



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: September 10, 2025

04

TO: Board of Supervisors

SUBJECT

GENERAL SERVICES – ADOPT RESOLUTIONS TO SUMMARILY VACATE PORTIONS OF DAIRY ROAD, IN THE SWEETWATER COMMUNITY PLAN AREA, TOGETHER WITH PORTIONS OF FAXON STREET (FORMERLY SWEETWATER AVE.) AND KEMPTON STREET (FORMERLY SAN DIEGO AVE.), IN THE SPRING VALLEY COMMUNITY PLAN AREA, AND CEQA FINDING (VAC 2024-0025) (DISTRICT: 1)

OVERVIEW

The Real Estate Division of the Department of General Services is processing a request from the Department of Parks and Recreation (DPR), who manage Assessor's Parcel Numbers (APN) 584-550-75, 584-550-76, 585-100-21, 590-110-06, 590-110-08, to summarily vacate portions of Dairy Road adjacent to the Sweetwater Bike Park, and portions of both Faxon Street (formerly Sweetwater Avenue) and Kempton Street (formerly San Diego Avenue) that bisect DPR property near the "Sweetwater Loop Trail Segments 5-7 and the Lakeview Staging Area" DPR project. This action proposes that the County of San Diego (County) officially close out old, unused road segments that run through or alongside land managed by DPR in the Sweetwater and Spring Valley areas. These road segments were either demolished years ago or never built and are no longer needed for public use. Clearing these old road designations will allow the County to better use the land for parks, trails, and community access without affecting nearby property owners or utilities. Additionally, the vacation will allow DPR to use the land more freely for trail and staging area projects like signs, parking, and restrooms.

A summary vacation is a streamlined process by which a public road, right-of-way, or a public service easement is abandoned. The portions of the properties that would be vacated consist of approximately 0.801 acres in Sweetwater and 0.535 acres in Spring Valley (Attachment B). The vacations will simplify trail alignment easements for the "Sweetwater Loop Trail Segments 5-7 and the Lakeview Staging Area" DPR project, which aims to complete a hiking trail loop around the Sweetwater Reservoir. Easements will be reserved for San Diego County Water Authority and Caltrans utility facilities, and for County access to the Sweetwater Bike Park.

The County may grant a summary vacation of a street or highway if the easement interests are found to be in excess of County needs. The County may grant a summary vacation of a street or highway if the easement interests are found to be in excess of County needs. County Department

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of Public Works has determined that the areas proposed for vacation are excess and no longer needed for present or future public road use because these portions were either never constructed or demolished when the State Route 125 Freeway was constructed, and they are not within the County maintained road system and are not a part of the General Plan Mobility Element. The vacations were requested by DPR and will remove encumbrances that allow better use of vacated portions of Dairy Road and will allow for the management and preservation of the vacated portions of Faxon and Kempton public roads. The road vacations will allow DPR to conduct more effective trail maintenance and vegetative fuel reduction activities where needed, as well as support preservation of the natural environment outside of trail areas by allowing continuity of ownership.

Today's request is for the County Board of Supervisors to adopt Resolutions to summarily vacate portions of Dairy Road, and portions of both Faxon Street and Kempton Street.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacations are not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacations of public highway easements that are not needed for public road purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE PORTIONS OF DAIRY ROAD, IN THE SWEETWATER COMMUNITY PLAN AREA (VAC 2024-0025-A1) (Attachment C, on file with the Clerk of the Board).
3. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE PORTIONS OF FAXON STREET (FORMERLY SWEETWATER AVE.) AND KEMPTON STREET (FORMERLY SAN DIEGO AVE.), IN THE SPRING VALLEY COMMUNITY PLAN AREA (VAC 2024-0025-A2), (Attachment D, on file with the Clerk of the Board).
4. Direct the Clerk of the Board to record the Resolution for Vacation No. 2024-0025-A1 and 2024-0025-A2 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The resolutions to remove encumbrances from Department of Parks and Recreation (DPR) lands that are no longer needed for public purposes will provide an overall public benefit and improve the use or preservation of the land made available by the vacations. The proposed summary vacations are in areas zoned for agriculture, residential, and open space uses and will allow DPR

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to better use, manage, and preserve the property. The existing surrounding road systems will continue to provide adequate access for the properties and will not preclude future development.

SUSTAINABILITY IMPACT STATEMENT

The proposed actions to summarily vacate portions of Dairy Road, and portions of Faxon Street and Kempton Street contribute to County of San Diego (County) Sustainability Goal No. 1 to engage the community to partner and participate in decisions that impact their lives and communities, and Goal No. 2 to provide just and equitable access to develop or preserve their land. This action will impact the County directly by providing improved use of the properties by unencumbering portions for potential future development and preservation.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2025-26 Operational Plan in the Capital Outlay Fund for Capital Project 1022919, Sweetwater Loop Trail Acquisition and Construction. If approved, this request will result in estimated costs and revenue of \$8,000 to process the proposed vacations. The funding source is General Purpose Revenue in the Capital Outlay Fund for Capital Project 1022919. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The Sweetwater Community Planning Group convened on July 2, 2024, and unanimously approved the partial vacation of Dairy Road, provided that the Department of Parks and Recreation continues maintaining the existing road within the southerly portion, and voted (yes-14, no-0, abstain-0, excused-1) to recommend approval of the vacation.

The Spring Valley Community Planning Group convened on July 9, 2024, and unanimously approved the partial vacation of Faxon Street and Kempton Street, without conditions, and voted (yes-9, no-0, abstain-0, vacant-2, absent-4) to recommend approval of the proposed vacations.

BACKGROUND

The Department of Parks and Recreation (DPR), who manage Assessor's Parcel Numbers (APN) 584-550-75, 584-550-76, 585-100-21, 590-110-06, 590-110-08, have requested to summarily vacate portions of Dairy Road, a portion of Faxon Street (formerly Sweetwater Avenue), and a portion of Kempton Street (formerly San Diego Avenue) that bisect or are adjacent with DPR-managed properties. The portions of Dairy Road to be vacated were dedicated to the County of San Diego (County) as a 40-foot-wide public highway in the documents recorded December 5, 1945, in Book 2003, Page 159 and Book 2004, Page 80, both of Official Records of San Diego

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County. The portions of Faxon Street and Kempton Street were dedicated to public use on Map No. 1309, filed February 6, 1911. The subject properties are in the unincorporated areas of Sweetwater and Spring Valley Community Plan Areas, respectively (Attachment A). The portions of the properties that would be vacated consist of approximately 0.801 acres in Sweetwater and 0.535 in Spring Valley (Attachment B). These actions would summarily vacate portions of Dairy Road, Faxon Street, and Kempton Street as described and depicted in Exhibits “A” and “B” of Attachment C, and no parcels would be landlocked by the proposed vacations. A summary vacation of an existing road may be granted by the County if the road is found to be in excess of County needs. In many cases, a road vacation can be a public benefit through improved use or preservation of the lands made available by the vacation.

The portions of Dairy Road subject to this vacation were originally acquired as part of Road Survey (RS) No. 1034 and have been determined to be excess. The portion north of State Highway 125 lies within property under one ownership (County) and does not continue through such ownership or end touching property of another, and access from Dairy Road to the adjacent State Highway 125 has been relinquished. The existing road was demolished in 2006 as part of the State Highway 125 construction. The portion of Dairy Road southerly of the State Highway was also demolished in 2006 and now only provides public access to the two adjacent property owners, the County and the San Diego County Water Authority (SCDWA). They are not in the County-maintained system of streets or part of the General Plan Mobility Element. The SCDWA has requested an easement reservation over County-owned portions of Dairy Road to be vacated. Additionally, Caltrans has requested an easement reservation over all the southerly portion of Dairy Road for access to their utility facilities within the adjacent State Highway 125 right-of-way, and the County is reserving an easement over the SCDWA-owned portion of the vacated road for the purpose of retaining access to the County's Sweetwater Bike Park.

The portions of Faxon Street and Kempton Street subject to this vacation that have been determined to be excess are the portions that bisect County properties within the “Sweetwater Loop Trail Segments 5-7 and the Lakeview Staging Area” DPR project. The Sweetwater Loop Trail projects include trail improvements and new alignments as well as parking lots with informational signs and restrooms (staging areas) where appropriate, with the goal of completing a hiking trail loop around the Sweetwater Reservoir. The road vacations will simplify trail alignment easements by allowing a continuous connection through DPR property. These roads were never constructed, they are not in the County-maintained system of streets, and are not a part of the General Plan Mobility Element.

This request is to take the necessary actions to summarily vacate portions of Dairy Road, Faxon Street, and Kempton Street, pursuant to Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq. (Act), which establishes procedures where a legislative body may summarily vacate a public street, highway, or right-of-

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way that is not required for street or highway purposes. The summary vacations of public highways can be completed by Board of Supervisors (Board) approval, adoption, and recordation of the RESOLUTION TO SUMMARILY VACATE PORTIONS OF DAIRY ROAD, IN THE SWEETWATER COMMUNITY PLAN AREA (VAC 2024-0025-A1) and the RESOLUTION TO SUMMARILY VACATE PORTIONS OF FAXON STREET (FORMERLY SWEETWATER AVE.) AND KEMPTON STREET (FORMERLY SAN DIEGO AVE.), IN THE SPRING VALLEY COMMUNITY PLAN AREA (VAC 2024-0025-A2), attached as Attachments C and D, respectively.

Under the Act, the following findings must be made by the Board to approve the proposed summary vacation:

1. The portions of Dairy Road, Faxon, and Kempton Street are considered excess rights-of-way of a street or highway not required for street or highway purposes because these portions of roads were either never constructed or demolished, are not in the County-maintained system of streets, and are not part of the General Plan Mobility Element. Therefore, the Board may find that the aforementioned right-of-way may be summarily vacated pursuant to California Streets and Highways Code section 8334.
2. Pursuant to California Streets and Highways Code section 8334.5, the Board is required to ensure that the vacation will not affect in-place public utility facilities. At the request of the SDCWA, an easement is being reserved for their in-place utility facilities over a portion of Dairy Road. Additionally, Caltrans has requested a reservation for access over the southerly portion of Dairy Road for access to their in-use utility facilities within the adjacent State Highway 125. Therefore, no in-place public utility facilities will be affected by the proposed vacation.
3. Pursuant to California Streets and Highways Code sections 892 and 8314, consideration of Dairy Road, Faxon Street, and Kempton Street for non-motorized transportation use must be reviewed before the vacations can be approved. DPR has determined that the portions of Dairy Road, Faxon Street, and Kempton Street to be summarily vacated are not needed for trail purposes. The vacation of the street segments will not impact any existing or proposed trail segments because the County owns the underlying fee interest needed for the trails.
4. Pursuant to California Streets and Highways Code section 8313 and California Government Code section 65402, the Board shall consider the General Plan prior to vacating a right-of-way. Staff from the County's Department of Planning & Development Services has reviewed the proposed summary vacations and determined that they are in

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conformance with the County’s General Plan because they do not conflict with the General Plan’s Mobility Element.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from County and SCDWA lands that are no longer needed for public road purposes. In this instance, there would also be a public benefit through improved use or preservation of the land made available by the vacation.

ENVIRONMENTAL STATEMENT

Find the proposed summary vacations are not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA section 15378. The proposed actions would vacate road easements that have been demolished or have not been constructed and are not needed for future road purposes. Since the proposed action would merely remove encumbrances from title and not result in any physical change in the environment it is exempt from CEQA review pursuant to Section 15060(c)(2) and (c)(3) of the CEQA Guidelines.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action supports the Community Engagement Strategic Initiative in the County of San Diego’s 2025-2030 Strategic Plan by promoting opportunities for community members to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will summarily vacate portions of Dairy Road, Faxon Street, and Kempton Street that are in excess of the County’s needs and are unnecessary for public road purposes.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A - Location Map

ATTACHMENT B - Vacation Exhibit

ATTACHMENT C - RESOLUTION TO SUMMARILY VACATE PORTIONS OF DAIRY ROAD, IN THE SWEETWATER COMMUNITY PLAN AREA (VAC 2024-0025-A1), including EXHIBITS “A” and “B”.

ATTACHMENT D - RESOLUTION TO SUMMARILY VACATE PORTIONS OF FAXON STREET (FORMERLY SWEETWATER AVE.) AND KEMPTON STREET (FORMERLY SAN

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DIEGO AVE.), IN THE SPRING VALLEY COMMUNITY PLAN AREA (VAC 2024-0025-A2), including EXHIBITS “A” and “B”.