

RESOLUTION PC 25-5179

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING TO THE CITY COUNCIL THE SUMMARY VACATION AND ABANDONMENT OF PUBLIC RIGHT-OF-WAY FOR PORTION OF LA CIENEGA ROAD, RESERVING THEREFROM UTILITY RIGHTS AT 1829 ELENA DRIVE

VAC 25-0002
City of San Marcos

Brief Legal Description and Depiction: Refer to Exhibits A and B

WHEREAS, staff considered the vacation and abandonment of public street for a portion of La Cienega Road located at 1829 Elena Drive, Assessor's Parcel Number 182-081-17-00, which parcel is located west of North Twin Oaks Valley Road; the affected portion of La Cienega Road is more particularly described and depicted in Exhibits A and B; and

WHEREAS, La Cienega Road was dedicated as in-fee title for public street purposes by Map 806 recorded December 21, 1895 in the Office of the County Recorder of San Diego County; and

WHEREAS, California Streets and Highways Code (CSHC) Section 8334(a) provides that the legislative body of a local agency may summarily vacate an excess right-of-way or highway not required for street or highway purposes, and staff have determined that the street proposed to be vacated is in excess; and

WHEREAS, CSHC Section 8340(c) provides that if there are in-place public utility facilities that are in use, a public entity shall, unless the legislative body determines the public convenience and necessity otherwise require, reserve, and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities; and

WHEREAS, utility rights are to be reserved from the public street vacation and the existing utilities in place will remain unaffected by the vacation of public street; and

WHEREAS, in accordance with Streets and Highways Code Section 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted General Plan; and

WHEREAS, on a regularly-scheduled and duly noticed meeting held on October 20, 2025, the Planning Commission did consider the proposed summary vacation of street right-of-way; and

WHEREAS, the proposed summary vacation of the public right-of-way is Categorically Exempt (EX24-010) pursuant to California Environmental Quality Act (CEQA) Section 15305 Class 5.

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends that the City Council approve the summary vacation of this public street right-of-way reserving from utility rights as described and depicted on the attached Exhibits A and B, incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The Planning Commission's decision is based on the following findings and determinations:
 - 1. The proposed right-of-way vacation is consistent with the City's General Plan.
 - 2. The proposed right-of-way vacation complies with the objectives of the adopted City-wide Land Use Policy Plan and Mobility Element.
 - 3. The affected right-of-way is hereby determined to be excess and not required for street or highway purposes.
 - 4. The street vacation proposes to reserve and except from the vacation utility rights as necessary to maintain, operate, replace, remove, or renew the public utility facilities on La Cienega Road.
 - 5. The proposed right-of-way vacation will not be detrimental to public health, safety, and welfare.
 - 6. All requirements of California Environmental Quality Act (CEQA) have been met in that the proposed street vacation will not have a significant effect on the environment and is Categorically Exempt pursuant to CEQA Section 15305 Class 5.
- D. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii)

any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 20th day of October, 2025 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Fatima Rios, Chairperson

ATTEST:

Gina Jackson, Senior Office Specialist

Exhibit(s):

Exhibit A – Street Vacation Legal Description

Exhibit B – Plat of Street Vacation