



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** August 27, 2025

**07**

**TO:** Board of Supervisors

### SUBJECT

**GENERAL SERVICES - ADOPT A RESOLUTION TO SUMMARILY VACATE A PORTION OF AN UNNAMED ALLEY IN THE FALLBROOK COMMUNITY PLAN AREA AND CEQA FINDING (VAC 2023-0205) (DISTRICT: 5)**

### OVERVIEW

The Real Estate Division of the Department of General Services is processing a request from the owner (applicant) of Assessor's Parcel Numbers 103-222-07, -11, -14, -16, -18, -20, -23, and -24 to summarily vacate a portion of the unnamed alley between Fig Street and Elder Streets, and between Mission Road and Pico Ave, located in the Fallbrook Community Plan Area. A summary vacation is a streamlined process by which an excess public road, right-of-way, or a public service easement is abandoned. It may be requested by the County of San Diego (County) or 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. In this instance, the applicant is processing a Certificate of Compliance with Planning & Development Services to merge all their properties into one legal lot, as well as a grading permit to prepare the consolidated lot for the construction of a 60-unit affordable housing development.

The County Department of Public Works has determined that the portion of the unnamed alley is excess and no longer needed for present or future public use because it is not County-maintained and is not part of the General Plan Mobility Element. A road vacation often benefits the public by enabling improved use of the land it formerly occupied. The vacation was requested by the property owner and will remove encumbrances that could allow for better use of the subject properties and allow for the potential for future development at the owner's discretion. Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate this portion of unnamed alley.

### 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 a public highway easement that is not needed for public road purposes, and will not have a reasonably

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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 A PORTION OF AN UNNAMED ALLEY, IN THE FALLBROOK COMMUNITY PLAN AREA (VAC 2023-0205). Attachment C, on file with the Clerk of the Board.
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2023-0205 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 public purposes will provide an overall public benefit and improve the use of the land made available by the vacation. The proposed summary vacation is zoned for mixed use, including manufacturing, industrial, commercial, civic and residential and will allow the property owner better use of their property. The proposed summary vacation will facilitate the ability for a 60-unit affordable housing project to be constructed on the site. The existing surrounding road system will continue to provide adequate access for the property and will not preclude future development.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to summarily vacate a portion of an unnamed alley 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 their properties for potential future development for affordable housing.

### **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 \$5,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ADVISORY BOARD STATEMENT**

The Fallbrook Community Advisory Group convened on August 19, 2024 and unanimously approved the partial vacation of the unnamed alley, without conditions, and voted (yes-11, no-0, abstain-0, vacant/absent-4) to recommend approval of the proposed alley vacation.

### **BACKGROUND**

The owner of Assessor's Parcel Numbers 103-222-07, -11, -14, -16, -18, -20, -23, and -24 has requested to summarily vacate a portion of the unnamed alley, that is located adjacent to their properties. The portion to be vacated was dedicated to the County of San Diego (County) as a 16-foot-wide unnamed alley per Map of a Part of West Fallbrook Townsite, according to Map No.

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824, Filed November 17, 1896. The subject property is in the unincorporated area of Fallbrook Community Plan Area (Attachment A). The portion of the property that would be vacated consists of approximately 0.07 acres in total (Attachment B). This action would summarily vacate a portion of the unnamed alley as described and depicted in Exhibits “A” and “B” of Attachment C, and no parcels would be land-locked by the proposed vacation. A summary vacation of an existing alley may be requested by the public if it is found to be excess right-of-way not required for street or highway purposes. In many cases a road vacation can be a public benefit through improved use of the lands made available by the vacation.

The applicant is concurrently processing a Certificate of Compliance with Planning & Development Services (PDS) to merge all their properties within Block 5 per said Map No. 824 into one legal lot. The applicant is also processing a grading permit to prepare the consolidated lot for the construction of an affordable housing development. This action is focused merely on the summary vacation of an alley that is excess and is not needed to provide property access.

This request is to take the necessary actions to summarily vacate a portion of the unnamed alley 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 public street (alley), highway, or right-of-way that is not required for street or highway purposes. The summary vacation of a public highway can be completed by Board approval, adoption, and recordation of the RESOLUTION TO SUMMARILY VACATE A PORTION OF AN UNNAMED ALLEY, IN THE FALLBROOK COMMUNITY PLAN AREA, attached as Attachment C.

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

1. The portion of unnamed alley is considered excess right-of-way of a street (alley) or highway not required for street or highway purposes because this portion of road is not County-maintained and 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. There are no in-place public utility facilities that are in use that would be affected by the vacation pursuant to California Streets and Highways Code section 8334.5 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 unnamed alley for non-motorized transportation use must be reviewed before the vacations can be approved. The County’s Department of Parks and Recreation has determined that the portion of unnamed alley to be summarily vacated is not needed for trail purposes.

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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 vacation and determined that it is in conformance with the County of San Diego 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 an encumbrance from private lands that is no longer needed for public road (alley) purposes, and it will help advance affordable housing in the region. In this instance there would also be a public benefit through improved use of the lands made available by the vacation and 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 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 action would vacate a road easement that is not needed for future road purposes. Since the proposed action would merely remove an encumbrance 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 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 portion of an unnamed alley, that is excess to the County's needs and are unnecessary for public road (alley) purposes.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

#### **ATTACHMENT(S)**

ATTACHMENT A - Location Map

ATTACHMENT B - Vacation Exhibit

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ATTACHMENT C - RESOLUTION TO VACATE A PORTION OF AN UNNAMED ALLEY, IN THE FALLBROOK COMMUNITY PLAN AREA, including EXHIBITS “A” and “B”.