



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: September 15, 2021

05

TO: Board of Supervisors

SUBJECT

GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK – DEER SPRINGS ROAD (SA 1414 – SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108) (DISTRICT: 5)

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate an Irrevocable Offer of Dedication for Public Highway (IOD) dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. These may be requested by the public if the easement interests are found to be excess to County needs and are not required for the purposes for which they were obtained.

The applicants have requested to vacate all of the IOD recorded in the Office of the County Recorder of San Diego County, California, on July 30, 1980, as File No. 1980-0240579. The properties subject to the IOD are located within the Twin Oaks Valley subregional area of the North County Metro Community Plan Area in the unincorporated community of Twin Oaks. The IOD is for a portion of the unimproved Buena Creek – Deer Springs Road, also known as Select Federal 1414 and Select Arterial 1414 (SF/SA 1414). This portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate an IOD for a portion of SF/SA 1414, together with the incidental rights to extend drainage facilities, excavation and embankment slopes beyond the IOD, that is excess right-of-way not required for street or highway purposes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacation is 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 vacation of an offer of dedication for a public right-of-way easement that is not needed for public road purposes,

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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 AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK – DEER SPRINGS ROAD (SA 1414 – SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0108 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private lands that are no longer needed for public road purposes. The existing surrounding road system will continue to provide adequate access for all properties located near the proposed IOD vacation and the summary vacation would not preclude future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated expenses of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The owners of Assessor's Parcel Number 181-270-50 and -51 have requested a summary vacation of the Irrevocable Offer of Dedication (IOD) for a portion of Buena Creek – Deer Springs Road, also known as Select Arterial 1414 and Select Federal 1414 (SA/SF 1414), together with the right to extend drainage facilities, excavation and embankment slopes beyond the IOD, that encumber portions of their properties. The subject properties are located in the unincorporated community of Twin Oaks Valley within the North County Metro Community Planning Area (Attachment A). The portions of the properties that would be vacated by the proposed action consists of approximately 1.121 acres of unimproved land (Attachment B) and lie entirely within properties owned by the applicants. This portion of SA/SF 1414 is subject to an IOD for a public highway easement pursuant to the document recorded in the Office of the County Recorder of San Diego County, California, on July 30, 1980, as File No. 1980-0240579. This action would vacate all of the IOD area, and no parcels would be land-locked by the proposed vacation.

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The portion of SF/SA 1414 that is the subject of this vacation request can be determined to be excess right-of-way not required for street or highway purposes because this portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and was removed from the Mobility Element as part of the 2011 General Plan update. A summary vacation of an offer to dedicate a road may be requested by the public if the road is found to be excess right-of-way not required for road purposes. In many cases a road vacation can be a public benefit through improved use of the land made available by the vacation.

This request is to take the necessary actions to summarily vacate the IOD pursuant to Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq. (Act) and California Government Code section 7050, which establish procedures where a legislative body may initiate proceedings to summarily vacate a public street, highway, right-of-way, or public service easement that is not required for street or highway purposes. The summary vacation of the IOD can be completed by Board approval, adoption and recordation of the RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK – DEER SPRINGS ROAD (SA 1414 – SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108), attached as Attachment C.

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

1. The IOD is considered excess right-of-way of a street or highway not required for street or highway purposes because this portion of the road has not been constructed, does not provide connectivity to other public roads, is not County maintained, and is not a General Plan Mobility Element (ME) roadway. Therefore, the Board may find that the IOD may be summarily vacated pursuant to California Government Code section 7050 and 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. There are no in-place public utility facilities in use that would be affected by the proposed vacation.
3. Pursuant to California Streets and Highways Code sections 892 and 8314, consideration of the IOD area for non-motorized transportation use must be reviewed before the vacation can be approved. The County's Department of Parks and Recreation has determined that the IOD area to be summarily vacated is not needed for trail or park purposes.
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 of San Diego's (County) Department of Planning & Development Services has reviewed the proposed summary vacation and

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determined that it is in conformance with the San Diego County General Plan because it does 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 private lands that are no longer needed for public road purposes. In this instance there would also be a public benefit through improved use of the land made available by the vacation. The existing surrounding road system will continue to provide adequate access for properties located near the proposed IOD vacation and the summary vacation would not preclude future development.

ENVIRONMENTAL STATEMENT

Find the proposed summary vacation is 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 actions would not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA section 15378 as it will only result in the vacation of an offered public highway easement and would not result in any physical change in the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action supports the Sustainable Environments/Thriving Strategic Initiative in the County of San Diego’s 2021-2026 Strategic Plan by promoting opportunities for residents to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will summarily vacate an IOD that is excess to the County’s needs and is unnecessary for public road purposes.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A - Location Map

ATTACHMENT B - Vacation Exhibit

ATTACHMENT C - RESOLUTION TO SUMMARILY VACATE AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC HIGHWAY FOR BUENA CREEK – DEER SPRINGS ROAD (SA 1414 – SF 1414) IN THE TWIN OAKS VALLEY SUBREGIONAL PLAN AREA (VACATION NO. 2021-0108), including EXHIBITS “A” and “B”

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

September 14, 2011 (2): The Board of Supervisors approved the General Plan update that removed SA/SF 1414 from the Circulation Element; August 2 (3), 2006: The Board of Supervisors approved “General Plan 2020: Proposed Changes to Circulation Element Road Network and Framework”, which removed SA/SF 1414 from the Circulation Element.

BOARD POLICIES APPLICABLE:

I-30, Minor Street Acquisitions, Vacations or Abandonments

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

Pursuant to California Government Code section 65402, the County’s Department of Planning & Development Services determined that the proposed street vacation is consistent with the County of San Diego General Plan.

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Department of General Services

OTHER CONCURRENCE(S): Department of Public Works
Planning & Development Services
Department of Parks and Recreation

CONTACT PERSON(S):

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