



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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Fifth District

DATE: March 25, 2026

06

TO: Board of Supervisors

SUBJECT

GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A HIGHWAY SLOPE EASEMENT IN THE FALLBROOK COMMUNITY PLAN AREA AND CEQA DETERMINATION (VAC 2025-0056) (DISTRICT: 5)

OVERVIEW

The Real Estate Division of the Department of General Services (DGS) is processing a request from TGRH3, LLC, owner of Assessor's Parcel Number (APN) 125-050-54, for the County of San Diego (County) to summarily vacate the easement for highway slope purposes encumbering a portion of their property. A summary vacation is a streamlined process by which an excess street or highway right-of-way, or a public service easement, is abandoned. A highway slope easement must be vacated in the same manner as a street or highway right-of-way. The easement for highway slope purposes encumbers a strip of land running the entire length of the property frontage, adjacent to Old Highway 395. The property subject to this vacation is located within the Fallbrook Community Plan Area in the unincorporated area of San Diego County on the west side of Old Highway 395, between Via Altamira and Via Belmonte. TGRH3, LLC is requesting this summary vacation to advance their build out of the property. On February 20, 2025, the Department of Planning & Development Services approved the Site Plan to allow for the expansion and remodeling of the existing commercial plaza on the property. The Site Plan includes a condition of approval that requires that the property owner process a vacation of the highway slope easement.

A summary vacation 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 County's Department of Public Works (DPW) has determined that this highway slope easement is excess and no longer needed for present or future public right-of-way use because there are no existing or proposed slopes within the easement needed to support the adjacent highway. The easement was originally acquired by the State of California Department of Transportation (Caltrans) to support Old Highway 395 improvements when State Highway 15 was originally constructed. Only a portion of the easement area acquired by Caltrans was needed for freeway improvements, eliminating the current and future needs for the remainder of the easement.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate the highway slope easement, which is an excess street or highway right-of-way easement.

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RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that additional review under the California Environmental Quality Act (CEQA) is not required for this action because the summary vacation is required as a condition of a site plan approval found by the Department of Planning & Development Services to not require any CEQA review pursuant to CEQA Guidelines section 15183.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A HIGHWAY SLOPE EASEMENT IN THE FALLBROOK COMMUNITY PLAN AREA (VAC 2025-0056) (Attachment C, on file with the Clerk of the Board).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2025-0056 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The resolution to remove an encumbrance from private land that is no longer needed for street or highway purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is in a commercially zoned area and will allow the property owner better use of their property. The vacation of this highway slope easement will not preclude future development.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to summarily vacate a highway slope easement contributes to the County of San Diego 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 their land. This action will impact the property owner directly by providing improved use of the property by unencumbering a portion of the property for proposed future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2025-26 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$6,500 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

The Fallbrook Community Planning Group declined to have this vacation item presented to them for a recommendation because they convened on September 19, 2022, and voted (yes-13, no-0, vacant/absent-2) to approve the Site Plan that conditioned this vacation.

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BACKGROUND

The owner of Assessor’s Parcel Number (APN) 125-050-54, TGRH3, LLC (Owner), requested that the County of San Diego (County) summarily vacate the highway slope easement encumbering a portion of their property. A summary vacation is a streamlined process by which an excess street or highway easement, or a public service easement, is abandoned. A highway slope easement is associated with a street or highway and therefore must be vacated in the same manner. The Owner is requesting this summary vacation to advance their build out of the property. On February 20, 2025, the Department of Planning & Development Services (PDS) approved the Site Plan (PDS2020-STP-20-021) to allow for the expansion and remodeling of the existing commercial plaza on the property, which also conditioned the owners to vacate the highway slope easement.

The highway slope easement to be vacated was originally acquired by the State of California Department of Transportation (Caltrans) described as Parcel 2 in the Grant Deed recorded December 21, 1972, as File/Page No. 338995 of the Official Records of San Diego County. The subject property is in the Fallbrook Community Plan Area (Attachment A). The applicant’s property consists of approximately 4.37 gross acres (according to the approved Site Development Plan), the easement area to be vacated consists of approximately 0.712 acres in total (Attachment B). This action would summarily vacate the portion of highway slope easement lying within the owner’s property, as described and depicted in Exhibits “A” and “B” of Attachment C, and no parcels would be land-locked by the proposed vacation.

The easement was originally acquired by Caltrans to support Old Highway 395 improvements when State Highway 15 was originally constructed. After Caltrans completed the construction of State Highway 15, they relinquished their rights to this highway slope easement, and other easements, to the County by a Resolution duly passed by the California Transportation Commission at its meeting on January 29, 1982, which was recorded on February 5, 1982, as File/Page No. 82-033580.

Only a portion of the area subject to the easement acquired by Caltrans was needed for freeway improvements, eliminating the current and future needs for the remainder of the easement. A summary vacation of an existing street or highway public right-of-way or public service easement may be requested by the public under these circumstances. In many cases, an easement vacation can be a public benefit through improved use of the land made available as a result of the vacation.

This request is to take the necessary actions to summarily vacate a highway slope easement, pursuant to Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq. (Act), which establish procedures where a legislative body may summarily vacate a street or highway easement. The summary vacation of a street or highway easement can be completed by Board approval, adoption, and recordation of the RESOLUTION TO SUMMARILY VACATE A HIGHWAY SLOPE EASEMENT IN THE FALLBROOK COMMUNITY PLAN AREA (VAC 2025-0056) (Attachment C).

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

1. The public right-of-way easement can be summarily vacated because it has been determined by the County's Department of Public Works (DPW) to be excess and not needed for the existing roadway or for future widening of the roadway. Therefore, the Board may find that the aforementioned public right-of-way easement may be summarily vacated pursuant to California Streets and Highways Code section 8334(a).
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 utilities located in the area to be vacated. Therefore, in-place public utility facilities will not be affected by the proposed vacation.
3. Pursuant to California Streets and Highways Code sections 892 and 8314, consideration of the street or highway easement for non-motorized transportation use must be reviewed before the vacations can be approved. There are no planned non-motorized facilities in the area or connected to be vacated. The County's trails master plan does not identify this area as being needed for any connectivity. Accordingly, they would not be useful as non-motorized transportation facilities.
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 street or highway easement. Staff from the County's Department of Planning & Development Services (PDS) have reviewed the proposed summary vacation and determined that it is in conformance with the County of San Diego General Plan because it does not conflict with any designated Mobility Element Plan roads, County Trails Master Plan, or Bicycle Transportation Plan.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of an encumbrance from private lands that is no longer needed for public street or highway easement purposes. In this instance there would also be a public benefit through improved use of the land made available by the vacation and would not preclude future development.

ENVIRONMENTAL STATEMENT

The proposed action is for the vacation of an excess road right-of-way that a private property owner proposes to use for the development of their property. The development consists of the expansion and remodeling of the existing commercial plaza on the property that was reviewed by the County Department of Planning & Development Services (PDS) in conjunction with the approval of a Site Plan. At the time the Site Plan was approved, PDS found the project exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the State CEQA Guidelines and filed a Notice of Exemption (NOE) with the Clerk of the Board on February 20, 2025. For the reasons identified in the NOE and pursuant to State CEQA Guidelines, the action is not subject to further CEQA review.

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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 2026-2031 Strategic Plan by promoting opportunities for property owners to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will summarily vacate a street or highway easement that is unnecessary for public 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 A HIGHWAY SLOPE EASEMENT IN THE FALLBROOK COMMUNITY PLAN AREA (VAC 2025-0056), including EXHIBITS "A" and "B".