



Meeting Date: 4/9/2025 Item Number: 4b Time Estimate: N/A
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PLANNING COMMISSION AGENDA REPORT

SUBJECT: REQUEST TO ABANDON A 10-FOOT-WIDE PUBLIC RIGHT-OF-WAY BETWEEN 1998 AND 2006 SAN LUIS DRIVE IN THE R-1 ZONE (STAB-0759-2024)

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APPLICANT: Ben Kulick

REPRESENTATIVE: MBS Land Surveys

RECOMMENDATION

Adopt a Draft Resolution which finds that the abandonment of a 10-foot-wide public right of way between 1998 and 2006 San Luis Drive is in conformity with the General Plan and recommend that the City Council approve the abandonment by adopting a Resolution of Vacation.

1.0 COMMISSION'S PURVIEW

California Streets and Highway Code (CSHC) § [8313](#) requires the local planning agency to review and determine whether the location, purpose, and extent of a proposed street vacation or abandonment, conforms to the adopted General Plan and to make a recommendation to the City Council. The City Council will consider whether to adopt a Resolution of Vacation abandoning the right of way, recorded with the County Recorder.

2.0 SITE DATA

Adjacent Property Owners	Ben Kulick (Applicant), Michael Copeland
Property Owner	City of San Luis Obispo
Representative	MBS Land Surveys
Adjacent Zoning	Right-of-way adjacent to R-1 (Low-Density Residential) and C/OS (Conservation/Open Space) Zones
Adjacent General Plan Land Use	Right-of-way adjacent to Low Density Residential (LDR) Zone
Site Area	Right-of-way abandonment area is 1,667 sq. ft.
Adjacent Parcels	APN 001-251-009 (R-1) and APN 001-251-010 (R-1)
Environmental Status	Categorically exempt under Class 1, Existing Facilities (Section 15301(c) of the CEQA Guidelines)

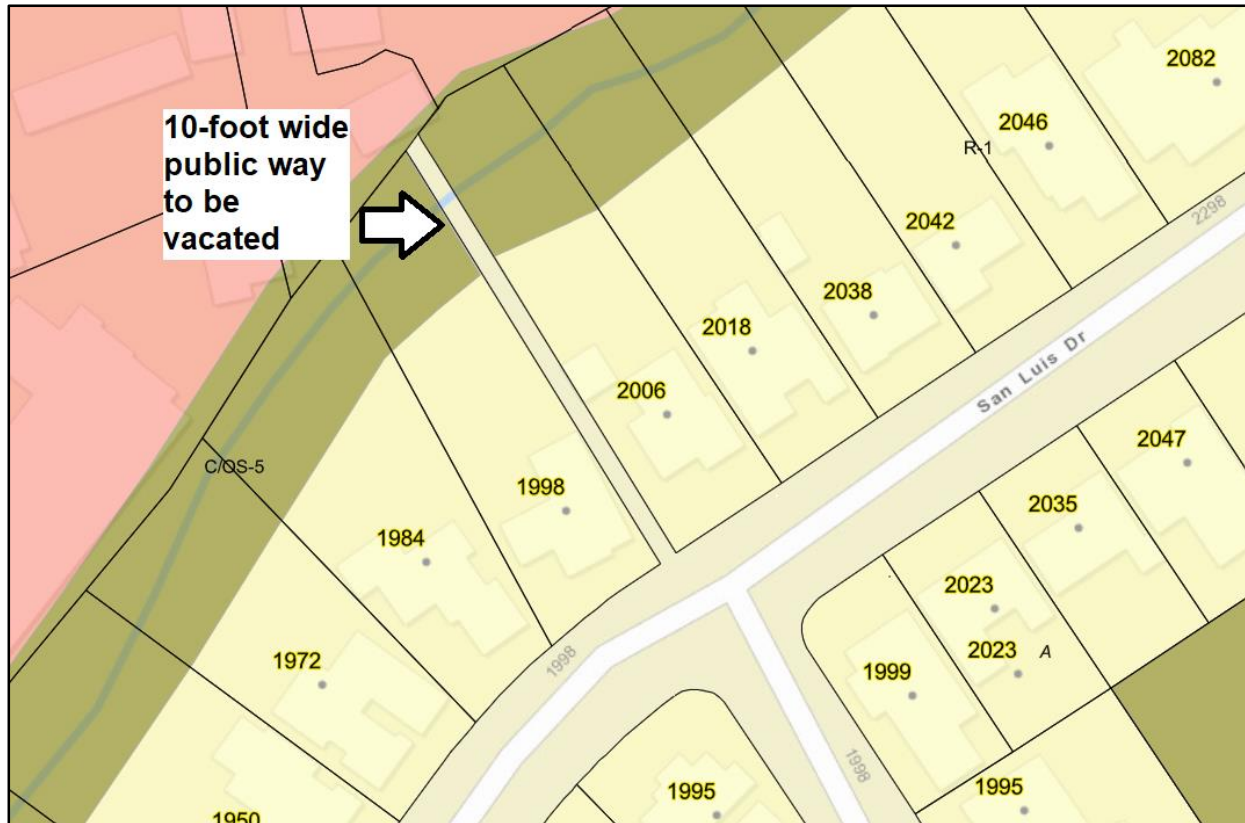


Figure 1: Zoning Map Image Showing Project Site and Neighboring Properties

3.0 PROJECT INFORMATION

3.1 Background

The City Planning Commission approved the acceptance of the 10-foot public way between 1998 and 2006 San Luis Drive on January 7, 1947, as shown in the Map of Tract No. 43 (**Attachment B**). The City Clerk recorded this acceptance on January 10, 1947, dedicating the land for public use. According to the Preliminary Title Report, the easement was originally intended to provide public access to San Luis Obispo Creek for recreational activities such as boating, fishing, swimming, and hunting.

However, the City has not utilized the public way for its intended purpose for at least five consecutive years, qualifying it for summary abandonment under California Streets and Highways Code (CSHC) § [8333](#). This means the easement may be abandoned by resolution of the Council without holding a public hearing on the abandonment. Additionally, in accordance with CSHC § [8334.5](#), there are no in-place public utility facilities in use that would be affected by the abandonment.

3.2 Project Description

The City of San Luis Obispo Public Works and Community Development Departments have received a request from adjacent property owners to abandon the public way to facilitate a lot line adjustment between their properties, subject to the City Council's approval of the abandonment. The new lot line, as proposed, would better align with existing site improvements, including a standing 6-foot-tall fence, as described in SLOMC § [16.18.040](#)(B).

The area proposed for abandonment is approximately 167 feet by 10 feet, comprising a 1,667 square foot area. Located within the R-1 Zone, the public way was dedicated over 70 years ago but has never been used by the public, nor has the City made any improvements to the site. Instead, the area has been utilized by the adjacent property owners, who have installed fencing, landscaping, and trees.

If approved, the abandonment would result in one-half (five feet) of the easement reverting to each adjacent property owner (1998 and 2006 San Luis Drive), enabling them to proceed with a lot line adjustment application. The proposed abandonment would not alter the visual or functional use of the area as seen from the street or surrounding properties.

Before the City finalizes the right-of-way abandonment, any easements necessary for access or drainage must be recorded to ensure continued functionality and legal access. This condition (**Attachment A**) ensures that critical infrastructure and property rights are preserved before the right-of-way is officially abandoned. City staff and utility providers have confirmed that no public utilities or infrastructure exist within the right-of-way, and there are no identified private access concerns. As a result, no easements are expected to be required in this case. However, it is considered best practice to include this condition in the resolution as a safeguard, in case any unforeseen issues arise before finalizing the abandonment.

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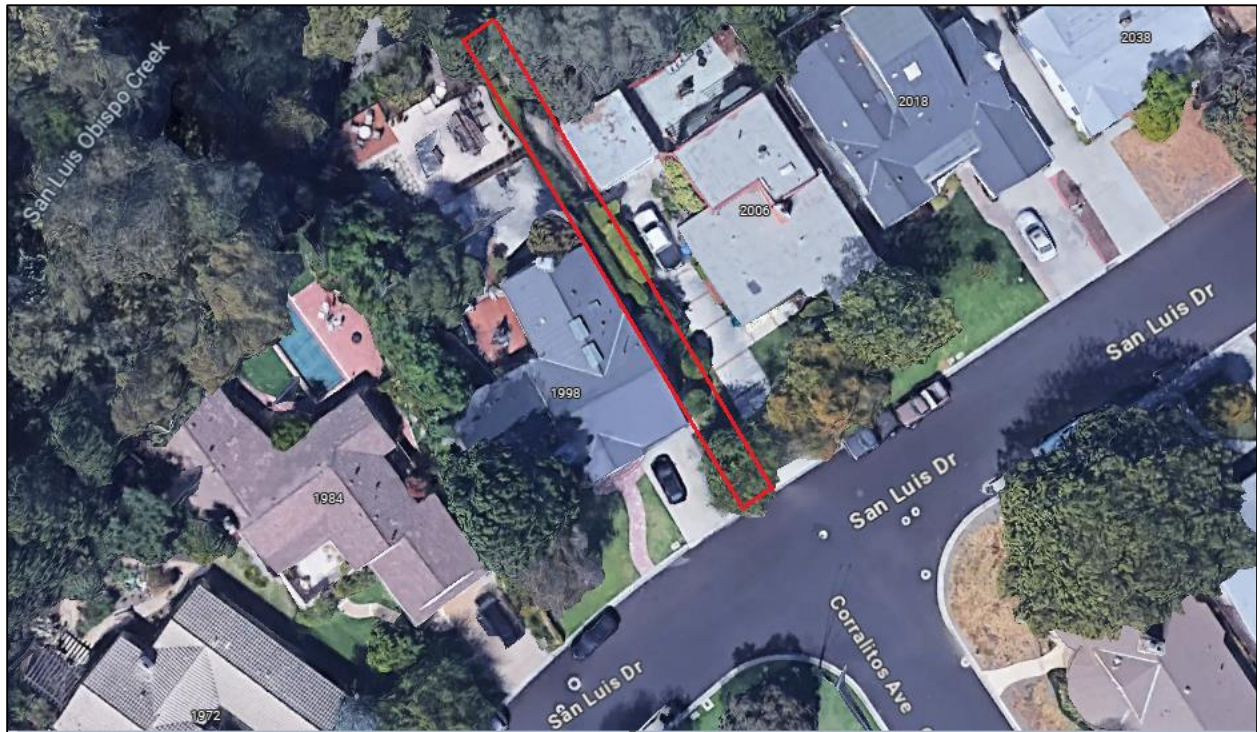


Figure 2: Google Map Image of 10-Foot Way to be Abandoned

4.0 PROJECT ANALYSIS

4.1 Consistency with the General Plan

San Luis Obispo Creek Protection (Land Use Element Policy 4.15)

The General Plan prioritizes the protection and restoration of San Luis Obispo Creek while minimizing human impact on creek life. While the General Plan encourages walking paths along the creek within the Downtown core, this segment is not within an area planned for such a connection. The subject public way was originally intended to provide access to the creek but has not been utilized for this purpose. Its abandonment will not introduce new disturbances to the creek and will allow for continued preservation of the riparian ecosystem, aligning with the City's goal to protect creek life.

Creek and Wetlands Management (Land Use Element Policy 6.6.1 & 6.6.3)

The General Plan emphasizes maintaining and restoring natural conditions while balancing public access where feasible. Since this segment has never functioned as a formal access point, its abandonment and reversion to private property aligns with the City's objective to minimize human impact on sensitive creek areas.

Street Network Changes (Circulation Element Policy 9.1.5)

The Circulation Element requires the City to reserve rights-of-way to ensure future transportation improvements are preserved. The subject public way does not serve an essential transportation function, and its abandonment does not impede future street network expansion, making it consistent with this policy.

Pedestrian Network and Public Access (Circulation Element Policy 5.1.2 and 5.1.4)

The City aims to maintain a continuous pedestrian network, prioritizing high-traffic areas for funding and infrastructure improvements. The public way in question has not been used for pedestrian access, and there is no planned connection to a larger trail system. Therefore, its abandonment does not conflict with pedestrian access goals.

Based on this analysis, the proposed abandonment of the 10-foot public way is in conformance with the City’s General Plan as it:

- Does not negatively impact the San Luis Obispo Creek environment.
- Does not impede planned or feasible future public access.
- It does not impact planned rights-of-way or street network expansions.
- It does not remove a critical pedestrian connection.
- The area is not identified for future public transportation or access improvements.

4.2 Public Utilities

The Survey Map provided with the application (**Attachment C**) states that Spectrum, PG&E, AT&T, and Southern Cal Gas all have utilities within the abandonment area. The Engineering Division has reached out to these utility companies to confirm if they have in-place facilities that would be impacted by the abandonment.

Spectrum has arterial facilities that cross the public way; however, these facilities do not depend on the existence of the public way and will not be impacted by the abandonment. AT&T similarly has facilities that are at the rear of each property owners’ home that will not be affected by the abandonment. PG&E and SoCal Gas do not have any facilities in the project area.

5.0 ENVIRONMENTAL REVIEW

The proposed abandonment of the 10-foot public way is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Class 1 (Existing Facilities) exemption (§15301), as it involves a minor right-of-way abandonment with no significant impact on land use or the environment. The site does not function as an active transportation corridor, and its abandonment will not affect public access, circulation, or creek restoration efforts. No physical changes or development are proposed, and the project is consistent with the General Plan.

6.0 OTHER DEPARTMENT COMMENTS

The proposed abandonment of the 10-foot-wide public right-of-way between 1998 and 2006 San Luis Drive has been reviewed by various City departments including Community Development, Public Works, Utilities and Fire. These departments have confirmed that there is no current or intended future use of the public way. Additionally, the City Biologist has confirmed that the easement has not been used in the last five consecutive years and that no future use is intended.

7.0 ALTERNATIVES

1. ***The Planning Commission may recommend that the abandonment be denied,*** based on findings that the abandonment is inconsistent with the General Plan. The abandonment has been found to be in conformance with the City’s General Plan and with the California Streets and Highway Code, and the abandonment area has not been utilized for its intended purpose for the entirety of its existence.
2. ***The Planning Commission may continue the request.*** If the Planning Commission continues action, then specific direction should be given to staff and the applicant regarding further information needed.

8.0 ATTACHMENTS

- A - **Draft PC Resolution** recommending the City Council abandon a 10-foot-wide public right of way between 1998 and 2006 San Luis Drive.
- B - **Map of Tract No. 43** showing acceptance of a 10-foot-wide public right of way between 1998 and 2006 San Luis Drive.
- C - **Survey Map** 1998 and 2006 San Luis Drive (STAB-0759-2024)