



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE June 11, 2015	CONTACT/PHONE Holly Phipps (805) 781-1162 hhipps@co.slo.ca.us	APPLICANT County of San Luis Obispo Public Works Department	FILE NO. DTM2014-00005
DETERMINATION DATE June 4, 2015			
SUBJECT Determination of conformity with the General Plan for the abandonment of the Public's interest (constituting road abandonment) of "K" Street between Encina Avenue and Margarita Avenue as well as the remainder of the alleyway adjacent to lots 24 thru 32 of Block 122 (Exhibit enclosed) in the community of Santa Margarita. The road abandonment is in response to a request by Mr. Taylor Muhly. The parcels are located within the Residential Single Family land use category in the community of Santa Margarita, in the North County Planning area, Salinas River Sub Area.			
RECOMMENDED ACTION Receive and file the determination that the proposed road abandonment is in conformance with the County's General Plan.			
ENVIRONMENTAL DETERMINATION This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.			
LAND USE CATEGORY Residential Single-Family	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 069-153-014, -016, 069-154-010, -011, 055, and 006	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS & LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Driveway and Road Right of Way			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single-Family / residential <i>East:</i> Residential Single-Family / residential <i>South:</i> Residential Single-Family / residential <i>West:</i> Residential Single-Family / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Public Works, San Miguel Area Advisory Council			
TOPOGRAPHY: Gently sloping		VEGETATION: Scattered oak trees, ornamental vegetation, grasses	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Santa Margarita Fire			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

### Project Description

The proposed project is a request for the abandonment of the Public's interest (constituting road abandonment) of "K" Street between Encina Avenue and Margarita Avenue as well as the remainder of the alleyway adjacent to lots 24 thru 32 of Block 122 (Exhibit enclosed), a portion of the County's real property interests in the community of Santa Margarita. The road abandonment is in response to a request by Mr. Taylor Muhly.

K-Street is approximately 455 feet long and connects to Encina Avenue. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties are single-family residences and accessory structures.

The County of San Luis Obispo Department of Public Works submitted a letter of support for Mr. Muhly's request for the road (easement) vacation. A road (easement) vacation effectively eliminates the public's interest in that portion of "K" Street between Encina Avenue and Margarita Avenue as well as the remainder of the Alley Way adjacent to lots 24 thru 32 of Block 122, leaving the underlying ownership (the applicants) without legal obligation to allow public access.

California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement is in conformity with the County's General Plan. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property.

### General Plan Conformity

When the acquisition or abandonment of real property or the construction of structures is proposed by a public agency within the unincorporated area, the proposal must be evaluated for consistency with the County General Plan before the action is authorized. Pursuant to Government Code section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the County's General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the applicable General Plan elements, specific plan and/or facility master plan.

*Staff Response: The proposed project complies with the pertinent policies, General Plan elements, and the North County Planning area, Salinas River Sub Area. The applicant is requesting the abandonment of the Public's interest (K-Street between Encina Avenue and Margarita Avenue and the Alley Way adjacent to lots 24 thru 32 of Block 122) be vacated. Title 22, Chapter 22.92 would require that any new road alignments proposed for new land divisions be required to be constructed and designed to minimize terrain disturbance which is not applicable to this project.*

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan elements.

*Staff Response: The proposed project is consistent with these goals and policies of the Land Use Element because the property will have legal access and all-weather physical access to a public road (Encina Avenue).*

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

*Staff Response: Not applicable.*

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

*Staff Response: The abandonment (road vacation) will not interfere with the opportunity to develop on adjacent properties. The abandonment of County property removes the encumbrance of the platted road to the adjoining property owners, who is the sole user of this road as it provides no connectivity to other areas of the County or other properties.*

#### Determinations and Findings

The proposed abandonment (road vacation) is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. These properties are zoned Residential Single-Family and are currently developed with single family residences. This road (easement) vacation will not eliminate these residential uses from continuing or expanding.
- B. The elimination of the County road easement would not eliminate, delay interest in, or conflict with other elements of the County General Plan because eliminating the Public's interest to the adjoining private property owners is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. Any future development would require further review and an environmental determination. Such development would be reviewed for compliance with applicable general plan policies and land use ordinance standards, and would require an environmental determination in accordance with the California Environmental Quality Act (CEQA).
- D. The abandonment of the Public's interest constituting "K" Street between Encina Avenue and Margarita Avenue as well as the remainder of the Alley Way adjacent to lots 24 thru 32 of Block 122 will not conflict with the applicable sections of the General Plan because the residential properties will continue to have safe access to their homes via Encina Avenue, a county maintained road.

Attachments

1. Graphics
2. Public Works Memorandum dated March 25, 2015
3. Taylor Muhly Road Abandonment Request

Staff report prepared by Holly Phipps and reviewed by Fred Andrews and Steven McMasters.