

## RESOLUTION NO. PC-XXXX-25

**A RESOLUTION OF THE CITY OF SAN LUIS OBISPO PLANNING COMMISSION FINDING THE PROPOSED STREET ABANDONMENT IN CONFORMITY WITH THE GENERAL PLAN AND RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION OF VACATION ABANDONING A 10-FOOT-WIDE PUBLIC RIGHT OF WAY BETWEEN 1998 AND 2006 SAN LUIS DRIVE. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW (CEQA) AS REPRESENTED IN THE PLANNING COMMISSION AGENDA REPORT AND ATTACHMENTS DATED APRIL 9, 2025 (STAB-0759-2024)**

**WHEREAS**, at a regular meeting of the Planning Commission of the City of San Luis Obispo, conducted in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on April 9, 2025, the Planning Commission considered application STAB-0759-2024, a request to abandon a 10-foot-wide public right-of-way between 1998 and 2006 San Luis Drive; and

**WHEREAS**, at said meeting, the Planning Commission reviewed the proposed abandonment for conformity with the City's General Plan per State Law and considered recommendation of summary abandonment to the City Council of San Luis Obispo; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the application, the testimony of interested parties and the evaluation and recommendations provided by staff.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of San Luis Obispo as follows:

**SECTION 1. Findings.** Based upon all evidence, the Planning Commission makes the following findings:

1. The proposed right-of-way abandonment is in conformity with the City's General Plan and any applicable Specific Plans or Zoning Regulations. The proposed abandonment does not conflict with long-term land use, circulation, or infrastructure plans, and the street is not identified as a key access route or planned improvement area.
2. The proposed right-of-way abandonment is not required for public vehicular or pedestrian access at present or in the foreseeable future. Based on a review of the City's traffic circulation plans, public infrastructure needs, and adjacent property access, it has been determined that the right-of-way serves no essential function in the City's transportation network.
3. The proposed right-of-way abandonment will not negatively impact public interest

or safety, including emergency vehicle access, utilities, or other critical public services.

4. The City has not utilized the public way for its intended purpose for at least five consecutive years, qualifying it for summary vacation under California Streets and Highways Code (CSHC) § 8333. The right-of-way proposed for abandonment has never been improved or used for its intended purposes of boating, fishing, swimming, hunting, and other recreational uses within the San Luis Obispo Creek, and no public funds have been expended over the last five years for its improvement.
5. Utility companies with easement rights in the area have been provided notice of the proposed abandonment and have confirmed that the abandonment will not impact any existing utility infrastructure. No easements are required to be reserved for public utilities, as there are no active facilities within the public way. Therefore, the proposed abandonment meets the criteria set forth in California Streets and Highways Code § 8334.5.

**SECTION 2. Environmental Determination.** The proposed abandonment of the 10-foot public right-of-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.

**SECTION 3. Action.** The Planning Commission hereby finds the proposed street abandonment in conformance with the General Plan and recommends the City Council adopt a Resolution of Intention to abandon a 10-foot-wide public right of way between 1998 and 2006 San Luis Drive subject to the following conditions:

1. Any required easements for purposes of access and drainage shall be recorded concurrent with or prior to recordation of a City Council resolution vacating previous offers of dedication.
2. All required pictorial exhibits and/or legal descriptions necessary to complete the abandonment process shall be provided by the project applicant to the satisfaction of the Public Works Director. All exhibits and/or legal descriptions shall be prepared by a Licensed Land Surveyor or Civil Engineer who is authorized to practice Land Surveying, in accordance with the California Business and Professions Code Section 8700 et seq.

3. The abandonment results in additional property to be deeded back to adjacent contiguous properties but does not constitute creation of a new parcel or lot.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_ and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was passed and adopted this 9<sup>th</sup> day of April 2025.

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Tyler Corey, Secretary  
Planning Commission