

BACKGROUND:

Parcel Map CO 13-0105 was approved on February 2, 2015. It includes two proposed parcels, and is located at the intersection of Mountain View Drive and Ramona Avenue, within the Community of Los Osos. Proposed Parcel 1 is approximately 45,653 square-feet in size and Proposed Parcel 2 is approximately 11,905 square-feet in size. The applicant is requesting an adjustment/exception to road and utility improvements. Title 21, the County's Real Property Division Ordinance, requires special findings to be made for adjustments and revised conditions of approval are also needed. This request is limited in scope to include only the additional findings and revisions to the conditions. The map approval stands and is not subject to review as part of the adjustment request.

The purpose of the Tentative Parcel Map is to allow separate ownership of two existing residences, and does not include any future development plans. Staff reevaluated the timing of the road improvements and determined that the road improvements and undergrounding of the existing utilities is premature because the residential development usually associated with land division has already occurred. The improvements can be captured with future residential development or further subdivision of the property. Similarly, overhead utility lines already exist at this site and throughout the surrounding neighborhoods. No new residential development is occurring and no purpose would be served by having undergrounded utilities at this single location.

ORDINANCE COMPLIANCE

Minimum Parcel Size

Section 23.04.028 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The two residences on the existing parent parcel are served by the Los Osos Community Services District community water system and waste water disposal is by individual septic tanks. The tentative parcel map will be required (through the conditions of approval) to have both resulting parcels connected to community sewer and community water systems prior to recordation of the final parcel map. The Land Use Ordinance compliance review was based on future connection to community sewer and water systems. The proposed parcels exceed the 6,000 square foot minimum parcel size required by this ordinance section. Resulting parcel 1 could potentially be further subdivided.

Adjustments to Road and Utility Improvement Standards

As a condition of approval of tentative maps, land owners applying for subdivisions may be required to dedicate a portion of their fronting property and construct road improvements to serve the development associated with the new parcels. The underlying purpose is to improve the circulation system for the area as the level of development, population and traffic increases.

According to Title 21, when improvements are required to be made as a condition of approval of a tentative parcel map or tentative tract map, the standard of improvements required shall be reasonable for the parcels being created and shall not exceed those prescribed by the standard improvement specifications and drawings and the characteristics of the site and vicinity. In addition, the required improvements should be linked to the actual development associated with the land division. (21.05.020 - Degree of improvements)

Real Property Division Ordinance Section 21.03.020 provides that adjustments to the standards set forth in Section 21.03.010 may be requested with the application for subdivision or after approval of the map provided that the following findings are made by the decision making body:

- (1) That there are special circumstances or conditions affecting the property being subdivided; and
- (2) That the granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety; and
- (3) That the granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility; and
- (4) That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision.

Staff reviewed the land owner's request and noted that the underlying circumstances for this site are different than most sites in several important ways. Two residences already exist on this property and the purpose of the Tentative Parcel Map is to simply allow for separate ownership of each residence, not to increase residential density. For this reason no new vehicle trips will be generated as a result of the land division from the current situation. (A new secondary residence would generate additional traffic but a secondary residence could be allowed now without the land division, and the revised conditions of approval tie future road improvements to future residential development).

Staff reevaluated the timing of the road improvements and determined that the road improvements are premature because the residential development usually associated with land division has already occurred. The improvements can be captured with future residential development or further subdivision of the property. Since overhead utility lines already exist along both street frontages and throughout the surrounding neighborhoods, undergrounding of utilities along this site's street frontages would not serve the broader goal of having utilities undergrounded on a communitywide basis.

COMMUNITY ADVISORY GROUP COMMENTS (with original request):
No response received.

AGENCY REVIEW:

Public Works - Provided recommended conditions of approval for road improvements, improvement plans, drainage and fees. (Public Works supports the adjustment/exception request to defer road improvements until such time actual development occurs and also supports the granting of an adjustment to not require undergrounding of existing utility lines).

Environmental Health – Preliminary health clearance letter issued on January 24, 2014

County Parks – No comments received.

Los Osos Community Services District (Water) – The District issued a preliminary intent to serve letter (December 10, 2013) for the proposed project.

LEGAL LOT STATUS:

The existing parent parcel was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Terry Wahler.