



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: April 12, 2018 REPORT NO. PC-18-024

HEARING DATE: April 19, 2018

SUBJECT: Frost Street Right-of-Way Vacation, Process Five Decision

PROJECT NUMBER: [507338](#)

OWNER/APPLICANT: Suzanna Frost

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of a Coastal Development Permit and Public Right-of-Way Vacation for the vacation of an unimproved 0.096-acre portion of San Dionicio Street in the Peninsula Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendations:

1. Recommend the City Council Approve Coastal Development Permit 1898596; and
2. Recommend the City Council Approve Public Right-of-Way Vacation 1782175.

Community Planning Group Recommendation: On January 18, 2018, the Peninsula Community Planning Board recommended approval of the project 10-0-4 with no additional conditions.

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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 10, 2017, and the opportunity to appeal that determination ended October 24, 2017.

Fiscal Impact Statement: Real Estate Assets Department (READ) staff has determined that the City has no monetary interest in the street that is the subject of this vacation request. The cost to process this project is being paid by applicant deposit.

BACKGROUND

The 0.096-acre (4,193-square-foot) project site is a public right-of-way directly to the east of 660 San

Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06) in the RS-1-7 Zone of the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) area within the Coastal Overlay Zone (Non-Appealable Area) (Attachments 1 and 2). The project site and all adjacent properties are zoned RS-1-7 and designated Single-Family Residential (maximum 9 du/ac) within the Community Plan (Attachment 3). As the site is located within the Coastal Overlay Zone, the proposed Summary Vacation of Public Right-Of-Way action also requires a Coastal Development Permit due to the change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code).

DISCUSSION

Project Description:

The project proposes the summary vacation of a 25-foot by 168-foot section of the right-of-way of San Dionicio Street. The area to be vacated is adjacent to two properties, both of which take vehicular access from Qualtrough Street. The right-of-way was dedicated in 1872 for public use as part of the subdivision of what is now known as the La Playa neighborhood. A public roadway was never constructed and currently the unimproved right-of-way does not serve as vehicular or pedestrian access for any properties within the area. The proposed street vacation is located at a dead end, where the right-of-way to the east and north has already been closed and/or vacated (Street Closure 989/Quiet Title Action No. 255076 and Street Vacation per Resolution No. 14113 dated June 9, 1913). There is no existing right-of-way connecting Qualtrough Street to Rogers Street to the north, and no existing or planned access for pedestrians or vehicular traffic. Properties to the east take access directly from Rosecrans Street. Subsequent to the vacation of the right-of-way ownership would revert to the property owners' abutting parcel lots with fee title to the area over which the public right-of-way will be vacated. No physical development of the property is proposed as part of this permit application.

Community Plan Analysis:

The Transportation and Shoreline Access Element of the Community Plan recommends that curb cuts or street vacation requests which reduce available on-street parking should not be allowed unless comparable replacement parking is provided in the immediate vicinity. Since the right-of-way portions of San Dionicio Street that is the subject of the vacation request is an unimproved paper street with significant landscaping, reduction of on-street parking is not an issue, and the request would not adversely affect the Community Plan. The Transportation Element of the Community Plan does not identify this portion of San Dionicio Street as a needed roadway or pedestrian path, or as a key component of access and circulation in the community.

Project-Related Issues:

The unimproved portion of San Dionicio Street proposed to be vacated was originally acquired as part of a planned street network through map dedication in 1872. The adjoining paper street portions of San Dionicio Street to the east and to the south have been previously vacated and closed; the 25-foot-wide right of way area proposed to be vacated with this application is the remaining portion of the previously vacated right-of-way, and has no connectivity to any other street. As such, it is not possible to improve this remnant right-of-way to current public street design

standards for vehicular travel and it does not represent a logical extension of the existing road network.

During project review, staff raised the issue of access to the parcel lot currently addressed as 660 San Dionicio Street (APN 532-351-07, the northern of the two parcels adjacent to the project). This parcel lot is accessed by an easement from Qualtrough Street, across the western edge of the property to the south (3020 Qualtrough Street). The City's Public Utilities Department has conditioned the final recording of the vacation approval on the expansion of an existing 6-foot wide sewer easement (per City of San Diego Doc. No. 48072 O.R. dated 12 May 1948) to the City's current standard, 15-foot wide public sewer easement, to be centered over the top of the existing easement.

Conclusion:

The public right-of-way proposed for vacation does not benefit the City or any utility provider, nor does it adversely affect the Community Plan. City staff recommends that the Planning Commission recommend that the City Council approve Coastal Development Permit No. 1898596 and Public Right-of-Way Vacation No. 1782175.

ALTERNATIVES

1. Recommend that the City Council APPROVE Coastal Development Permit 1898596 and Public Right-of-Way Vacation 1782175, with modifications.
2. Recommend that the City Council DENY Coastal Development Permit 1898596 and Public Right-of-Way Vacation 1782175, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department

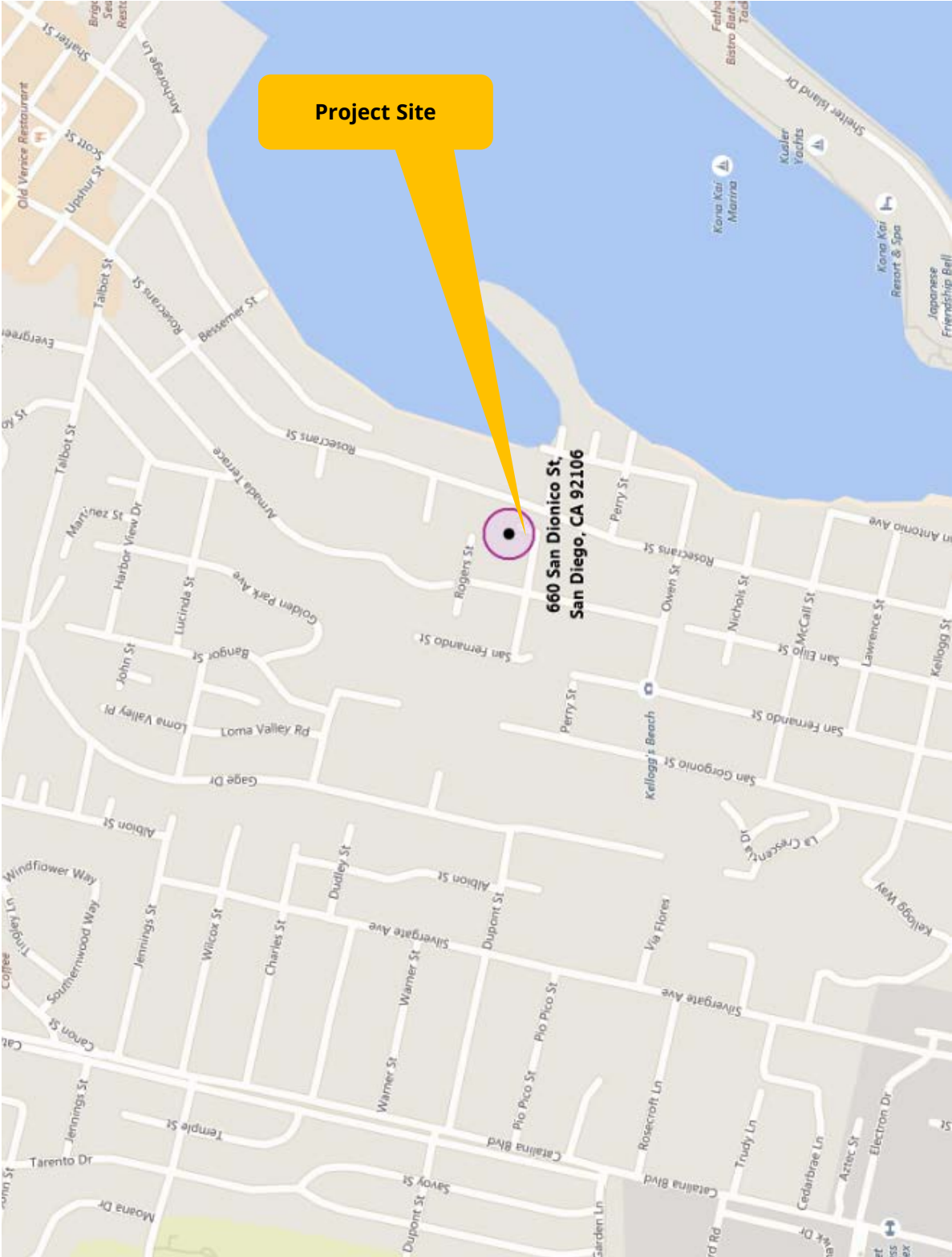


Tim Daly
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Aerial Photographs
3. Community Plan Land Use Map
4. Draft Vacation Resolution with Findings
5. Draft Permit Resolution
6. Draft Permit
7. Environmental Exemption

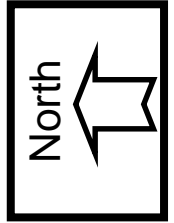
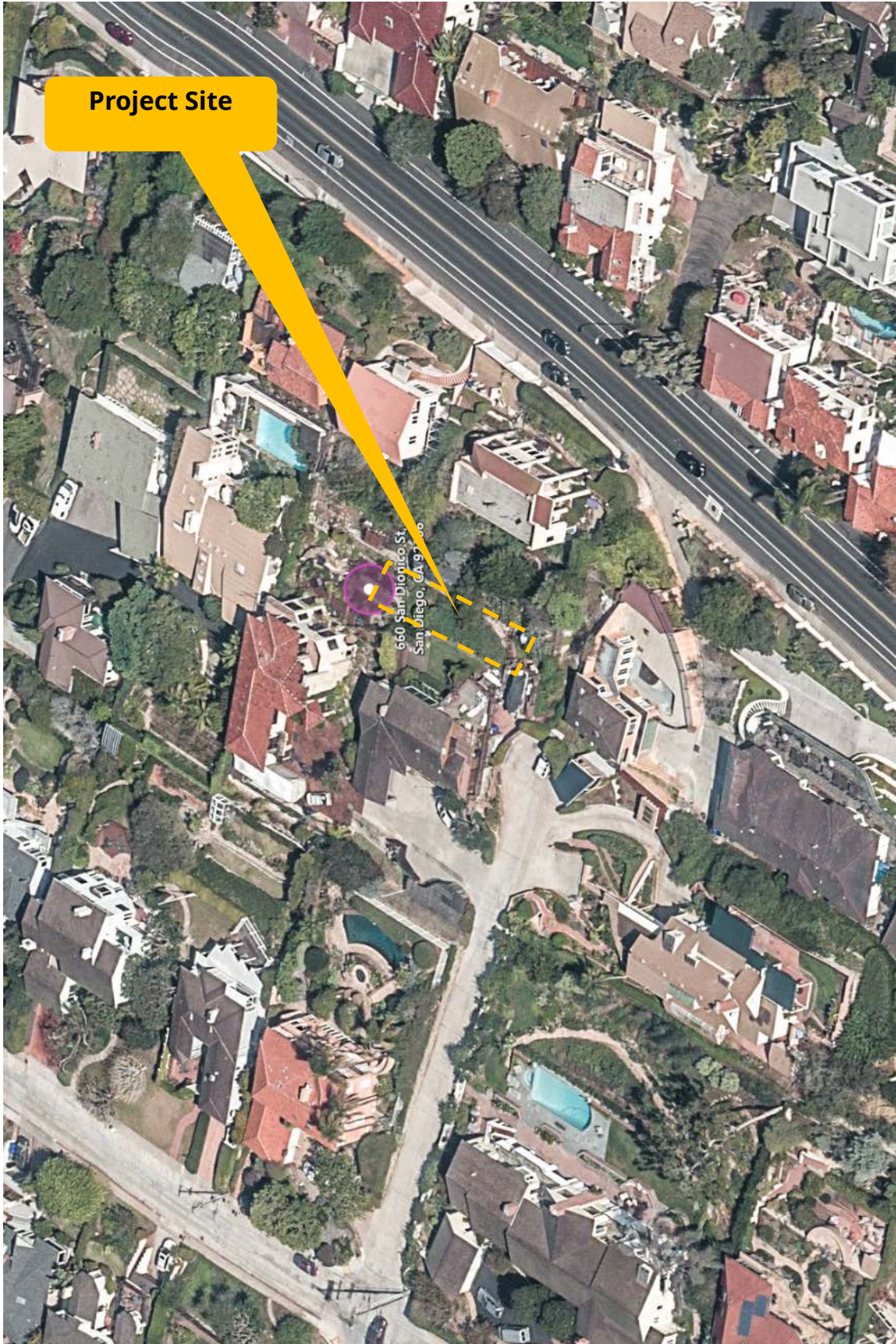
8. Exhibit A – Legal Description
9. Exhibit B – Drawing 39667-B
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement



Project Location Map
Frost Street Right-of-Way Vacation Project No. 507338

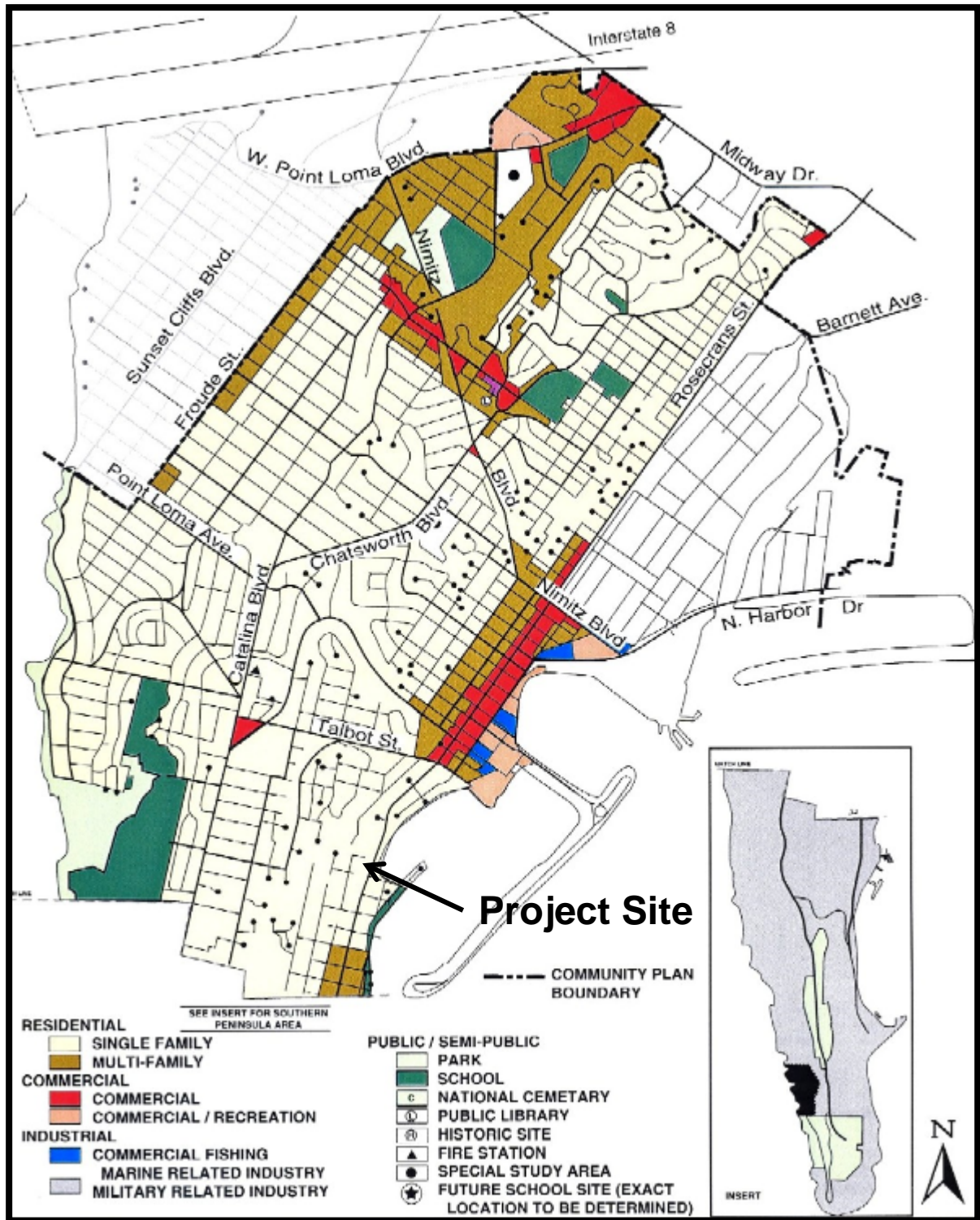


Attachment 2
Aerial Photograph of Site



Aerial Photograph
Frost Street Right-of-Way Vacation Project No. 507338





Peninsula Community Land Use Map

Frost Street Right-of-Way Vacation Project No. 507338



RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION VACATING A PORTION OF SAN DIONICIO STREET
(RIGHT-OF-WAY VACATION NO. 1782175, PROJECT NO. 507338).

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, Suzanna Frost filed an application to vacate as all that portion of the westerly one half of San Dionicio Street (formerly Kearney Street), as dedicated to public use and shown on miscellaneous Map No. 35, lying easterly of Lot 4 of Block 166 of La Playa, in the City of San Diego, County of San Diego, State of California, according to the Map of the Pueblo Lands of San Diego by Charles H. Poole in 1856, filed in the Office of the San Diego County Recorder, March 4, 1872, and known as Subdivision Map 380, being described as Right-of-Way Vacation No. 1782175; and

WHEREAS, Right-of-Way Vacation No. 1782175 is located on property owned by Suzanna Frost; and

WHEREAS, in connection with Right-of-Way Vacation No. 1782175 the City desires to reserve and accept an expanded public sewer easement; 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. 1782175; 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 unimproved excess remnant right-of-way of San Dionicio Street does not serve as vehicular or pedestrian access for any properties within the area. The area to be vacated is adjacent to two properties, both of which are owned by the applicant, and both of which take vehicular access from Qualtrough Street. The proposed street vacation is located at a dead end, where the right-of-way to the east and to the north has already been closed and/or vacated (Street Closure 989 Quiet Title Action No. 255076 and Street Vacation per Resolution No. 14113 dated June 9, 1913). Therefore, there is no existing right-of-way connecting Roger Street to Qualtrough Street and no existing or planned access for pedestrians or vehicular traffic.

The Transportation Element of the Peninsula Community Plan does not identify this segment of San Dionicio Street as a needed roadway or pedestrian path, or as a key component of access and circulation in the community. The unimproved portion of San Dionicio Street proposed to be vacated is a remnant of already closed and vacated right-of-way that has no connectivity to any other street. The adjoining paper street sections of San Dionicio Street to the east and to the south have been vacated and closed. Therefore, the

remaining 25-foot-wide excess right of way does not comply with current street design standards. The remnant portion of the right-of-way proposed to be vacated is vacant and unimproved. This section could not be improved for vehicular travel and it provides no pedestrian access.

Therefore, 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.

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

As public right-of-way, the use of this land is limited to circulation and public utility. However, due to adjacent street vacations, the project site cannot feasibly be used for these purposes. Therefore, the City controls and is liable for an area that cannot be used for public purposes. Properties adjacent to the right-of-way will benefit from the vacation because they will control, maintain and be responsible for this area. The City of San Diego and the County of San Diego will benefit from the increase in property value by increasing the area of privately owned land subject to property tax. With an increase of tax revenue the general public will benefit by the vacation of the existing right-of-way by the increase of available public funds. The public will also benefit by the reduction of liability to the City of San Diego from land it controls yet gains no benefit or use from.

The adopted Peninsula Community Plan designates the site for residential development. Because the land has never been used as right-of-way, it is in the public interest to vacate the right-of-way and transfer responsibility of it to the adjacent property

owners. Therefore, 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.

The portion of right-of-way proposed to be vacated is not identified in the Peninsula Community Plan as a public view corridor or needed street segment. The Transportation and Shoreline Access Element of the Community Plan recommends that curb cuts or street vacation requests which reduce available on-street parking should not be allowed unless comparable replacement parking is provided in the immediate vicinity. Because this section of San Dionicio Street is unimproved, reduction of on-street parking is not an issue, and the request would not adversely affect the Peninsula Community Plan.

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

San Dionicio Street was originally acquired as part of a street network through map dedication. However, because portions of this street have already been vacated, the project site cannot be used for public street purposes. It is not possible to improve the remnant right-of-way to current public street standards, and it does not represent a logical extension of the existing road network.

Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1782175 in connection with Coastal Development Permit 1898596, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 39667-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 recording the Public Right-of-Way Vacation, the Owner/Applicant shall obtain approval for a 15-foot wide Public Sewer Easement to be centered over the top of the existing 6-foot wide Public Sewer Easement located on APN's 532-351-06 and 532-351-07 per City of San Diego Doc. No. 48072 O.R. dated 12 May 1948, satisfactory to the Director Public Utilities Department and City Engineer.
2. Prior to recording the Public Right-of-Way Vacation, the Owners of both abutting lots (APN's 532-351-06 and 532-351-07) shall obtain City approval for a lot-specific Encroachment, Maintenance and Removal Agreement (EMRA) to address any and all improvements on their property which will be retained within the new 15-foot wide Public Sewer Easement, satisfactory to the Director Public Utilities Department and City Engineer.
3. The proposed 15-foot wide Public Sewer Easement, the proposed EMRAs, and the proposed Public Right-of-Way Vacation shall be recorded concurrently by the County of San Diego, satisfactory to the Director Public Utilities Department and 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. ELLIOT, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]

ATTACHMENT 4

(R-[Reso Code])

[Month]/[Day]/[Year]

Or.Dept:[Dept]

Document No:

DRAFT

CITY COUNCIL RESOLUTION NO. XXXXXXX
COASTAL DEVELOPMENT PERMIT 1898596

FROST STREET RIGHT-OF-WAY VACATION - PROJECT NO. 507388

WHEREAS, Suzanna Frost, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit for the public right-of-way vacation of portions San Dionicio Street known as the Frost Street Right-of-Way Vacation project, located at in the public right-of-way directly to the east of 660 San Dionicio Street (APN 532-351-07) and 3020 Qualtrough Street (APNs 532-351-07 and -06), and legally described as as that portion of the westerly one half of San Dionicio Street (formerly Kearney Street), as dedicated to public use and shown on miscellaneous Map No. 35, lying easterly of Lot 4 of Block 166 of La Playa, in the City of San Diego, County of San Diego, State of California, according to the Map of the Pueblo Lands of San Diego by Charles H. Poole in 1856, filed in the Office of the San Diego County Recorder, March 4, 1872, and known as Subdivision Map 380, in the Peninsula Community Plan and Local Coastal Program Land Use Plan area, in the RS-1-7 and Coastal (Non-appealable Area) Overlay Zones; and

WHEREAS, on October 10, 2017, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15305 (Minor Alterations in Land Use Limitations) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on April 19, 2018, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] Permit No. 1898596, and pursuant to Resolution No. XXXX-PC voted to recommend approval of the Permit; 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. 1898596:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

1. The proposed coastal development will not encroach upon any existing physical accessway 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 project is a 25 feet by approximately 168 feet vacation of public right-of-way. The 0.096-acre (4,193-square-foot) project site is directly to the east of 660 San Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06). The project site and all adjacent properties are zoned RS-1-7 and designated Single-Family Residential (maximum 9 du/ac) within the Peninsula Community Plan and Local Coastal Program.

The proposed coastal development is the vacation of an existing public right-of-way. As such, no change to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. The unimproved excess remnant right of way of San Dionicio Street does not serve as vehicular or pedestrian access for properties in the area. The right-of-way to the east and to the north has already been closed and/or vacated (Street Closure 989 Quiet Title Action No. 255076 and Street Vacation per Resolution No. 14113 dated June 9, 1913). Therefore, there is no existing right-of-way connecting Roger Street to Qualtrough Street and no existing or planned access for pedestrians or vehicular traffic.

The Peninsula Community Plan does not identify this segment of San Dionicio Street as a component of access and circulation in the community. It does not designate a public view

across the property. The unimproved portion of San Dionicio Street proposed to be vacated is a remnant of already closed and vacated right-of-way that has no connectivity to any other street. Right-of-way ownership will revert to the adjacent property owners.

Therefore, 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 proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; nor will it negatively affect public views as outlined in the plan.

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

The project is a 25 feet by approximately 168 feet vacation of public right-of-way. The 0.096-acre (4,193-square-foot) project site is directly to the east of 660 San Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06). The project site and all adjacent properties are zoned RS-1-7 and designated Single-Family Residential (maximum 9 du/ac) within the Peninsula Community Plan and Local Coastal Program.

The proposed coastal development is the vacation of an existing public right-of-way. As such, no change to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. There are no Environmentally Sensitive Lands located on or adjacent to the project site, which is located in an urbanized and developed area. Therefore, the proposed Coastal Development will not adversely affect 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 project is a 25 feet by approximately 168 feet vacation of public right-of-way. The 0.096-acre (4,193-square-foot) project site is directly to the east of 660 San Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06). The project site and all adjacent properties are zoned RS-1-7 and designated Single-Family Residential (maximum 9 du/ac) within the Peninsula Community Plan and Local Coastal Program.

The proposed coastal development is the vacation of an existing public right-of-way. As such, no change to the existing property which contains the public right-of-way will occur with the approval of the coastal development permit. The adopted Peninsula Community Plan designates the site for residential uses, and does not identify San Dionicio Street as an arterial street, major street, collector street, or as a pedestrian, bicycle, or coastal access facility. Right-of-way ownership will revert to the adjacent property owners, two single-family properties which will retain their current zoning and Community Plan designations.

Therefore, 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.

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 project is a 25 feet by approximately 168 feet vacation of public right-of-way. The 0.096-acre (4,193-square-foot) project site is directly to the east of 660 San Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06). The project site and all adjacent properties are zoned RS-1-7 and designated Single-Family Residential (maximum 9 du/ac) within the Peninsula Community Plan and Local Coastal Program.

The project site is not located between the nearest public road and the sea or the shoreline of any body of water; therefore, this finding does not apply.

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. 1898596 is granted to Suzanna Frost, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24006919

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1898596
FROST STREET RIGHT-OF-WAY VACATION - PROJECT NO. 507388
CITY COUNCIL

This Coastal Development Permit No. 1898596 is granted by the City Council of the City of San Diego to SUZANNA FROST, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.096-acre project site is directly to the east of 660 San Dionicio Street and 3020 Qualtrough Street (APNs 532-351-07 and -06), within the RS-1-7 zone and the Peninsula Community Plan and Local Coastal Program.

The project site is legally described as that portion of the westerly one half of San Dionicio Street (formerly Kearney Street), as dedicated to public use and shown on miscellaneous Map No. 35, lying easterly of Lot 4 of Block 166 of La Playa, in the City of San Diego, County of San Diego, State of California, according to the Map of the Pueblo Lands of San Diego by Charles H. Poole in 1856, filed in the Office of the San Diego County Recorder, March 4, 1872, and known as Subdivision Map 380.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to vacate that portion of the San Dionicio Street right-of-way described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibits "A" and "B"] dated (to be filled in), on file in the Development Services Department.

The project shall include:

- a. The vacation of a 25 foot by 168 foot section of public right-of-way within San Dionicio Street, as approved by Right-of-Way Vacation No. 1782175 and described on Exhibit "A" and as shown on Exhibit "B."

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. 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. This permit must be utilized by (to be filled in).

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. 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.

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

6. Issuance of this Permit by the City of San Diego does not authorize the 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.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibits "A" and "B". Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. 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" conditions(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.

10. 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 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.

11. The Owner/Permittee shall comply with the conditions of Public Right-of-Way Vacation No. 1782175.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on XXXXXXX and Resolution No. XXXXXXX.

ATTACHMENT 6

Permit Type/PTS Approval No.: Coastal Development Permit No. 1898596
Date of Approval: XXXXXXXX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tim Daly
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per 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.

By _____
SUZANNA FROST
Owner/Permittee

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

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 No.: 507338

Project Name: Frost Street Right-of-Way Vacation

Project Location-Specific: The project is located within an unimproved 0.096-acre portion of San Dionicio Street located north of Qualthrough Street and west of Rosecrans Street, abutting properties at 660 San Dionicio Street and 3020 Qualthrough Street within the Peninsula Community Plan area.

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

Description of nature and purpose of the Project: Coastal Development Permit (CDP) and Public Right-of-Way Vacation (PROW) of an unimproved 0.096-acre portion of San Dionicio Street located north of Qualthrough Street and west of Rosecrans Street. The project site is located abutting 660 San Dionicio Street and 3020 Qualthrough Street in a fully developed residential neighborhood in the RS-1-7 Zone, Coastal (Non-appealable) Overlay Zone within the Peninsula Community Plan area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Suzanna Frost, 660 San Dionicio Street, San Diego CA 92106, (760) 612-4946

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

Reasons why project is exempt: The City of San Diego conducted environmental review that determined that the project would not have the potential to cause a significant effect on the environment. Since the project is an existing unimproved public right-of-way street and no new construction is being proposed the project meets the criteria set forth in CEQA Section 15305 and the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: COURTNEY HOLLOWACH

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

ATTACHMENT 7

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

Signature/Title

April XX, 2018

Date

Check One:

☒ (X) Signed By Lead Agency

Date Received for Filing with County Clerk or OPR:

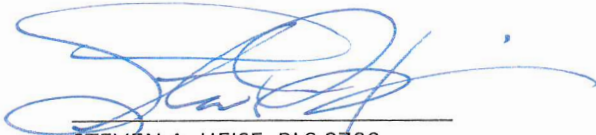
EXHIBIT "A"

LEGAL DESCRIPTION

WESTERLY HALF OF SAN DIONICIO STREET VACATION

ALL THAT PORTION OF THE WESTERLY ONE HALF OF SAN DIONICIO STREET (FORMERLY KEARNEY STREET), AS DEDICATED TO PUBLIC USE AND SHOWN ON MISCELLANEOUS MAP NO. 35, LYING EASTERLY OF LOT 4 OF BLOCK 166 OF LA PLAYA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP OF THE PUEBLO LANDS OF SAN DIEGO BY CHARLES H. POOLE IN 1856, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER MARCH 4TH, 1872 AND KNOWN AS SUBDIVISION MAP NUMBER 380.

ATTACHED HERETO IS A DRAWING NO. 39667-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.



STEVEN A. HEISE, PLS 8788
LICENSE EXPIRATION: 12-31-2018

01-30-2018

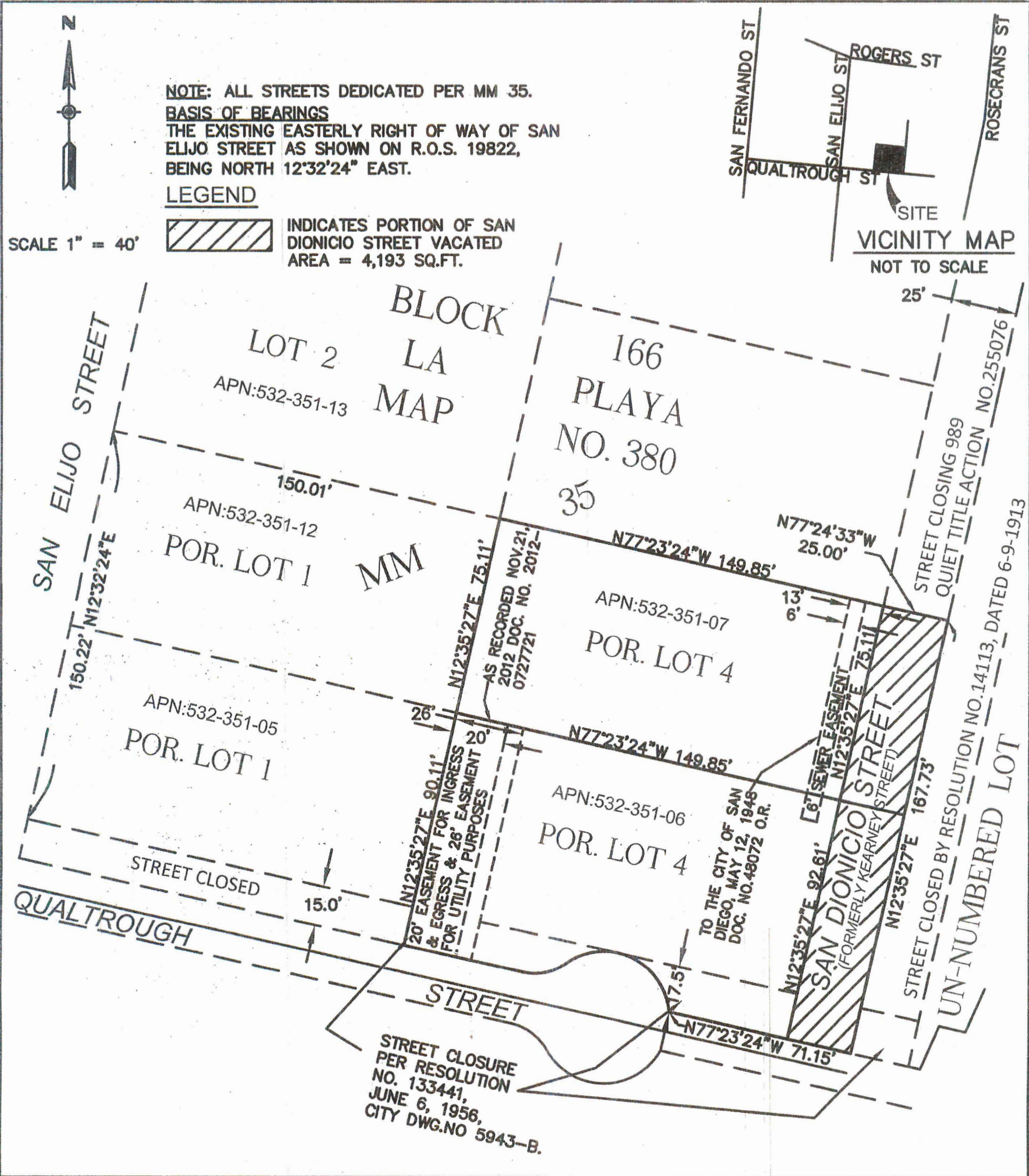


PTS: 507338

IO: 24006919

DWG NO.: 39667-B

EXHIBIT "B"



STEVEN A. HEISE - PLS
555 SATURN BLVD. SUITE B,
UNIT 1168, SAN DIEGO, CA 92154
TEL: (619) 218-4520
EMAIL: steven@sdlandsurveyor.com
WEBSITE: www.sdlandsurveyor.com



RESOLUTION No. _____
RECORDED _____
DOCUMENT No. _____
RECORDED _____

[Signature]
STEVEN HEISE LS8788
01-30-18
DATE

PUBLIC STREET VACATION

PORTION OF SAN DIONICIO STREET ADJACENT TO A PORTION OF LOT 4 OF BLOCK 166 OF LA PLAYA, PER MAP NO. 380, MADE BY CHARLES H. POOLE IN 1856, OF PUEBLO LANDS OF SAN DIEGO.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS 507338 I.O. 24006919 1840-6255 CCS 83 COORDINATES 200-1695 NAD 27 COORDINATES 39667-B
ORIGINAL						
		CED	2/21/18		<i>[Signature]</i> FOR CITY LAND SURVEYOR 2/22/18 DATE	
STATUS						



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 1

Project Name: FROST VACATION		Project Number: 507338		Distribution Date:	
Project Scope/Location: SEE APPROVED					
Applicant Name:			Applicant Phone Number:		
Project Manager:		Phone Number:	Fax Number: (619) 321-3200	E-mail Address:	
Project Issues (To be completed by Community Planning Committee for initial review): NONE					
Attach Additional Pages If Necessary.			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.					



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name:		Project Number:		Distribution Date:	
Project Scope/Location: <div style="font-size: 2em; color: red; text-align: center;">SEE ATTACHED</div>					
Applicant Name:			Applicant Phone Number:		
Project Manager:		Phone Number:	Fax Number: (619) 321-3200	E-mail Address:	
Committee Recommendations (To be completed for Initial Review):					
<input checked="" type="checkbox"/> Vote to Approve		Members Yes <div style="color: red; font-size: 1.5em;">10</div>	Members No <div style="color: red; font-size: 1.5em;">—</div>	Members Abstain	
<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: <div style="color: red; font-size: 1.5em;">NONE</div>					
NAME: <div style="color: red; font-size: 1.2em;">DON SEVRONS</div>			TITLE: <div style="color: red; font-size: 1.2em;">ACTING SECY</div>		
SIGNATURE: <div style="color: red; font-size: 1.2em;">Don Sevrans</div>			DATE: <div style="color: red; font-size: 1.2em;">01/31/18</div>		
Attach Additional Pages If Necessary.		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.					

Sevrens: Having a view of the slough is a chance to allow residents to enjoy the wetlands in a different way.

M/Lohla, S/Kosmo to recommend approval of project. Approved 8-2-1. Yes: Clark, Goldyn, Herrin, Kosmo, Lohla, Miller, Quinn, Sevrens. No: Coons, Hare. Abstain: Holasek (has worked with party involved). Absent: Dick, Krencik, Virissimo

2. **4537 Newport CDP** – (Process 2) Project No. 525711, 4537 Newport Ave., Zone RS-1-7. Coastal Development Permit for the demolition of an existing single-family home and to construct five 2,275 SF single-family dwelling units on five contiguous lots. The 0.40-acre site is located within the Coastal (non-appealable) Overlay Zones.

Applicant: Steven Lombardi.

Herrin: Motion in Project Review Committee to approve and send to board failed 2-3.

There was discussion whether board could even consider the matter as the motion failed in committee.

Neighbor Monty Nsko spoke against because of density and number of cars to wind up parking on street.

Audience member said it is like Jennings project with owner of contiguous substandard lots flaunting requirement to merge them. Another said it is completely out of neighborhood character.

Coons: This is a poster child for a project that does not fit in and is way too dense.

Kosmo: One house becomes five. Really?

M/Goldyn, S/Coons to recommend denial due to inconsistency in character and style with neighborhood, contiguous substandard lots and density. Motion to deny carried 9-1-0-4. Yes: Coons, Goldyn, Hare, Holasek, Kosmo, Lohla, Miller, Quinn, Sevrens. No: Herrin. Absent: Clark (left early), Dick, Krencik, Virissimo

3. **Frost Vacation Project CDP and PRow** – Project No. 507338.

Application for a Coastal Development Permit and Public Right of Way of a 25 feet wide unimproved portion of San Dionicio Street, located north of

Qualtrough Street and east of San Elijo Street. The 0.053-acre site is in the RS-1-7 and Coastal (Non-appealable) Overlay Zones within the Peninsula Community Plan area. Applicant: Steven Heise.

Applicant said vacation would not affect traffic or utilities in any way.

M/Sevrens S/Holasek to approve extension. Motion carried, 10-0-4. Yes: Coons, Goldyn, Hare, Herrin, Holasek, Kosmo, Lohla, Miller, Quinn, Sevrens. Absent: Clark (left early), Dick, Krencik, Virissimo.

6. Pritchett Residence CDP / NDP EOT – (Process 2) Project No. 577898, 932 Cordova Street, Zone RS-1-7. Extension of Time for Coastal Development Permit No. 1087226 and Neighborhood Development Permit No. 1087411 to demolish a single family residence and construct a two-story over garage, 4,999 SF residence on a 8,504 SF site with an over height retaining wall in alley. Coastal (non-appealable)

Overlay Zones. *Applicant: Sam Pritchett.*

Applicant said delay resulted from doing it themselves and running into structural engineering challenges.

M/Hare S/Holasek to approve extension of time. Motion carried 10-0-4. Yes: Coons, Goldyn, Hare, Herrin, Holasek, Lohla, Kosmo, Miller, Quinn, Sevrens. No: 0. Absent: Clark (left early), Dick, Krencik, Virissimo.

3328 / 3340 Harbor View Drive – appeal of city finding that 3328 / 3340 Harbor View Drive is exempt from CEQA because hearing officer found no environmental effects and project is a single residence. Deadline for appeal to City Council is Friday, Jan.19, 2018. [Revised to Tuesday Jan. 23] *PCPB.*

Sevrens said this was a presentation only because the board in rejecting the Second Iteration of the Harbor View project attached a clause that it would appeal.

The First Iteration was rejected by the board, approved by the Planning Commission, rejected by the City Council, then litigated.



THE CITY OF SAN DIEGO

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 Street Vacation

Project Title

Frost - ROW Vacation

Project No. For City Use Only

507338

Project Address:

3020 Qualtrough Street, San Diego CA, 92106-3406 / 660 San Dionicio Street, San Diego, CA 92106-3410

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):

SUZANNA WYNOL-FROST

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:

660 San Dionicio St

City/State/Zip:

San Diego, CA 92106

Phone No:

(619) 913-6554

Fax No:**Signature:****Date:**

9/08/16

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

9/08/16

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:**