



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: July 28, 2022 REPORT NO. PC-22-008

HEARING DATE: August 4, 2022

SUBJECT: CASS STREET VACATION, Process Five Decision

PROJECT NUMBER: [659043](#)

OWNER/APPLICANT: Michael Burke and Kristine Quiroquiro Burke, Benjamin and Jeanne Liem Joint Living Trust, Owners and Ronald Holloway, Applicant

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of a Public Right-of-Way Vacation of an unimproved 0.20-acre portion of Cass Street within the La Jolla and Pacific Beach Community Plans and Local Coastal Program Land Use Plan areas?

Staff Recommendation:

1. Recommend the City Council approve a resolution determining that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(c)(3) (Common Sense), 15304 (Minor Alterations), and 15332 (In-Fill Development Projects); and
2. Recommend the City Council Approve Public Right-of-Way Vacation No. 2409551.

Community Planning Group Recommendation: On August 6, 2020, the La Jolla Community Planning Association voted on consent 15-0-1 to recommend denying the project (Attachment 11).

On July 14, 2021, the Pacific Beach Planning Group voted 9-0-1 to recommend approval of the project (Attachment 10).

Environmental Review: Staff has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(c)(3) (Common Sense), 15304 (Minor Alterations), and 15332 (In-Fill Development Projects). In addition to the project, the project's CEQA Exemption will be considered by City Council during the subsequent City Council's public hearing (Attachment 7).

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. The portions of the vacated right-of-way will revert to the abutting parcels as the fee owners.

BACKGROUND

The 0.20-acre project site is located at the northernmost unimproved portion of Cass Street (Attachment 1 and Figure 1). Cass Street was originally established by Map No. 930, filed in the Office of the County Recorder of San Diego County on November 7, 1904. The project site is bordered on the north and east by vacant residential lots, residential development to the west, and the Van Nuys Street & Cass Street intersection to the south. The site is in the RS-1-7 Zone and Coastal Height Limitation Overlay Zone within the La Jolla and Pacific Beach Community Plan areas.



Figure 1 – Aerial View of project site looking north

There are two vacation projects within the vicinity of the project site that were previously approved. On August 4, 1998, the San Diego City Council adopted resolution number [R-290957](#) to vacate a portion of Cass Street totaling 8,003 square feet and a portion of Rutgers Road totaling 7,731 square as shown on Drawing No. 18445-1-B (Attachment 4 and Figure 1). On July 25, 2017, the San Diego City Council approved resolution number [R-311270](#) to vacate a portion of Rutgers Road totaling

5,624 square feet as shown on Drawing No. 39056-B (Attachment 5 and Figure 1).

The La Jolla Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Very Low Density Residential (0-5 dwelling units/acre (du/ac)) (Attachment 2). The Pacific Beach Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Low Density (5-9 (du/ac) (Attachment 2). The surrounding properties consist of detached single-family dwelling units on lots ranging between 5,000 to 6,000 square feet.

The project site is not within or adjacent to the Multiple Species Conservation Program (MSCP), or the Multiple Habitat Planning Area (MHPA); however the site contains Environmentally Sensitive Lands (ESL) in the form of steep hillsides as defined in San Diego Municipal Code (SDMC) section [113.0103](#). In addition, an 18-inch storm drain aligned from north to south exists in the center of the project site. The project site is approximately 4,020 linear feet away from the Pacific Ocean and is not located within the First Public Roadway. There are no public view corridors, vantage points, or physical access routes from the project site, as identified in the La Jolla and Pacific Beach Community Plans.

DISCUSSION

Project Description:

Pursuant to SDMC section [125.0940](#), a Process Five, Public-Right-of-Way Vacation approval is required to vacate the portion of unimproved public right-of-way. The project proposes to vacate the 0.20-acre (8,600 square feet) unimproved portion of Cass Street located east of 990 Van Nuys Street (Figure 2).



Figure 2 – Street View of project site looking north

The portion of Cass Street to be vacated is no longer required as a public street, and the vacation will not adversely affect existing public improvements. The proposed Public Right-of-Way Vacation within Cass Street would revert the vacated 8,600 square-foot area to the abutting parcels' underlying fee owners (Figure 3).



Figure 3 – Proposed portion of Cass Street to be vacated

The table below contains the total square feet (SF) of land each property owner would obtain for private ownership:

	Property Address	Assessor's Parcel Number	SF of Parcel	SF of Land Obtained	Total SF of Parcel after Vacation
1	990 Van Nuys Street	415-102-0500	5,500 SF	4,300 SF	9,800 SF
2	1002 Van Nuys Street	415-110-4800	5,500 SF	4,300 SF	9,800 SF

The La Jolla Community Plan does not identify this portion of Right-of-Way as an arterial street, major street, nor coastal access facility. The Pacific Beach Community Plan identifies Cass Street as a 2-Lane Collector between Van Nuys Street and Garnet Avenue, with Class II bicycle lanes between Turquoise Street and Felspar Street and as a 3-Lane Modified Collector Street south of Garnet Avenue, however the portion of the Right-of-Way contained within the project site is not identified as part of the circulation network. The vacation will not result in a physical change to the project site and the underlying land use within the right-of-way will retain its current zoning and land use designations in compliance with the La Jolla and Pacific Beach Community plans.

Conditions of approval would include the following:

Public Utilities Department

- Prior to the recordation of the Public Right-of-Way Vacation, the Owner/Applicant shall reserve a sewer and drainage easement as shown on the street vacation exhibit, in a

manner satisfactory to the Director of Public Utilities and the City Engineer.

Transportation Development

- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall reserve a 24-foot access easement to benefit the five parcels to the north of the project site, as shown on the street vacation exhibit, in a manner satisfactory to the City Engineer. When and if this access is constructed by the future applicant(s) for the development of the five parcels to the north, it shall be a minimum, unobstructed width of 20 feet plus 4-foot sidewalk. The access road shall not exceed the 12% (Asphalt) and 15% (Concrete) grade per FPB Policy A-14-1.

Engineering

- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall grant to the City a 2.5-foot wide Irrevocable Offer of Dedication for the adjacent alley per Exhibit B, satisfactory to the City Engineer. The property owners shall also enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for alley improvements.
- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall reserve adequate drainage and sewer easements above the existing public drainage and sewer system within the vacated street, satisfactory to the City Engineer.
- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall assure, by permit and bond, the construction of a new 12-foot wide City Standard Driveway, adjacent to 990 Van Nuys Street, satisfactory to the City Engineer.
- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall assure, by permit and bond, the closure of the existing westerly driveway and removal of existing improvements and construction of City Standard curb, gutter and sidewalk, adjacent to the site on 990 Van Nuys Street, satisfactory to the City Engineer.
- Prior to the recordation of the public right-of-way vacation, the Owner/Applicant shall enter into an Encroachment Maintenance Removal Agreement with the City for the private improvements within the 2.5-foot Irrevocable Offer of Dedication.
- Prior to the recordation of the public right-of-way vacation, Owner/Applicant shall assure, by permit and bond, the reconstruction of the existing curb ramp, with current City Standard curb ramp SDG-130 and SDG-132 with truncated domes per Exhibit "A", adjacent to the site on Van Nuys Street and Cass Street, satisfactory to the City Engineer.

Easement Reservations include:

- Adequate access, drainage, and sewer easements above the existing public drainage and

sewer system within vacated street, satisfactory to the City Engineer.

The project does not propose any development, nor deviations or variances from regulations or policy documents. The project also meets all the rules and regulations of the San Diego Municipal Code.

Community Plan Analysis:

The [General Plan](#) designates the project site as Public Right-of-Way and the surrounding properties as Residential. The La Jolla Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Very Low Density Residential (0-5 dwelling units/acre (du/ac)) (Attachment 2). The Pacific Beach Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Low Density (5-9 (du/ac) (Attachment 2).

The Mobility Element of the General Plan promotes sidewalks that are accessible to pedestrians of all abilities and strives toward achieving a complete, functional, and interconnected pedestrian network (ME-A.3 and ME- A.6). The proposed Right-of-Way Vacation would implement these policies by strengthening pedestrian connectivity since the permittee will be required to construct a City Standard sidewalk along Van Nuys Street and Cass Street where there is not a sidewalk currently.

The La Jolla Community Plan and Pacific Beach Community Plan do not identify this portion of Cass Street as a classified street, nor for an existing or future bikeway or transit routes. The project site consists of a hillside and is currently unimproved except for a public sewer line in the center of Cass Street. The proposed Right-of-Way Vacation would not affect vehicle, pedestrian, or biking access to surrounding properties given the site's existing topography and because existing roadways, alleys, and established or proposed access easements provide access. As proposed, the Right-of-Way Vacation would not adversely impact goals and policies related to mobility within the La Jolla Community Plan and Pacific Beach Community Plan.

Project-Related Issues:

The previous Owner of 990 Van Nuys Street requested the vacation of Cass Street to widen their eastern driveway for improved vehicular access. The La Jolla Community Planning Association voted to recommend denial of the project because they believe the Owner can make their western driveway more accessible by either grading it to a lower level and placing the parking area perpendicular to street or underground. The La Jolla Community Planning Association concluded that their recommendations for the driveway to be lowered would result in a driveway that would not be so steep. Cass Street currently operates as a 2-Lane Collector between Van Nuys Street and Garnet Avenue, with Class II bicycle lanes between Turquoise Street and Felspar Street and as a 3-Lane Modified Collector Street south of Garnet Avenue. The roadway is already constructed to its ultimate width.

Conclusion:

The Public Right-of-Way proposed for vacation will not result in a physical change to the property.

The site is not identified for parking and there are no future plans for improvements related to transit or Parks & Recreation facilities. City staff recommends the Planning Commission recommend the City Council approve Public Right-of-Way Vacation No. 2409551.

ALTERNATIVES

1. Recommend the City Council APPROVE Public Right-of-Way Vacation No. 2409551, with modifications.
2. Recommend the City Council DENY Public Right-of-Way Vacation No. 2409551, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department



Benjamin Hafertepe
Development Project Manager
Development Services Department

Attachments:

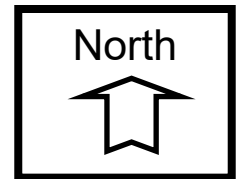
1. Project Location Map
2. Community Plan Land Use Maps
3. Aerial Photograph
4. Resolution Number R-290597
5. Resolution Number R-311270
6. Draft Vacation Resolution with Findings
7. Environmental Exemption Resolution
8. Exhibit A-Legal Description
9. Exhibit B-Public Right-of-Way Drawing
10. Improvement Exhibit
11. Community Planning Group Recommendations
12. Ownership Disclosure Statement

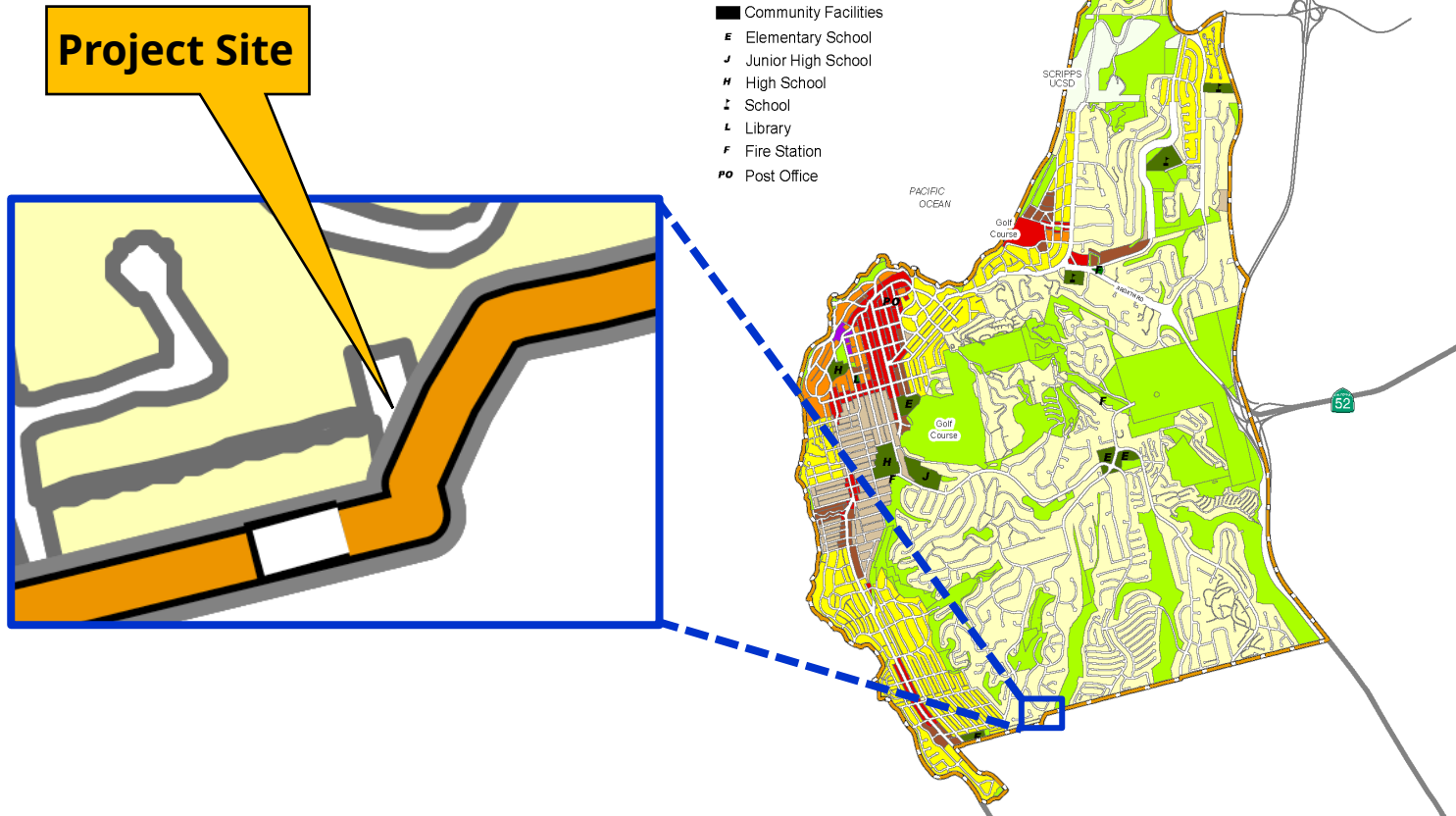


Location Map

Cass Street Vacation

Project No. 659043 – 990 Van Nuys Street

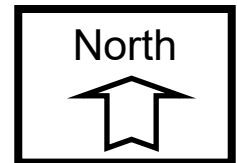


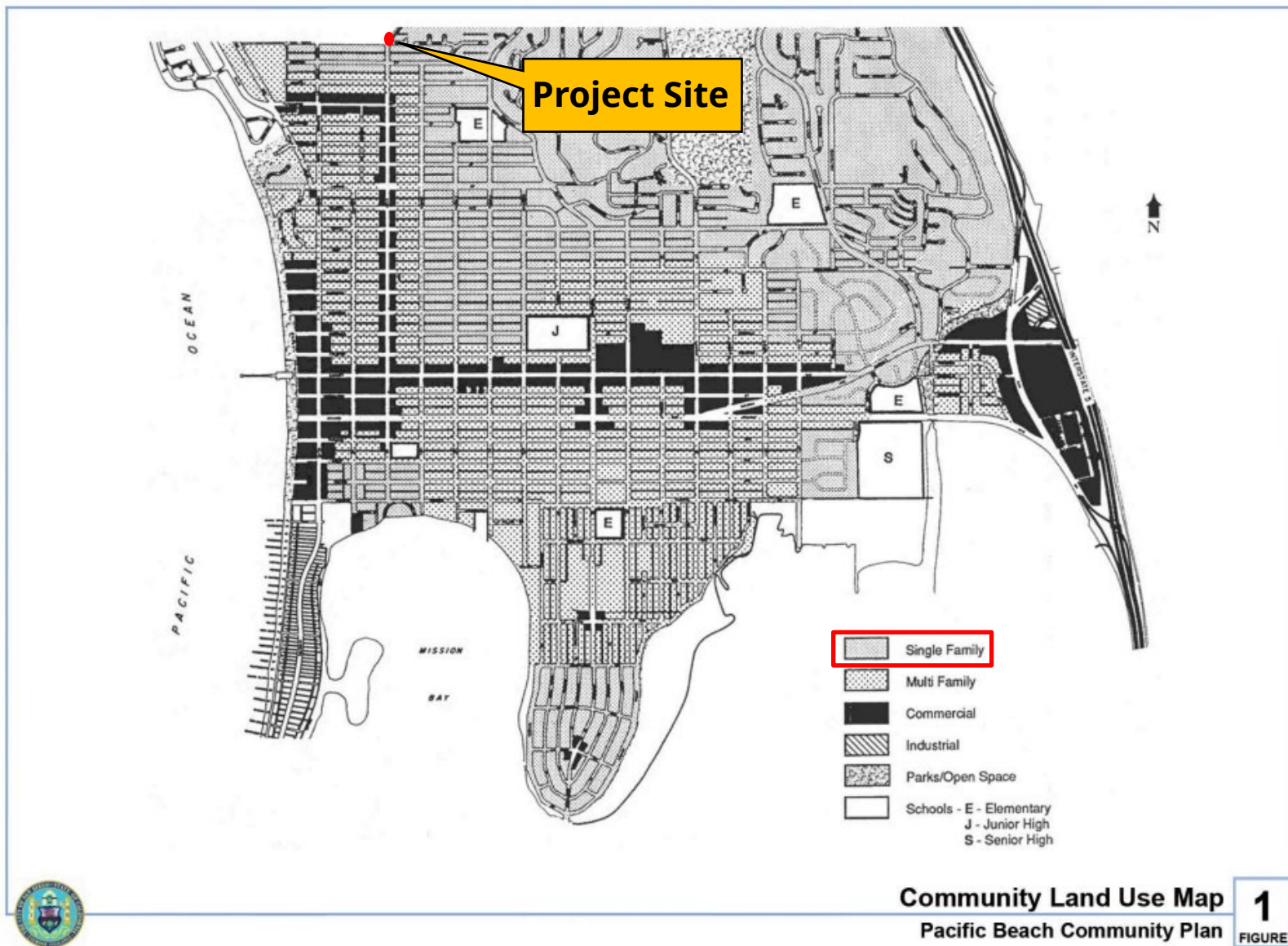


La Jolla Community Plan Land Use Map

Cass Street Vacation

Project No. 659043 - 990 Van Nuys Street





Pacific Beach Community Plan Land Use Map

Cass Street Vacation

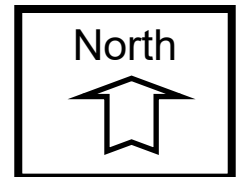
Project No. 659043 – 990 Van Nuys Street



Aerial Photograph

Cass Street Vacation

Project No. 659043 - 990 Van Nuys Street



(R-98-1041)

RESOLUTION NUMBER R- **290597**ADOPTED ON **AUG 04 1998**

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where for a period of five consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period and the portion of the street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, in connection with the vacation, the City desires to reserve a certain easement; and

WHEREAS, those properties adjoining the street to be vacated will continue to have access; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public streets, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated; and

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

(c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(d) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

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

1. That Cass Street and Rutgers Road north of Van Nuys Street, as more particularly shown on Drawing No. 18445-1-B on file in the office of the City Clerk as Document No.

RR- **290597-1**, incorporated by this reference, be and the same are ordered vacated.

2. That The City of San Diego reserves and excepts the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, general utilities and all necessary and proper fixtures and equipment for use in connection therewith, through, over, under, upon, along, and across the hereinafter-described easement, together with the right of ingress and egress, together with the right to maintain the easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree or trees thereon, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved. After obtaining an encroachment permit from the City Engineer pursuant to the Municipal Code of the City, the owners of the underlying fee may use the above-described parcel of land for structures, the planting or growing of trees, or the installation of privately owned pipelines.

3. That The City of San Diego reserves and excepts the right, from vacation and abandonment, general utility easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes including access to

protect the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

4. That the easement reserved is in, under, over, upon, along, and across Cass Street and Rutgers Road and is more particularly shown and delineated on Drawing No. 18445-1-B, on file in the office of the City Clerk as Document No. RR- 290597-1.

5. That the resolution shall not become effective unless and until the completion of a land sale, for the City's fee interest the Rutgers Road right-of-way as more particularly shown on Drawing No. 18445-2-B, has been approved by City Council action. If the land sale is not approved within the three (3) years following the adoption of this resolution, this resolution shall be come void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned land sale, and City Clerk shall then cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

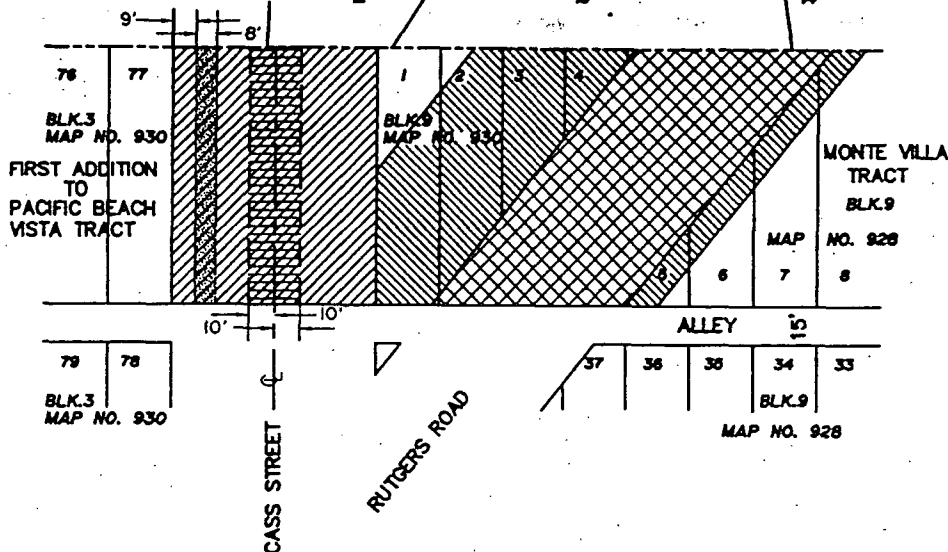
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LA JOLLA MESA VISTA NO.2
MAP NO. 4851






LA JOLLA PALISADES UNIT NO. 4

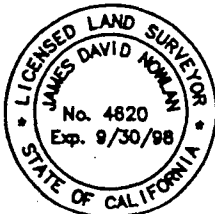
MAP NO. 12339

ATTACHMENT 4



LEGEND

-  PORTION OF RUTGERS ROAD VACATED 7731 S.F.
(DEDICATED PER DOC. NO. 99213 BOOK 6647 PAGE 376 O.R. REC. 7/3/57 & DOC NO. 62918 BOOK 7045 PAGE 78 O.R. REC 4/18/58)
-  SLOPE EASEMENT ABANDONED 6830 S.F.
(GRANTED PER DOC NO. 99213 BOOK 6647 PAGE 376 O.R. REC. 7/3/57 & DOC NO. 62918 BOOK 7045 PAGE 78 O.R. REC 4/18/58)
-  PORTION OF CASS STREET VACATED 8003 S.F.
(DEDICATED PER MAP NO. 930)
-  GENERAL UTILITY AND ACCESS EASEMENT
RESERVED FROM STREET VACATION 2001 S.F.
-  SDG&E/PACIFIC BELL EASEMENT
RESERVED FROM STREET VACATION 800 S.F.



SCALE: 1"=50'



**Kimley-Horn
and Associates, Inc.**

Engineering, Planning and Environmental Consultants

517 Fourth Avenue-Suite 201-San Diego, Ca.-92101

Tel: (619) 234-9411 Fax: (619) 234-9433

James D. Nowlan 1-7-98

JAMES D. NOWLAN L.S. 4620

SLOPE EASEMENT ABANDONMENT IN LOTS 4, 5, 6, 7 & 8, BLOCK 9 MONTE VILLA TRACT MAP NO. 928 & IN LOTS 1, 2, 3 & 4 BLOCK 9 FIRST ADDITION TO PACIFIC BEACH VISTA MAP NO. 930
STREET VACATION - RUTGERS ROAD AND CASS STREET - NORTH OF VAN NUYS STREET
(WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SA 96-507
ORIGINAL					SHEET 1 OF 1 SHEET	NO. 120102
					<i>James D. Nowlan</i> FOR CITY ENGINEER	3-6-98 DATE
					DIVISION HEAD	1876-6351 HARBOR COORDINATE
					SECTION HEAD	236-1791 LAMBERT COORDINATE
						18445-I-B

R- 290597

DOCUMENT NO. R-290597-1

AUG 04 1998

FILED

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

RESOLUTION NUMBER R- 311270

DATE OF FINAL PASSAGE JUL 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING PORTIONS OF RUTGERS ROAD AS
RIGHT-OF-WAY VACATION NO. 1740499 - PROJECT NO.
496760

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, the City of San Diego Real Estate Assets Department filed an application to vacate approximately 0.129-acres of a portion of Rutgers Road, north of Van Nuys Street, east of Cass Street, being described as Right-of-Way Vacation No. 1740499; and

WHEREAS, Right-of-Way Vacation No. 1740499 is located on property owned by the City of San Diego; 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 July 25, 2017, 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.1740499, the Council makes the following findings pursuant to San Diego

Municipal Code section 125.0941:

(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 Rutgers Road public right-of-way was granted to the City of San Diego for street purposes per Document No. 99212 on July 3, 1957. The dedication was granted in anticipation of Cass Street being extended north to Rutgers Road. However, development south of Moonlight Lane and Rutgers Road eliminated future use of the street alignment.

The land is no longer needed as public right-of-way and is not needed to provide public circulation or services. The public right-of-way was originally acquired for circulation, access and public services, yet the street was never constructed for the purposes the right-of-way was dedicated. The neighborhood and community have several existing improved public rights-of-way that provide the public circulation necessary to the community and Rutgers Road is not needed for providing public circulation. Public water and sewer services are provided throughout the community and Rutgers Road is not needed for providing water or sewer services. Electricity, telephone, cable and other services are provided through other easements and rights-of-way in the community. Rutgers Road is not needed for these other services.

Therefore, there is no present or prospective public use for the street, 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 use of the land made available by the vacation.

Presently the public right-of-way limits the use of this land to only circulation purposes and public utility, those being the purpose for which the public right-of-way was originally acquired. The properties adjacent to the right-of-way will benefit by the vacation of the existing right-of-way as the adjacent property owner, or another person, will be able to purchase the land for development consistent with the surrounding neighborhood. The City of San Diego and the County of San Diego will benefit by the increase of property value by increasing the area of privately owned land subject to property tax and the incremental increase to the tax base. 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 benefit by the reduction of liability to the City of San Diego from land it controls yet gains no benefit or use. The adopted La Jolla Community Plan and Pacific Beach Community Plan designate the right-of-way for residential development. In that the use of the land for public right-of-way purposes has never materialized, it is in the public interest to vacate the right-of-way and transfer responsibility of it to another person. Further, should the land be developed for residential purposes, the public will benefit by

the vacation of the public right-of-way by the increase in property value. 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 land which is the subject of the public right-of-way vacation is located in the RS-1-7 zone within the adopted La Jolla Community and Pacific Beach Community Plans. Both community plans designate the land use for this area as residential. The vacation will allow future development of single-dwelling units in compliance with the Pacific Beach and the La Jolla Community Plans. Therefore, the vacation does not adversely affect any applicable land use plan.

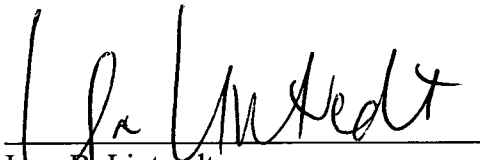
(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The public right-of-way was granted to the City of San Diego for street purposes per Document No. 99212 on July 3, 1957. The public right-of-way is adjacent to an unimproved alley to the north and an unimproved section of Cass Street to the west. The public right-of-way has remained unimproved since its acquisition and does not contain any underground franchise facilities, public water or sewer improvements. In that the purpose for which the land was acquired for public right-of-way purposes has never materialized and no improvements for public purposes installed within the right-of-way, there are no public facilities within the right-of-way to be negatively affected by the vacation. Therefore, the 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. 1740499, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 39056-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Inga B. Lintvedt
Deputy City Attorney

IBL:mcm
07/06/2017
Or.Dept: DSD
Doc. No.: 1530237

ATTACHMENT(S): Exhibit A, Legal Description
Exhibit B, Drawing No. 39056-B

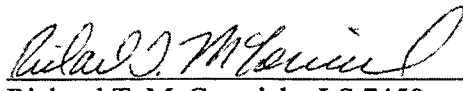
EXHIBIT A

EXHIBIT "A"
Rutgers Road: Street Vacation

Parcel 'A' (Street Vacation in Fee)

All that portion of Rutgers Road, lying within Lots 37 through 40 inclusive of Block 9 of Pacific Beach Vista Tract First Addition, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 930, filed in the Office of the County Recorder of said San Diego County on November 07, 1904, granted to the said City of San Diego for street purposes according to Document No. 99212 recorded in said Office of the County Recorder on July 03, 1957 in Book 6647, Page 373 of Official Records (See City of San Diego Drawing No. 6225-B).

Exhibit "B" (City of San Diego Drawing No. 39056-B), attached and by this reference is made a part hereto.

 2-06-2017

Richard T. McCormick LS 7450 Date
Senior Land Surveyor, Field Engineering
My Registration Expires 12-31-2018

File: RutgersRdVac_legal.docx
I.O. 21004082-Feb 2017

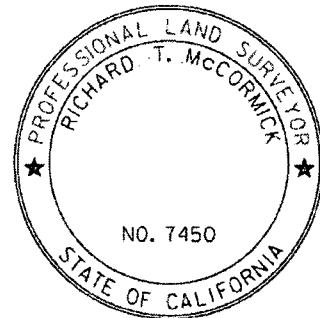


EXHIBIT B

LEGEND

Parcel 'A'

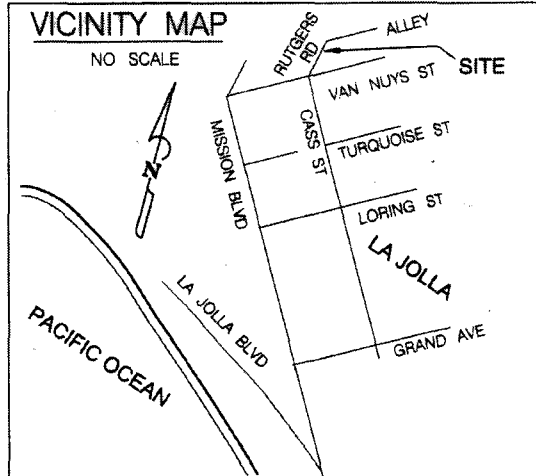
Indicates Portion of Rutgers Road Vacated (FEE)
5623.78 Sq. Ft. 0.1291 Acres

- ① Indicates Rutgers Road as granted to the City of San Diego on 07/03/1957 per Document No. 99212 Book 6647 Page 373 O.R. (City Drawing No. 6225-B)
- ② Indicates Slope Easement to the City of San Diego on 07/03/1957 per Document No. 99212 Book 6647 Page 373 O.R. (City Drawing No. 6225-B)
- ③ Indicates Cass Street and Rutgers Road vacated on 08/04/1998 per Document No. 1998-0556535 O.R. (City Drawing No. 18445-1-B)

NOTE: All Bearings and Distances are record per Document No. 99212 recorded 07/03/1957 in Book 6617 Page 373 O.R. (City Drawing No. 6225-B)

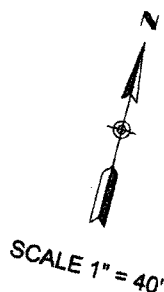
VICINITY MAP

NO SCALE

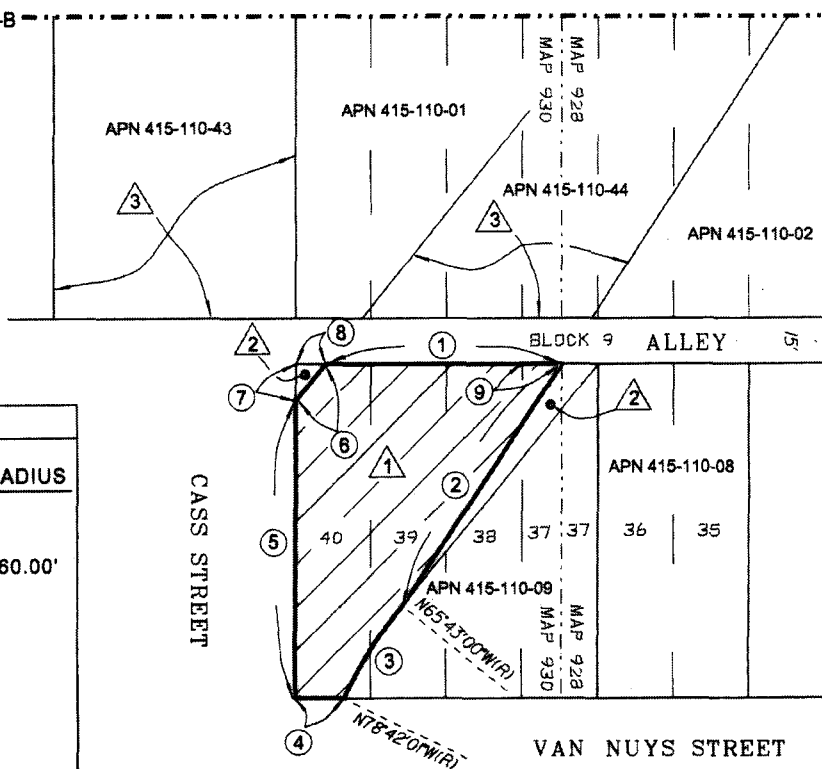
**REFERENCES**

MAPS 930 & 928

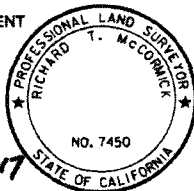
CITY DWGS. 6225-B, 18445-B, 39057-B



DATA TABLE			
(X)	BEARING /DELTA	LENGTH	RADIUS
①	S 75°06'00" W	78.11'	160.00'
②	N 18°35'17" E	95.39'	
③	12°59'01"	36.26'	
④	S 75°06'00" W	16.22'	
⑤	S 14°43'00" E	97.78'	
⑥	S 24°17'00" W	15.76'	
⑦	S 14°43'00" E	12.22'	
⑧	S 75°06'00" W	9.92'	
⑨	S 75°06'00" W	13.03'	

**PREPARED BY:**

THE CITY OF SAN DIEGO ENGINEERING DEPARTMENT
FIELD DIVISION - SURVEY SECTION, UNDER THE
DIRECTION OF RICHARD T. MCCORMICK, LS 7450,
SENIOR LAND SURVEYOR



Richard T. McCormick 2-06-2017
RICHARD T. MCCORMICK P.L.S. 7450 DATE

RESOLUTION No. _____

ADOPTED: _____

DOC. No. _____

RECORDED: _____

**RUTGERS ROAD - STREET VACATION
IN A PORTION OF LOTS 37 THROUGH 40, BLOCK 9 OF MAP 930
AND A PORTION OF LOT 37, BLOCK 9 OF MAP 928**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		PTS	496760
ORIGINAL	TAM	FL	2/16		SHEET 1 OF 1 SHEET		I.W.O.	21004082
REVISED	RTMc	JMDO	9/16		<i>Richard T. McCormick</i> 2-06-2017		1874-6250	
REVISED	RTMc		2/17		FOR CITY LAND SURVEYOR DATE		NAD83 COORDINATES	
							234-1689	
							NAD27 COORDINATES	
STATUS							39056-B	

ATTACHMENT 5

Passed by the Council of The City of San Diego on JUL 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 25 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Atty. Gen. [Signature], Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311270

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
ADOPTING FINDINGS FOR AND APPROVING THE PUBLIC RIGHT-OF-
WAY VACATION OF A PORTION OF CASS STREET - CASS STREET
PUBLIC RIGHT-OF-WAY VACATION PROJECT NO. 659043.

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, Ronald L. Holloway filed an application to vacate a portion of Cass Street and to
reserve access, sewer, and drainage easements, being described as Public Right-of-Way Vacation No.
2409551; and

WHEREAS, Right-of-Way Vacation No. 2409551 is located on property owned by Michael
Burke and Kristine Quiroquiro Burke, and Benjamin Liem and Jeanne Liem Joint Living Trust; and

WHEREAS, in connection with Right-of-Way Vacation No. 2409551, the City desires to reserve
and except a public easement(s); 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. 2409551, 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 Cass Street Public Right-of-Way Vacation project proposes to vacate 8,600 square feet of Cass Street located at 990 Van Nuys Street. The proposed public right-of-way vacation would revert the vacated 8,600 square foot area to the abutting parcels. The land is no longer needed as public right-of-way and is not needed to provide public circulation or services. The public right-of-way was originally acquired for circulation, access and public services, yet the portion of Cass Street was never constructed for the purposes the right-of-way was dedicated. The neighborhood and community have several existing improved public rights-of-way that provide the public circulation necessary to the community and the portion of Cass Street is not needed for providing public circulation. The area of vacation will reserve easements for sewer and drainage, and potential access to the properties to the north. Therefore, there is no present or prospective use for the public right-of-way, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.

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

The Cass Street Public Right-of-Way Vacation project proposes to vacate 8,600 square feet of Cass Street located at 990 Van Nuys Street. The proposed public right-of-way vacation would revert the vacated 8,600 square foot area to the abutting two parcels. Presently, the public right-of-way limits the use of this land to only circulation purposes and public utility, those being the purpose for which the public right-of-way was originally acquired. As a public right-of-way, the City controls and is liable for the area that cannot be used as a street for public purposes. Properties adjacent to the right-of-way will benefit from the vacation because they will control, maintain and be responsible for the area of the vacation. The City and County will benefit from the increase in property tax, which in turn, benefits the general public with the increase in funds. Public water and sewer services are provided through the community and Cass Street is not needed to provide water, however the area of vacation will reserve easements for access, sewer and drainage. The public also benefits by the reduction of liability to the City of San Diego from land it controls yet gains no benefit or use from because it is unimproved and no longer needed. 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 land which is the subject of the public right-of-way vacation is located in the RS-1-7 Zone within the adopted La Jolla Community and Pacific Beach Community Plans. The General Plan designates the project site as Public Right-of-Way and the surrounding properties as Residential. The La Jolla Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Very Low Density Residential (0-5 dwelling units/acre (du/ac)). The Pacific Beach Community Plan designates the project site as Public Right-of-Way and the surrounding properties as Low Density (5-9 (du/ac)).

The Mobility Element the General Plan promotes sidewalks that are accessible to pedestrians of all abilities and strives toward achieving a complete, functional, and interconnected pedestrian network (ME-A.3 and ME- A.6). The proposed Right-of-Way Vacation would implement these policies by strengthening pedestrian connectivity since the permittee will be required to construct a City Standard sidewalk along Van Nuys Street and Cass Street where there is not a sidewalk currently.

The La Jolla Community Plan and Pacific Beach Community Plan do not identify this portion of Cass Street as a classified street, nor for an existing or future bikeway or transit routes. The project site consists of a hillside and is currently unimproved except for a public sewer line in the center of Cass Street. The proposed Right-of-Way Vacation would not affect vehicle, pedestrian, or biking access to surrounding properties given the sites existing topography and because existing roadways, alleys, and established access easements provide access. As proposed, the Right-of-Way Vacation would not adversely impact goals and policies related to mobility within the La Jolla Community Plan and Pacific Beach Community Plan. Therefore, that 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 Cass Street Public Right-of-Way Vacation project proposes to vacate 8,600 square feet of Cass Street located at 990 Van Nuys Street. The proposed public right-of-way vacation would revert the vacated 8,600 square foot area to the abutting two parcels. Cass Street was originally established by Map No. 930, filed in the Office of the County Recorder of San Diego County on November 7, 1904. The La Jolla and Pacific Beach Community Plans do not identify any additional improvements to this portion of Cass Street. The public will benefit from the additional

ATTACHMENT 6

(R-[Reso Code])

revenue from property taxes and the reduction of liability to the City. 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. 2409551, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41882-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 public right of way vacation, the Owner/Applicant shall reserve a sewer easement as shown on the street vacation exhibit, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
2. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall grant to the City a 2.5-foot wide Irrevocable Offer of Dedication for the adjacent alley, satisfactory to the City Engineer. The property owner shall also enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for alley improvements.
3. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall reserve a drainage easement above the existing public drainage and sewer system within vacated street, satisfactory to the City Engineer.
4. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall assure, by permit and bond, the construction of a new 12-foot wide City Standard Driveway, adjacent to the side on Van Nuys Street, satisfactory to the City Engineer.
5. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall assure, by permit and bond, the closure of the existing driveway and replacement with City Standard Curb, Gutter and Sidewalk, adjacent to the site on 990 Van Nuys Street, satisfactory to the City Engineer.
6. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall obtain an Encroachment Maintenance Removal Agreement for the private improvements within the 2.5-foot Irrevocable Offer of Dedication.
7. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall assure, by permit and bond, the removal of the existing improvements and the construction of standard curb, gutter and sidewalk, adjacent to the project site on Van Nuys Street as shown on Exhibit "A", satisfactory to the City Engineer.

ATTACHMENT 6

(R-[Reso Code])

8. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall assure, by permit and bond, the reconstruction of the existing curb ramp, with current City Standard curb ramp SDG-130 and SDG-132 with truncated domes, adjacent to the site on Van Nuys Street and Cass Street, satisfactory to the City Engineer.
9. Prior to the recordation of the public right of way vacation, the Owner/Applicant shall reserve a 24-foot access easement to benefit the five parcels to the north of the project site, as shown on the street vacation exhibit, in a manner satisfactory to the City Engineer. When and if this access is constructed by the future applicant(s) for the development of the five parcels to the north, it shall be a minimum, unobstructed width of 20 feet plus 4-foot sidewalk. The access road shall not exceed the 12% (Asphalt) and 15% (Concrete) grade per FPB Policy A-14-1.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 2409551 the permanent easement for public utility purposes, as more particularly described hereinafter:

1. Adequate access, drainage and sewer easements above the existing public drainage and sewer system within the vacated street, satisfactory to the City Engineer.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of Cass Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41882-B, marked as Exhibit "B."

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

ATTACHMENT 6

(R-[Reso Code])

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

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT THE APPROVAL OF THE
CASS STREET PROW VACATION PROJECT IS
CATEGORICALLY EXEMPT AND NOT SUBJECT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PURSUANT TO CEQA GUIDELINES SECTIONS;
15061(b)(c)(3), 15304 AND 15332 . CASS STREET PROW
VACATION - PROJECT NO. 659043

WHEREAS, Public Right-of-Way Vacation No. 659043 proposes to vacate a portion of
Cass Street totaling 8,600 square feet located at 990 Van Nuys Street; and

WHEREAS, the 0.20-acre site is in the RS-1-7 Zone within the La Jolla and Pacific
Beach Community Plan areas; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code
section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code
of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects
which have been determined not to have a significant effect on the environment and which shall
be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the
categorical exemptions promulgated by the California Office of Planning and Research and
adopted by the Secretary of the California Natural Resources Agency for those classes of
Projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the Project is
categorically exempt and not subject to CEQA pursuant to CEQA Guidelines sections;

15061(b)(c)(3), 15304 and 15332 and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project, and

WHEREAS, on [insert date of Council meeting], the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the project meets the criteria set forth in CEQA Sections 15061(b)(c)(3), 15304 and 15332,

WHEREAS, 15061(b)(c)(3) allows for projects to be exempt from CEQA when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Since there is no development associated with the Vacation Easement and the Vacation Easement would not permit any development the exemption is appropriate.

WHEREAS, 15304 allows for minor or public alterations in the condition of land, water and or vegetation and do not involve removal of healthy, mature, scenic trees or agricultural purposes to be exempt from CEQA. Since there is no development associated with the project that would impact land, water, and vegetation and would not involve the removal of healthy, mature, scenic trees or agricultural purposes the exemption is appropriate.

WHEREAS CEQA Section 15332 allows for in fill projects to be exempt from CEQA when they are consistent with the applicable general plan designation and all applicable general plan polices as well as with the applicable zoning designation and regulations; and

WHEREAS, the project site occurs within City limits on a project site of no more than five acres, is substantially surrounded by development and has no value as habitat for endangered, rare, or threatened species; and

WHEREAS, the project site can be adequately serviced by all required utilities and public services and the in-fill project exemption applies; and

WHEREAS, under Charter section 280(a)(X) 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; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(c)(3), 15304 and 15332 and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
[Attorney]
Deputy City Attorney

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

ATTACHMENT 7

(R-[Reso Code])

Doc. No.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC STREET VACATION

THAT PORTION OF CASS STREET BETWEEN LOT 78 OF BLOCK 3 AND LOT 40 OF BLOCK 9 OF FIRST ADDITION TO PACIFIC BEACH VISTA TRACT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 930, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 7, 1904; VACATED, EXCEPTING THE NORTHERLY 2.50 FEET.
CONTAINS 8,600 SQUARE FEET, MORE OR LESS.

RESERVING THEREFROM A SEWER AND DRAINAGE EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 30.00 FOOT WIDE STRIP OF LAND CENTERED ON CASS STREET BETWEEN LOT 78 OF BLOCK 3 AND LOT 40 OF BLOCK 9 OF FIRST ADDITION TO PACIFIC BEACH VISTA TRACT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 930, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 7, 1904, EXCEPTING THE NORTHERLY 2.50 FEET.
CONTAINS 3,225 SQUARE FEET, MORE OR LESS.

RESERVING THEREFROM AN ACCESS EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 24.00 FOOT WIDE STRIP OF LAND CENTERED ON CASS STREET BETWEEN LOT 78 OF BLOCK 3 AND LOT 40 OF BLOCK 9 OF FIRST ADDITION TO PACIFIC BEACH VISTA TRACT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 930, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 7, 1904, EXCEPTING THE NORTHERLY 2.50 FEET.
CONTAINS 2,850 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 41882-B LABELED EXHIBIT "B" BY THIS REFERENCE MADE A PART HEREOF.

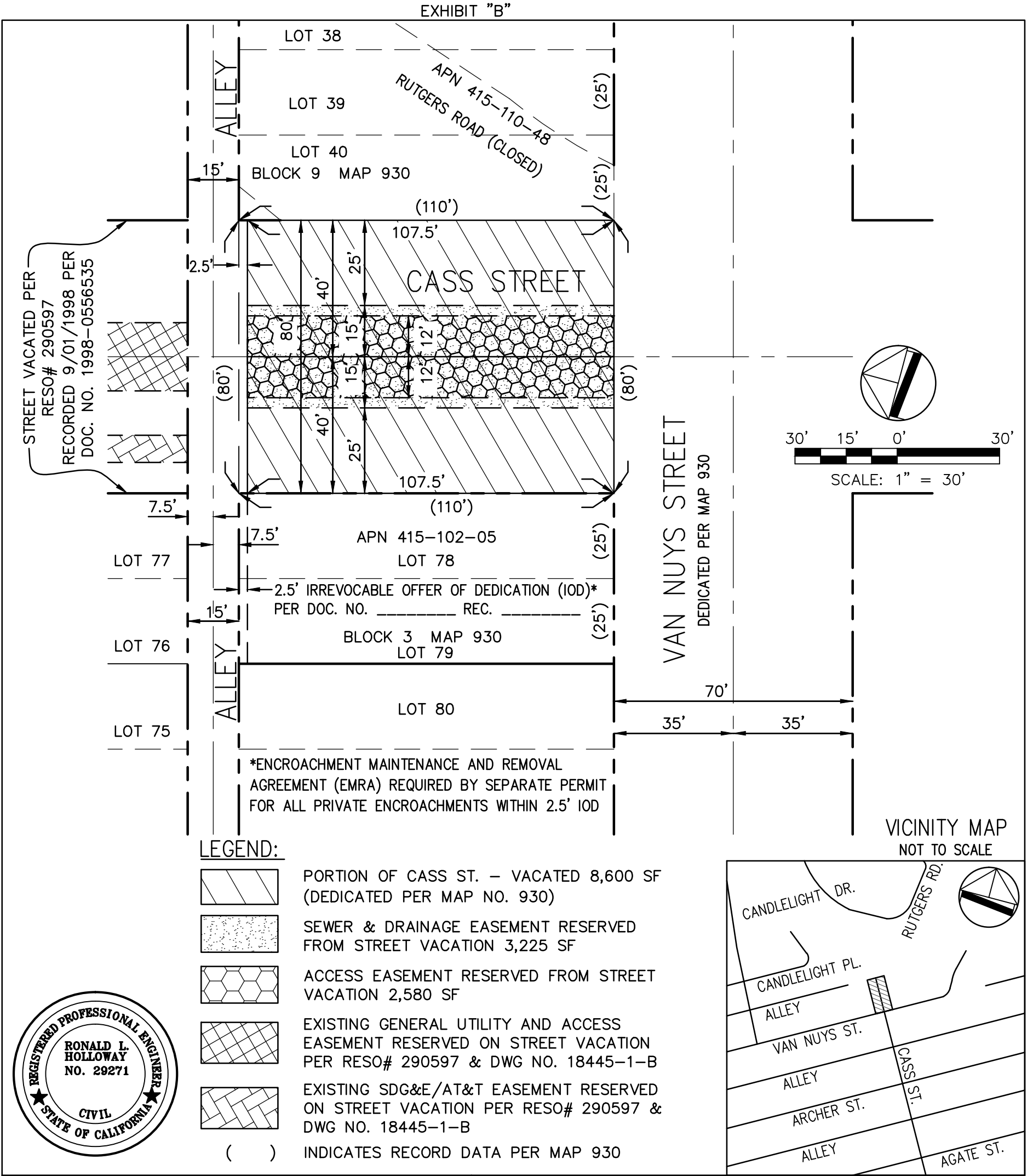
THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

Ron Holloway
RONALD L. HOLLOWAY RCE 29271

5-3-22
DATE

PTS 659043
CITY DRAWING NO. 41882-B





bHA, Inc.
land planning, civil engineering, surveying

5115 AVENIDA ENCINAS
SUITE "L"
CARLSBAD, CA. 92008-4387
(760) 931-8700

RONALD L. HOLLOWAY RCE 29271 EXP. 3-31-23

Ron Holloway

RESO. NO. _____
ADOPTED: _____
DOC. NO. _____
RECORDED: _____

PUBLIC STREET VACATION, SEWER & DRAINAGE EASEMENT RESERVATION
AND ACCESS EASEMENT RESERVATION
PORTION OF CASS STREET BETWEEN LOT 78, BLOCK 3, & LOT 40, BLOCK 9 OF
FIRST ADDITION TO PACIFIC BEACH VISTA TRACT, MAP NO. 930

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO. CALIFORNIA SHEET 1 OF 1 SHEET		PTS. NO. 659043
					FOR CITY LAND SURVEYOR	DATE	1876-6249 NAD83C COORDINATE
					DIVISION HEAD		236-1689 LAMBERT COORDINATE
					SECTION HEAD		41882-B
STATUS							

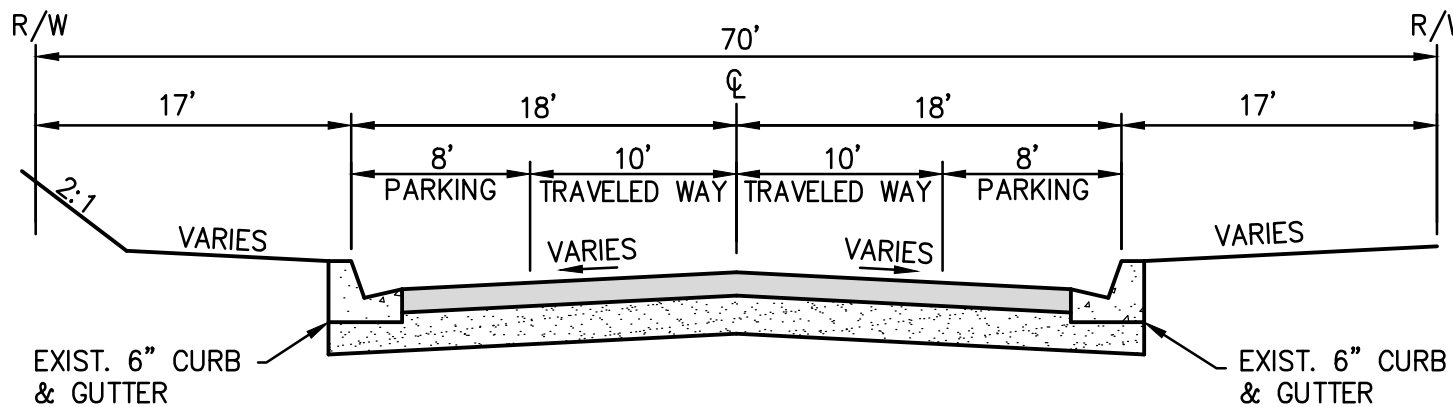
IMPROVEMENT EXHIBIT

VAN NUYS STREET @ CASS STREET



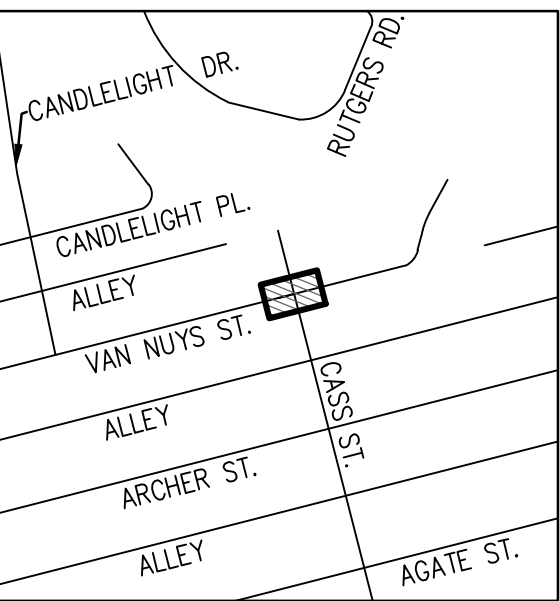
TOPOGRAPHY NOTE

PREPARED BY:
NOE SEPULVEDA, PLS.
4727 REDLAND DRIVE
SAN DIEGO, CA 92115

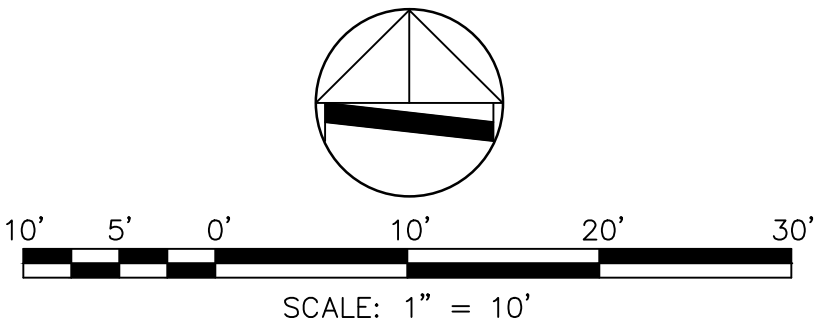


VAN NUYS STREET


TYPICAL SECTION
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



bha, Inc.
land planning, civil engineering, surveying
5115 AVENIDA ENCINAS
SUITE "L"
CARLSBAD, CA. 92008-4387
(760) 931-8700

Page 3		City of San Diego • Information Bulletin 620		May 2020						
		City of San Diego Development Services		Community Planning Committee Distribution Form						
Project Name: Cass St. ROW Vacation			Project Number: 659043							
Community: La Jolla										
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>										
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input checked="" type="radio"/> Vote to Deny										
# of Members Yes 15		# of Members No 0		# of Members Abstain 1						
Conditions or Recommendations: the committee finds that the applicant can make its old access drive more accessible by grading it to a lower level and placing the parking area perpendicular to the street partially or totally underground. That would allow the driveway to be lowered to a point that it will not be so steep. See attached for reasons Findings Cannot be Made										
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)										
NAME: Suzanne Weissman										
TITLE: Secretary, LJCPA				DATE: August 10, 2020						
<i>Attach additional pages if necessary (maximum 3 attachments).</i>										

**Community Planning Committee Distribution Form
Cass St. ROW Vacation Project # 659043**

Attachment 1, Reasons Findings Cannot be Made

Findings cannot be made for the proposed street vacation. The proposed street vacation cannot be approved based on the fact that the findings from Section §125.0941 Findings for Public Right-of-Way Vacation Approval, from the SD Municipal Code cannot be made as follows:

The finding cannot be made 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 GIS Map indicates several (5 to 7) potential housing lots that can't be accessed or developed if Cass is vacated. The site could also be made into a public park, the view from which is spectacular.


The finding cannot be made that: (b) The public will benefit from the action through improved use of the land made available by the vacation; The public would not benefit. Only the applicant neighbor could benefit.

The finding cannot be made that : (c) The vacation does not adversely affect any applicable land use plan; and (d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The La Jolla Community Plan lists this area as RS-1. The vacation will prevent access to these lots.

The finding cannot be made that: (d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. Vacation will prevent any use private or public use of the area.

Furthermore, the committee finds that the applicant can make its old access drive more accessible by grading it to a lower level and placing the parking area perpendicular to the street partially or totally underground. That would allow the driveway to be lowered to a point that it will not be so steep. Finally given the amount of lots vacant and available for future development, it is important that public access via Cass street be maintained.

La Jolla Community Planning Group subcommittee vote: 6-0-1

Page 3		City of San Diego • Information Bulletin 620		May 2020						
		City of San Diego Development Services		Community Planning Committee Distribution Form						
Project Name: 1002-1012 Van Nuys/Cass St PROW Vacation			Project Number: 659043							
Community: Pacific Beach										
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>										
<input checked="" type="radio"/> Vote to Approve <input type="radio"/> Vote to Approve with Conditions Listed Below <input type="radio"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="radio"/> Vote to Deny										
# of Members Yes 9		# of Members No 0		# of Members Abstain 1						
Conditions or Recommendations: Approved without objection 9-0-1 with Chair not voting and PH abstaining										
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)										
NAME: Ed Gallagher										
TITLE: Development Subcommittee, Chair				DATE: July 14, 2021						
<i>Attach additional pages if necessary (maximum 3 attachments).</i>										

	<p>City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000</p> <p>Ownership Disclosure Statement</p>	<p>FORM DS-318</p> <p>October 2017</p>
---	--	--

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 _____

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

Project Address: _____

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General – What State? _____ Corporate Identification No. _____
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

Property Owner

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Applicant

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

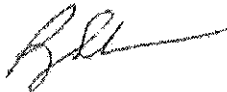
Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

**Ownership Disclosure Statement
Form DS-318
Property Owner/Financially Interested Persons**

1002 Van Nuys Street, APN 415-110-48

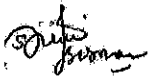
Ronny Soetarman and Sicilia Sisman, Co-Trustees
Soetarman-Sisman Family Trust dated April 30, 2004
Undivided 75% interest
7486 La Jolla Boulevard, Suite 466
La Jolla, CA 92037
(858)500-6615
jeanne@liem-arch.com



06/30/2020

Ronny Soetarman

Date



06/30/2020

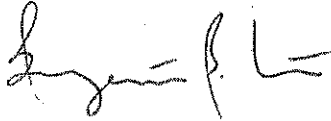
Sicilia Sisman

Date

**Ownership Disclosure Statement
Form DS-318
Property Owner/Financially Interested Persons**

1002 Van Nuys Street, APN 415-110-48

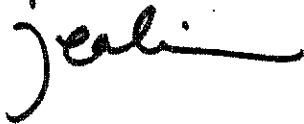
Benjamin Liem and Jeanne Liem, Trustees
Benjamin Liem and Jeanne Liem Joint Living Trust dated July 15, 2014
Undivided 25% interest
7486 La Jolla Boulevard, Suite 466
La Jolla, CA 92037
(858)500-6615
jeanne@liem-arch.com



07-01-2020

Benjamin Liem

Date



07-01-2020

Jeanne Liem

Date