

RESOLUTION NO. 11531 (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, TO ABANDON PORTIONS OF SLACK STREET RIGHTS-OF-WAY AND TO DIRECT CITY STAFF TO SUBMIT A DETACHMENT APPLICATION TO THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION (LAFCO) (STAB-0038-2024 AND ANNEX-0219-2024)

WHEREAS, the Cal Poly 2025 Campus Master Plan was approved by the CSU Board of Trustees in May 2020, along with a Final environmental Impact Report. The Campus Master Plan is a long-range planning document that guides the development and use of the University's 1,321 -acre main campus, addressing all aspects of future physical development and land use on the campus to accommodate growth in student enrollment and in fulfillment of Cal Poly's academic mission. On February 14, 2024 the California State University approved EIR Addendum #1 for the Slack and Grand faculty/staff housing project, which addressed site constraints and feasibility for approval of a 33-unit single family residential development for Cal Poly staff and faculty, known as Vista Meadows, on a site approximately 8.5 acres in size; and

WHEREAS, an application has been submitted by Cal Poly University to request abandonment of approximately 35-feet of right-of-way width in the area adjacent to the Vista Meadows project in order to facilitate the Vista Meadows housing project. Abandonment of the new sidewalk to be installed in front of Vista Meadows, as well as sidewalk recently installed by Cal Poly on the west side of Grand Avenue, is proposed in order to transfer ownership, maintenance, and liability of the developed sidewalk frontage on Slack Street to Cal Poly; and

WHEREAS, a corresponding application for detachment has been submitted by Cal Poly to ensure that the City limit boundaries match the property boundaries associated with the areas of abandonment on the northern Slack Street frontage adjacent to Cal Poly. APN 052-082-028 on Hathway is also proposed for detachment in order to correct City limit boundaries at this location, as APN 052-082-028 is currently owned and previously developed by Cal Poly; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a Public Hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on September 25, 2024, for the purpose of considering applications STAB-0038-2024 and ANNEX-0219-2024, including making a General Plan conformity determination per State law, for considering constraints and conditions for the proposed right-of-way abandonment, and for formulating a recommendation to the City Council on a request for abandonment of excess street rights-of-way on portions of Slack Street and for detachment to modify City limit lines; Cal Poly University, applicant; and

WHEREAS, research of the title report shows that the City of San Luis Obispo does not have fee ownership of land underlying the street rights-of-way on Slack Street; and

WHEREAS, the Planning Commission found that the proposed rights-of-way abandonment is consistent with the City's General Plan, and recommended that the City Council approve the abandonment, based on findings and subject to conditions as indicated in the Planning Commission Resolution, incorporated herein by reference as Exhibit A; and

WHEREAS, the City Council of the City of San Luis Obispo considered the Resolution of Intent in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on October 15, 2024, pursuant to a proceeding instituted under application STAB-0038-2024, Cal Poly University, applicant as required by California Streets and Highways Code Section 8320; and

WHEREAS, the City Council of the City of San Luis Obispo held a duly noticed public hearing on November 12, 2024 in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, to consider the Resolution to Abandon portions of Slack Street rights-of-way and to direct City staff to submit a detachment application to LAFCO, pursuant to a proceeding instituted under application STAB-0038-2024 and ANNX-0219-2024, Cal Poly University, applicant, as required by California Streets and Highways Code Section 8320; and

WHEREAS, notices of said City Council public hearing were made at the time and in the manner required by law; and

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

SECTION 1. Findings. Based upon all the evidence, the City Council makes the following findings to abandon of a portion of Slack Street and to initiate the process of detachment of a portion of Slack Street and property on Hathway from the City of San Luis Obispo by authorizing staff to make application for detachment to the San Luis Obispo Local Agency Formation Commission (LAFCO).

1. The proposed right-of-way abandonment, with the reservation of appropriate utility and access easements, is consistent with the General Plan because it is no longer needed for present or future public purposes since this portion of the road will be improved to City standards with the Vista Meadows housing project.
2. The right-of-way abandonment will benefit the general public by allowing private management of the driveway entries, allowing pedestrian and vehicular circulation improvements, allowing for private maintenance of proposed and existing private drainage facilities, landscape areas, and sidewalks, eliminating unused right-of-way, and eliminating the City's costs for maintaining infrastructure within the right-of-way that is being abandoned.

3. The proposed abandonment and detachment are consistent with the General Plan, including Land Use Element Policies 1.12.2, 2.6.1, and 2.6.5, and Housing Element Policies 8.3 and 8.6 related to campus housing for Cal Poly, and Circulation Element Policies 5.1.3, 8.1.3, and 9.1.1 which require that new developments provide sidewalks, assume fair share of responsibility for constructing circulation improvements, and reduce or maintain vehicular speeds in residential neighborhoods.
4. In accordance with the public hearing duly held on November 12, 2024, pursuant to Section 8300 et seq. of the California Streets and Highways Code, the City Council finds and determines that the portion of public way, as described and shown on the map and legal descriptions, attached hereto and incorporated herein, is not necessary for present or future public street purposes.
5. The detachment of areas on Slack Street and APN 052-082-028 on Hathway will create appropriate jurisdictional boundaries for properties at Cal Poly, including correction of historical boundary inconsistencies, and will prevent properties from having dual jurisdiction upon abandonment of right-of-way.
6. The proposed right-of-way abandonment and detachments are consistent with the Final Environmental Impact Report for the Cal Poly 2035 Master Plan (State Clearinghouse No. 2016101003) certified in May 2020 by the California State University (CSU) Board of Trustees San Luis Obispo, and the EIR Addendum #1 approved by the California State University on February 14, 2024, for the Slack and Grand faculty/staff housing project. In addition, the adjustment of City limits at the proposed locations west of Grand Avenue and on Hathway qualify for a Class 19 CEQA categorical exemption, which exempts annexations containing existing public structures developed to the density allowed by the current zoning.

SECTION 2. Approval. The City Council does hereby adopt a resolution to abandon a portion of Slack Street and approve the filing of an application for detachment of a portion of Slack Street and property on Hathway with the San Luis Obispo Local Agency Formation Commission (LAFCO), subject to the following conditions:

1. The new monuments set to describe the boundaries of Slack Street and the adjoining property corners for all affected parcels shall be documented by a Record of Survey.
2. Public and private utility companies shall receive notice of vacation. Reservation of easements for existing public utilities, including water and sewer, shall be required, to the satisfaction of the respective utility companies, along with any revisions to those facilities as a result of development of the Vista Meadows project on Slack Street.
3. 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.

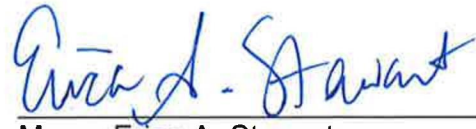
4. All required pictorial exhibits and/or legal descriptions necessary to complete the abandonment process shall be provided by the project applicant to the satisfaction of the Public Works Director. All exhibits and/or legal descriptions shall be prepared by a Licensed Land Surveyor or Civil Engineer who is authorized to practice Land Surveying, in accordance with the California Business and Professions Code Section 8700 et seq.
5. Reservation of an easement for pedestrian access on the northern sidewalk on Slack Street frontage (both east and west of Grand Avenue), or a separate pedestrian access easement, shall be recorded prior to recordation of abandonment, to the satisfaction of the City Engineer and the City Attorney, for preservation of public pedestrian access along the sidewalk.
6. A revision to encroachment permit ENCR-0470-2024 shall be submitted by the applicant to include two (2) speed humps on Slack Street for traffic calming. The design of the speed humps shall be to the satisfaction of the Public Works Director. Speed humps shall be installed prior to permit final.
7. The applicant shall submit payment for encroachment permit ENCR-0470-2024, in accordance with the City's 2023-24 Comprehensive User Fee schedule, to reimburse the City for staff time associated with plan check and construction inspection for public improvements on Slack Street.
8. Cal Poly has committed to supporting a future land value offset for City acquisition of land for utilities (water reservoir) at Cal Poly as a land exchange for the abandonment of 1.72 ± acres right of way on Slack Street.
9. Conditions of Approval shall be fulfilled prior to recordation of the City Council Resolution of Abandonment. Recordation of the City Council Resolution of Abandonment with the County Recorder shall complete the action to abandon right-of-way on Slack Street.
10. Informational note: the abandonment does not constitute creation of a separate lot or a potential future subdivision.

SECTION 3. The City Clerk shall cause a certified copy of this Resolution of Abandonment, duly attested under the seal of the City, to be recorded in the Office of the San Luis Obispo County Recorder.

Upon motion of Council Member Marx, seconded by Council Member Shoresman, and on the following roll call vote:

AYES: Council Member Francis, Marx, Shoresman, Vice Mayor Pease,
and Mayor Stewart
NOES: None
ABSENT: None

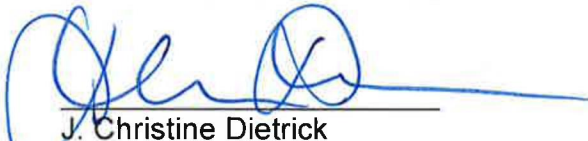
The foregoing resolution was adopted this 12th day of November 2024.


Mayor Erica A. Stewart

ATTEST:


Teresa Purrington
City Clerk

APPROVED AS TO FORM:


J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on November 14, 2024.


Teresa Purrington
City Clerk

RESOLUTION NO. PC-1091-2024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION OF INTENTION TO ABANDON A PORTION OF SLACK STREET AND RECOMMENDING CITY COUNCIL APPROVE THE DETACHMENT OF ABANDONED AREAS ON SLACK STREET AND PROPERTY ON HATHWAY FROM THE CITY OF SAN LUIS OBISPO (CAL POLY SAN LUIS OBISPO UNIVERSITY) ANNEX-0219-2024, STAB-0038-2024

WHEREAS, a duly noticed Public Hearing before the Planning Commission of the City of San Luis Obispo was held on September 25, 2024, in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, for the purpose of considering applications ANNEX-0219-2024 and STAB-0038-2024, a request to abandon a portion of Slack Street and a proposed detachment of a portion of Slack Street and a property on Hathway; and

WHEREAS, said public hearing was for the purpose of reviewing the proposed abandonment of street right-of-way for conformity with the City's General Plan per State law, for considering constraints or conditions for the proposed right-of-way abandonment per City policy, and forwarding the abandonment and detachment recommendations to the City Council of the City of San Luis Obispo; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

Section 1. Findings. Based upon all the evidence, the Commission makes the following findings in support of the intention to abandon of a portion of Slack Street as a recommendation to City Council, and recommends the City Council initiate the process of detachment of a portion of Slack Street and property on Hathway from the City of San Luis Obispo by authorizing staff to make application for detachment to the San Luis Obispo Local Agency Formation Commission (LAFCO).

1. The proposed right-of-way abandonment, with the reservation of appropriate utility and access easements, is consistent with the General Plan because it is no longer needed for present or future public purposes since this portion of the road will be improved to City standards with the Vista Meadows housing project.
2. The right-of-way abandonment will benefit the general public by allowing private management of the driveway entries, allowing pedestrian and vehicular

circulation improvements, allowing for private maintenance of proposed and existing private drainage facilities, landscape areas, and sidewalks, eliminating unused right-of-way, and eliminating the City's costs for maintaining infrastructure within the right-of-way that is being abandoned.

3. The proposed abandonment and detachment are consistent with the General Plan, including Land Use Element Policies 1.12.2, 2.6.1, and 2.6.5, and Housing Element Policies 8.3 and 8.6 related to campus housing for Cal Poly, and Circulation Element Policies 5.1.3, 8.1.3, and 9.1.1 which require that new developments provide sidewalks, assume fair share of responsibility for constructing circulation improvements, and reduce or maintain vehicular speeds in residential neighborhoods.
4. The detachment of areas on Slack Street and APN 052-082-028 on Hathway will create appropriate jurisdictional boundaries for properties at Cal Poly, including correction of historical boundary inconsistencies, and will prevent properties from having dual jurisdiction upon abandonment of right-of-way.
5. The proposed right-of-way abandonment and detachments are consistent with the Final Environmental Impact Report for the Cal Poly 2035 Master Plan (State Clearinghouse No. 2016101003) certified in May 2020 by the California State University (CSU) Board of Trustees San Luis Obispo, and the EIR Addendum #1 approved by the California State University on February 14, 2024 for the Slack and Grand faculty/staff housing project.

Section 2. Recommendation. The Planning Commission does hereby recommend the City Council adopt a resolution of intention to abandon a portion of Slack Street and recommends the City Council approve the filing of an application for detachment of a portion of Slack Street and property on Hathway with the San Luis Obispo Local Agency Formation Commission (LAFCO), subject to the following conditions.

1. The new monuments set to describe the boundaries of Slack Street and the adjoining property corners for all affected parcels shall be documented by a Record of Survey.
2. Public and private utility companies shall receive notice of intention to vacate prior to the City Council hearing. If the Council determines that the right-of way should be abandoned, reservation of easements for existing public utilities, including water and sewer, shall be required, to the satisfaction of the respective utility companies, along with any revisions to those facilities as a result of development of the Vista Meadows project on Slack Street. Specific details will be determined during the abandonment process, prior to adoption of a final abandonment resolution by the City Council.

3. If the Council approves the right-of-way abandonment, 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.
4. 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.
5. The abandonment resolution of the City Council shall include reservation of an easement for pedestrian access on the northern sidewalk on Slack Street frontage (both east and west of Grand Avenue), or a separate pedestrian access easement shall be recorded prior to abandonment, to the satisfaction of the City Engineer and the City Attorney for preservation of public pedestrian access along the sidewalk.
6. A revision to encroachment permit ENCR-0470-2024 shall be submitted by the applicant to include two (2) speed humps on Slack Street for traffic calming. The design of the speed humps shall be to the satisfaction of the Public Works Director. Speed humps shall be installed prior to permit final.
7. The applicant shall submit payment for encroachment permit ENCR-0470-2024, in accordance with the City's 2023-24 Comprehensive User Fee schedule, to reimburse the City for staff time associated with plan check and construction inspection for public improvements on Slack Street.
8. Cal Poly has committed to supporting a future land value offset for City acquisition of land for utilities (water reservoir) at Cal Poly as a land exchange for the abandonment of 1.72 ± acres right of way on Slack Street.
9. Informational note: the abandonment does not constitute creation of a separate lot or a potential future subdivision.

On motion by Commissioner Jorgensen, seconded by Vice Chair Houghton, and on the following roll call vote to wit:

AYES: Commissioner Jorgensen, Commissioner Flores, Vice Chair Houghton,
and Chair Cooley
NOES: None
REFRAIN: None
ABSENT: Commissioners Kahn, Munoz-Morris, and Tolle

The foregoing resolution was passed and adopted this 25th day of September 2024.



Tyler Corey, Secretary
Planning Commission



Office of the City Clerk

990 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7100
slocity.org

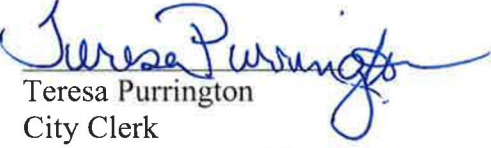
CERTIFICATION

I, Teresa Purrington, City Clerk, do hereby certify under penalty of perjury the foregoing instrument to be a full, true, and correct copy of Resolution No. 11531 (2024 Series), adopted by the San Luis Obispo City Council on November 12, 2024, now on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF SAN LUIS OBISPO.

DATED: November 12, 2024




Teresa Purrington
City Clerk
City of San Luis Obispo