding future repairs to the Miramar Pipeline located underground in the public right-of-way on Mira Mesa Boulevard during daytime. Strong opposition to daytime repairs was voiced by the Executive Committee because of traffic and commerce issues. Staff said they would check if nighttime work would be a viable alternative. Staff said they would advise the MMCPG about the determination of the request at a future meeting. Note: in a subsequent meeting, Councilmember Cate said he isn't aware of any City bar to nighttime repairs.
- Terman Court Plan to Vacate an Existing Cul-de-sac - Jon Arenz  
MMCPG support of a plan to vacate a cul-de-sac on Terman Court was requested. Motion to approve passed unanimously.
- 8896 Aquarius Drive Lot Split – Jose Martinez  
MMCPG support of a plan to split this lot requested for purpose of building two homes on the existing lot. The MMCPG deferred approving this





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 ROW/Easement Vacat

**Project Title**

BioLegend

**Project No. For City Use Only**

490921

**Project Address:**

Terman Court

**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):

☐ 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:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Project Title:

Project No. (For City Use Only)

**Part II - To be completed when property is held by a corporation or partnership****Legal Status (please check):**

☒ Corporation ☒ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. 73-1647967  
☐ Partnership

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 names, titles 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 corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **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

Corporate/Partnership Name (type or print):  
 BioLegend, Inc.

☒ Owner ☐ Tenant/Lessee

Street Address:  
 9727 Pacific Heights Blvd.

City/State/Zip:  
 San Diego, CA 92121

Phone No:  
 (858) 455-9588

Fax No:

Name of Corporate Officer/Partner (type or print):  
 Kent Johnson

Title (type or print):

Signature: Kent Johnson Date: May 18, 2016

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:



(R-84-1375)

RESOLUTION NUMBER R- 260190Adopted on FEB 27 1984

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

That the acceptance by the City Manager of those street and water easement deeds of CROW-W 1, a California limited partnership, and W/C JOINT VENTURE, a general partnership, executed in favor of The City of San Diego, bearing dates of January 25 and February 2, 1984, respectively, copies of which deeds are on file in the Office of the City Clerk as Documents No. RR- 260190 -/ and RR- 260190 -2, granting to said City easements for public street and water purposes in a portion of Parcel 1 of Parcel Map No. 5745 and a portion of Parcel 3 of Parcel Map No. 12403, as more particularly described in said deeds, be, and the same is hereby approved; and the land therein conveyed for a public street is hereby dedicated as and for a public street, and the same is hereby named TERMAN COURT.

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

APPROVED: John W. Witt, City Attorney

By Harold O. Valderhaug  
Harold O. Valderhaug, Deputy

HOV:ps:221.2  
2/14/84  
Or.Dept:E&D  
TM & WO-830583  
16025-B  
Form=r.deedr

1984 FEB 13 07:11:32  
SAN DIEGO, CALIF.

[Faint, mostly illegible text block]

SE0730

SE0730

[Faint, mostly illegible text block]

FEB 13 1984

SE0730

Passed and adopted by the Council of The City of San Diego on FEB 27 1984,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 260190 Adopted FEB 27 1984