



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

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

MEETING DATE July 28, 2016	CONTACT/PHONE Holly Phipps	APPLICANT Don Cummings	FILE NO. DTM2015-00011
DETERMINATION DATE July 21, 2016	hhipps@co.slo.ca.us (805) 781-1162		

**SUBJECT**  
This is a request for the determination of conformity with the General Plan for the partial road abandonment of portions of Circle Lane and Circle Drive in the community of Cayucos. The request is in response to an application submitted by Don Cummings owner of the adjacent property at the south intersection of Circle Lane and Circle Drive. Circle Lane is located in the Residential Single-Family land use category within the community of Cayucos in the Estero Planning Area Coastal Zone.

**RECOMMENDED ACTION**  
Receive and file the determination that the proposed road abandonment 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 Single-Family	COMBINING DESIGNATION None applicable	ASSESSOR PARCEL NUMBER N/A – County Right of Way	SUPERVISOR DISTRICT(S) 2
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**PLANNING AREA STANDARDS:**  
Estero Planning Area – Coastal Zone

**LAND USE ORDINANCE STANDARDS:**  
None applicable

**EXISTING USES:**  
County road

**SURROUNDING LAND USE CATEGORIES AND USES:**  
North: Residential Single Family / Residences  
East: Residential Single Family / Residences  
South: Residential Multi-Family / Residences  
West: Residential Single-Family / Residences

**TOPOGRAPHY:**  
Gently sloping

**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 a partial road abandonment of portions of Circle Lane and Circle Drive on behalf of a request submitted by Don Cummings (June 23, 2016). The portion of Circle Drive is currently an unused street and stub acting as a private driveway to 1895 Circle Lane. The south half of this stub was abandoned in 2000 (Resolution 2000-298). Portions of Circle Lane would be added to applicant's front yard.

The County of San Luis Obispo Department of Public Works submitted a letter of support for the applicant's request for the partial road vacation (June 14, 2016). The Department of Public Works submitted a letter notifying the adjacent property owner of the vacation. The vacation effectively eliminates the public interest in that excess portions of Circle Lane and excess portions of Circle Drive, leaving the underlying ownership (the applicant) without the legal obligation to allow public access.

Additionally, Public Works on March 16, 2016 sent out referrals to the Cayucos Fire Department and to the Cayucos Citizens Advisory Council; no concerns were identified.

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: Excess portions of Circle Lane and excess portions of Circle Drive are an unused street and stub. The vacation of excess portions of Circle Lane and excess portions of Circle Drive will not interfere with the opportunity to develop or access surrounding properties because adjacent residences can still be accessed from a county maintained road (Circle Lane). The vacation is supported by Public Works and complies with the pertinent policies, General Plan elements, and the Estero Planning Area because the applicant has formally requested the existing county road easement (excess portions of Circle Lane and excess portions of Circle Drive) 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 to a public road because Circle Lane will still provide a minimum right-of-way width of forty (40) feet and the property at the end of Circle Drive will be accessed via a private easement.*

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. The abandonment of County property will effectively eliminate public interest in excess portions of Circle Lane and excess portions of Circle Drive to be vacated.*

### 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 Single-Family and Residential Multi-Family and are currently developed with residences.
- 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 portions of Circle Lane and Circle Drive 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 Circle Lane, a county maintained road. Additionally, Circle Lane will still provide a minimum right-of-way width of forty (40) feet.

### ATTACHMENTS

1. Graphics
  - Vicinity Map
  - Land Use Category Map
  - Aerial Map
  - Proposed Road Abandonment Site Plan
2. Road Abandonment Request – June 23, 2016
3. Public Works Memorandum – June 14, 2016

Staff report prepared by Holly Phipps and reviewed by Fred Andrews, Public Works Real Property Agent.