



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

**SUBDIVISION REVIEW BOARD**

MEETING DATE March 7, 2016	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Patrick Rusco	FILE NO. CO 15-0042 SUB2015-00006
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**SUBJECT**  
A request by **PATRICK RUSCO** for a Tentative Parcel Map (CO 15-0042) to subdivide an existing 6.36 acre parcel into two parcels of 2.67 and 3.69 acres each for the purpose of sale and/or development. The proposal also includes the abandonment of un-named offer of dedication for road right-of-way located on proposed Parcel 1 and on proposed Parcel 2 that was offered as part of Tract 681. The project includes off-site road improvements to Orcutt Road. The project will result in the disturbance of approximately 2.0 acres of the 6.36 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 1590 Tiburon Way, on the northeastern corner of Orcutt Road/Tiburon Way, adjacent to the southeastern boundary of the City of San Luis Obispo. The site is in the San Luis Obispo North Sub-area of the San Luis Obispo planning area.

- RECOMMENDED ACTION**
1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
  2. Approve Tentative Parcel Map CO 15-0042 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

**ENVIRONMENTAL DETERMINATION**  
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 28, 2016 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Noise, Public Services and Utilities, Transportation/Circulation and Water and are included as conditions of approval.

LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NUMBER 076-532-006	SUPERVISOR DISTRICT(S) 3
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**PLANNING AREA STANDARDS:**  
22.96.060F.1 – San Luis Obispo Urban Area Standards for the Residential Suburban land use category

**LAND USE ORDINANCE STANDARDS:**  
Superseded by Planning Area standards

**EXISTING USES:**  
Single family residence on Parcel 1

**SURROUNDING LAND USE CATEGORIES AND USES:**  
*North:* Residential Suburban/Residences      *East:* Residential Suburban/Residences  
*South:* Residential Suburban/Residences      *West:* City of San Luis Obispo

**OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:**  
The project was referred to: Public Works, Environmental Health, County Parks, CalFire, Airport Manager, City of San Luis Obispo

TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Grasses, shrubs, sycamores, ornamentals
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PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE: November 12, 2015
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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

## ORDINANCE COMPLIANCE

### Minimum Parcel Size

Normally the minimum parcel size for a property designated Residential Suburban is between one and three acres, however, planning area standards for properties within Tract 681 as described in the San Luis Obispo Area Plan require a minimum parcel size of two acres (see discussion below).

### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

### *Inclusionary Housing Fees*

Inclusionary housing standards created under Ordinance 3169 (establishing Land Use Ordinance section 22.12.080) and Ordinance 3171 (establishing Title 29 of the County Code) were adopted by the Board of Supervisors on December 9, 2008. These ordinances are effective as of January 8, 2009. This project is not subject to the adopted ordinance because it involves construction of less than two primary dwelling units (one additional primary and two guesthouses could be built with this project).

### *Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

## PLANNING AREA STANDARDS

Section 22.96.060F.1 – San Luis Obispo Urban Area Standards for Residential Suburban, Tract 681 – The standards in this section include a minimum parcel size of two acres and a restriction that limits subdivision of existing parcels into only two parcels total. The standards also exclude construction of secondary dwellings. As proposed, the project meets these standards.

## COMBINING DESIGNATIONS

Airport Review Area - The project is within the Airport review area for the San Luis Obispo Regional Airport. The project was referred to the Airport Manager, who responded that an aviation easement needs to be established. The County's airport planner found the project consistent with the airport land use plan and recommended a condition be added to the project for an aviation easement to be recorded with the final map. The condition has been added to the project.

## ROAD ABANDONMENT

The project proposes to abandon a portion of the unnamed offer of dedication that is located on proposed Parcel 1 and the entire unnamed offer of dedication that is located on proposed Parcels 1 and 2. When Tract 681 was recorded in 1982, this subdivision was considered a likely location for annexation by the City of San Luis Obispo, so Tract 681 recorded rights-of-way for future road alignments to provide for roadways to serve a higher density development similar to the residential single family neighborhoods to the north currently within the City limits. In the thirty years since Tract 681 was recorded, the City of San Luis Obispo has recently annexed property to the west along Orcutt Road and considers the properties within Tract 681 to be part of the City's greenbelt. Since future annexation appears unlikely in the future, the

abandonment of the offers of dedication has been part of the majority of the subdivisions processed within Tract 681.

#### AGENCY REVIEW

**Public Works** – Recommends conditions for road improvements, drainage, stormwater, and utilities (see attached referral response for specific conditions)

**Environmental Health** - Provide stocks for community water and on-site septic, soil testing for the undeveloped parcel, and documentation of any maintenance issues with the existing wastewater system

**County Parks** – Require Quimby fees

**CalFire** – No significant fire or safety concerns (see attached referral response for fire safety plan)

**Airport Manager** – Establish an avigation easement for the project

**HEAL SLO** – No significant health impacts identified

**City of San Luis Obispo** – No comments received

Environmental Health requested documentation of any maintenance issues with the existing wastewater system. *The property owner provided a letter stating that the existing system has not had any maintenance problems and has been inspected and maintained properly.*

While a referral response for this project was not received, on several recent subdivisions within Tract 681 the City of San Luis Obispo has stated that the project is inconsistent with City policies pertaining to areas within the City Greenbelt area. *When Tract 681 was recorded in 1982, the site was within the City of San Luis Obispo Urban Reserve Line and was anticipated to be annexed into the City. The original map showed offers of dedication for proposed street alignments that would connect to existing City streets to the north of the subdivision. County policies were adopted specific to Tract 681 that limited any new parcel size to two acres and limited residential density to one primary residence and a guesthouse, with no secondary dwellings allowed. These County policies will only allow each parcel to be subdivided once and will limit the development potential as described above. These limits on future development will keep large areas of the entire low density subdivision undeveloped and in open space. No mitigation measures requiring open space easements are being recommended because the project is consistent with adopted County policies.*

#### LEGAL LOT STATUS

The one lot was legally created by a recorded map (Tract 681) at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs  
and reviewed by Terry Wahler, Senior Planner