



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

Promoting the wise use of land

MEETING DATE May 26, 2016	CONTACT/PHONE James Caruso jcaruso@co.slo.ca.us (805) 781-5702	APPLICANT Eileen Roach/Kevin Main	FILE NO. DTM2015-00008
DETERMINATION DATE April 29, 2016			
SUBJECT Determination of conformity with the General Plan for the vacation of the northerly half of Cypress Glen Ct between E Street and Little Cayucos Creek. The request is in response to an application submitted by Eileen Roach and Kevin Main, owners of properties on the north side of Cypress Glenn Ct. The project site is located in the Residential Multi-family land use category within the community of Cayucos in the Estero Planning Area.			
RECOMMENDED ACTION Receive and file the determination that the proposed vacation is in conformity with the County 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 Multi Family Recreation	COMBINING DESIGNATION Local Coastal Plan, Flood Hazard, Environmentally Sensitive Habitat Areas (ESHA), Streams and Riparian Vegetation (SRV)	ASSESSOR PARCEL NUMBER N/A – Right of Way	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Estero Planning Area – Section III Areawide: Resource Protection, Light & Glare, Section V. Cayucos Urban Area Standards: Communitywide, Residential Multi Family, Building Height & Setbacks, Combining Designation: (SRA) Coastal Streams Setbacks			
LAND USE ORDINANCE STANDARDS: Section 23.07.176 – Section 23.07.120 - Local Coastal Program Area, Section 23.07.160 - Sensitive Resource Area, Section 23.07.170 Environmentally Sensitive Habitat, Section 23.07.174 – Streams and Riparian Vegetation, 23.07.104 Archaeologically Sensitive Areas.			
EXISTING USES: Private road			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi Family/Residences East: Residential Single Family/Residences South: Residential Multi Family/Residences West: Residential Multi Family/Residences/Little Cayucos Creek			
TOPOGRAPHY: Generally level			
PROPOSED SERVICES: Water Supply: N/A Sewage Disposal: N/A Fire Protection: N/A			

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 vacation of the fronting portion of the County's road easement constituting Cypress Glen Ct (Attachment 2) on behalf of a request submitted by Eileen Roach and Kevin Main (see Attachment 4). The County of San Luis Obispo Department of Public Works has submitted a letter supporting the application for vacation and a recommendation the limits be expanded to include all of Cypress Glen Ct from E Street to Little Cayucos Creek (Attachment 3). Cypress Glen Ct between Little Cayucos Creek and D Street was previously abandoned in 1998.

Cypress Glen Ct provides access to 4 parcels and is currently a paved driveway approximately 18 feet wide. Ornamental landscaping is located on the north side of the road and grasses, other ornamentals and riparian vegetation exists on the south side of the road.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. 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. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed within an unincorporated area, the proposal must be evaluated for consistency with the 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 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 most applicable General Plan elements, specific plan or facility master plan.

Staff Response: Cypress Glen Ct has never been accepted into the County's road maintenance system, is not needed for current or future circulation, and provides access to only a limited number of parcels. It is not currently used for public access by any other parcels in the neighborhood or nearby. The vacation of Cypress Glen Ct will not interfere with the opportunity to develop or access surrounding properties because adjacent residences can still be accessed from the private access easement that will remain after the public right is eliminated through the abandonment. The broader abandonment is supported by Public Works and complies with the pertinent policies, General Plan elements, and the Estero Planning Area Standards because the applicants have formally requested the existing county road easement (Cypress Glen Ct) be vacated.

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

Staff Response: The proposed project is consistent with the goals and policies of the Land Use Element because adjacent properties will have direct and legal access from the private access easement remaining after public access is eliminated back to a public maintained roadway (E Street).

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 (also known as vacation) will not interfere with the opportunity to develop or access adjacent properties. Currently, Cypress Glen Ct provides vehicular access to a limited number of parcels (four) and these lots will still have access after the abandonment. The abandonment of right of way will effectively eliminate public interest in the entirety of Cypress Glen Ct.

DETERMINATIONS AND FINDINGS

The proposed 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. Surrounding properties are zoned Residential Multi Family and are currently developed with residences. The vacation will not eliminate these uses but will allow adjacent property owners to absorb the underlying property to potentially expand the existing uses.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating Public Road easement ownership to the adjoining private property owner (the applicants) 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 vacation of the County's road easement constituting Cypress Glen Ct 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 the private access easement remaining after the public's right is abandoned.

Attachments

1. Vicinity Map/Land Use Category Map
2. Cypress Glen Abandonments
3. Public Works Memorandum
4. Applicants Request

Staff report prepared by James Caruso and reviewed by Karen Nall.