



San Diego County Flood Control District

GOVERNING BODY

PALOMA AGUIRRE
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: August 27, 2025

FL01

TO: Flood Control Board of Directors

SUBJECT

GENERAL SERVICES – ADOPT A RESOLUTION TO SUMMARILY VACATE A DRAINAGE EASEMENT IN THE ALPINE AREA AND CEQA FINDING (VACATION NO. 2024-0212) (DISTRICT: 2)

OVERVIEW

The Real Estate Division of the Department of General Services is processing a request from Tavern Road Texaco, LLC, owner of Assessor's Parcel Number 403-380-42, for the San Diego County Flood Control District (District) to summarily vacate a drainage easement that encumbers a portion of Tavern Road Texaco, LLC's property. The drainage easement is dedicated to the District and is in an unincorporated area of San Diego County in Alpine within the Alpine Community Plan Area. The easement is considered excess to the District because the easement contains no drainage facilities within it and there are no other public facilities within the easement that would be affected by this vacation.

A summary vacation is a streamlined process by which a public service easement is abandoned through one action. This may be requested by the public if the easement is found to be excess to District needs and is not required for the purpose for which it was obtained. In many cases, summarily vacating a public service easement can be a public benefit through improved use of the land made available by the vacation. In this case, the road vacation would offer a public benefit by enhancing the usability of the newly available land, without hindering any future development plans. Today's request is for the Board of Directors (Board) of the District to adopt a Resolution to summarily vacate the drainage easement.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it would not have a direct or indirect effect on the environment as it will only result in the vacation of an unnecessary easement interest and the action is not a project as defined in State CEQA Guidelines section 15378 because it is an administrative action to vacate an unused easement interest, and even if such action was subject to review under CEQA, it is categorically exempt under CEQA Guidelines Section 15305

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because it is a minor alteration in land use limitation in an area with a slope of less than 20% that will not result in land use or density changes.

2. Find that the drainage easement is no longer required for District purposes.
3. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A DRAINAGE EASEMENT IN THE ALPINE AREA (VACATION NO. 2024-0212) (DISTRICT 2).
4. Direct the Clerk of the Board to record the Resolution for Vacation No. 2024-0212 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The removal of an encumbrance from private land that is no longer needed for drainage purposes will provide an overall public benefit and improve use of the land made available by the termination of the easement. The property is zoned freeway commercial and summarily vacating the easement will allow the owner to develop the property where the portion of the easement is located.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to summarily vacate a drainage 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 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 \$5,500 to process the proposed vacation. The funding source is a deposit from the applicant seeking the vacation. 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 owner of Assessor's Parcel Number (APN) 403-380-42 has requested that the San Diego County Flood Control District (District) summarily vacate a drainage easement encumbering a portion of the property. A summary vacation is a streamlined process by which a public service easement is abandoned through one action. This may be granted by the District if the easement is found to be excess to District needs and is not required for the purpose for which it was obtained.

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This drainage easement was dedicated to the District by easement grant deed recorded on August 6, 1999. The easement is in the unincorporated community of Alpine within the Alpine Community Plan Area (Attachment A). The drainage easement is approximately 2,150 square feet. The Department of Public Works (DPW) operates and administers the District and has determined the easement depicted in Attachment B is no longer required.

This is a request to take the necessary actions in accordance with the State of California Streets and Highways Code Section 8333(c) to summarily vacate a public service easement. The Public Streets, Highways, and Service Easements Vacation Law and the State of California Streets and Highways Code Section 8300, et seq. (Act) establish procedures whereby a legislative body may initiate proceedings to vacate a public street, highway, or public service easement that is not required for public purposes. The summary vacation can be completed by Board approval and adoption of the Resolution attached as Attachment C.

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

1. The drainage easement is considered an excess public service easement because the District has no facilities within the easement, it is not extended downstream on the adjacent properties and the proposed design of the subject property will be managing the runoff without using the easement limits. Therefore, the drainage easement may be summarily vacated pursuant to State of California Streets and Highways Code Section 8333 because the District determined the easement has not been used for the purpose for which it was dedicated and is not needed for that purpose.
2. Pursuant to State of California Streets and Highways Code Section 8334.5, the District 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. Staff has considered the use of the easement area for non-motorized transportation. The easement to be summarily vacated is not used or planned for use for non-motorized transportation uses. Accordingly, the easement area is not useful as a non-motorized transportation facility.
4. Pursuant to State of California Streets and Highways Code Section 8313 and Government Code Section 65402, the County's Department of Planning & Development Services has reviewed the proposed action and determined it is in conformity with the San Diego County General 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 land that is no longer needed for public service purposes. 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.

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ENVIRONMENTAL STATEMENT

Find the proposed summary vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15060(c)(2) and 15060(c)(3) because the action is administrative in nature to terminate an easement which has not been improved or used for the purpose for which it was dedicated and would not have a reasonably foreseeable direct or indirect effect on the environment and is not a project subject to CEQA section 15378. Since the proposed action would merely remove encumbrances from title and not result in any physical change in the environment and is in an area with a slope of less than 20%, it is also exempt from CEQA review pursuant to Section 15305 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 drainage easement that is excess to the District's needs and is unnecessary for public service purposes.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Dahvia Lynch', with a stylized flourish extending to the right.

DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A - Location Map

ATTACHMENT B - Vacation Exhibit

ATTACHMENT C - RESOLUTION TO SUMMARILY VACATE A DRAINAGE EASEMENT, IN THE ALPINE AREA (VACATION NO. 2024-0212) (DISTRICT 2), including EXHIBITS "A" and "B".