



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

**SUBDIVISION REVIEW BOARD**

Promoting the wise use of land

MEETING DATE August 3, 2020	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Kenneth Cardoza	FILE NO. CO 19-0105 SUB2019-00111
SUBJECT Hearing to consider a request by <b>Kenneth Cardoza</b> for a Tentative Parcel Map (SUB2019-00111/CO 19-0105) to subdivide an existing twenty-acre parcel into two parcels of ten acres each for the purpose of sale and/or development. Improvements for the subdivision will not result in site disturbance. The applicant is also requesting an adjustment to the design standards in Section 21.03.010 of Title 21 – The Real Property Division Ordinance to allow Proposed Parcel 2 to have greater than a 3:1 depth to width ratio. The proposed project is within the Residential Rural land use category and is located at 730 Serpa Ranch Road, approximately two miles south of the City of San Luis Obispo. The site is in the San Luis Obispo Sub Area of the San Luis Obispo Planning Area.			
RECOMMENDED ACTION Approve Tentative Parcel Map CO 19-0105 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Airport Review Area, Flood Hazard	ASSESSOR PARCEL NUMBER 076-063-020	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.96.020 – Airport Review Area, 22.96.050(E)(5) – Residential Rural - Serpa Ranch Road			
LAND USE ORDINANCE STANDARDS: Subdivision design standards superseded by planning area standards in Section 22.96.050(E)(5)			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural and Residential Suburban/Residences <i>East:</i> Residential Rural/Residences <i>South:</i> Agriculture/Scattered residences, vineyard <i>West:</i> Residential Rural/Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, County Fire-CalFire, Airport Land Use Commission, Air Pollution Control District, City of San Luis Obispo, Building Division			
TOPOGRAPHY: Mostly level to gently sloping		VEGETATION: Grasses, ornamentals, scattered oaks	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: County Fire-CalFire		ACCEPTANCE DATE: May 5, 2020	

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

**DISCUSSION**

The applicant, Kenneth Cardoza, is requesting a Tentative Parcel Map (CO 19-0105) to subdivide an existing 20-acre parcel into two parcels of ten acres each for the purpose of sale and/or development. The proposal also includes a request for an adjustment to the 3:1 depth to width ratio for proposed Parcel 2 in accordance with Section 21.03.010 of Title 21 – the Real Property Division Ordinance.

**ORDINANCE COMPLIANCE**

*Minimum Parcel Size*

Normally the minimum parcel size for a property designated Residential Rural is between five and twenty acres, however, planning area standards for properties within the Residential Rural land use category, specifically along Serpa Ranch Road, require a minimum parcel size of ten acres as described in Section 22.96.050(E)(5) of San Luis Obispo Area Plan (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*

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County’s very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

*Design Standards*

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

<b>Real Property Division Ordinance Compliance - 21.03.010 Factors</b>		<b>Complies/Needs Adjustment/NA</b>	<b>Comments</b>
<b>a.</b>	<b>Ordinance Compliance</b>	Complies	
<b>b.</b>	<b>Statutory Compliance</b>	Complies	
<b>c.</b>	<b>Parcel and Site Design</b>		
1.	Encourages efficient use of land	Complies	
2.	Side parcel lines perpendicular to ROW	Complies	
3.	Lot dimensions: Min. 60' at front setback, 80' minimum depth; 3:1 max length to width ratio	Needs adjustment	Proposed Parcel 2 has a depth to width ratio greater than 3:1 – see discussion below
4.	Double-frontage lots discouraged	Complies	
5.	Optimal utility achieved: (i) efficient use of land; (ii) minimal cuts, fills, site disturbance; (iii) Will not hinder future use or use of adjacent lots; (iv) Maintain character and pattern of area	Complies	
6.	Access by easement or direct street frontage, no flag lots	Complies	

<b>Real Property Division Ordinance Compliance - 21.03.010 Factors</b>		<b>Complies/Needs Adjustment/NA</b>	<b>Comments</b>
7.	Landscaping: Lots < 1 acre with community water: street trees are to be provided	N/A	
8.	Building sites avoid visual impacts	Complies	
<b>d.</b>	<b>Access and Circulation Design</b>		
1.	Street providing access is minimum 40-ft ROW for part-width, 50-ft ROW for full street; improvements per 21.05.020	Complies	
2.	Provides for extension of existing street circulation	Complies	
3.	Lot design allows for future widening/ opening of streets to ultimate ROW	Complies	
4.	Street centerlines continue existing centerlines or per standard specifications	Complies	
5.	Street intersections at right angles	Complies	
6.	Tracts provide street stubs to future subdivisions; turnarounds for stubs >600'	N/A	
7.	Private easement to serve max of 5 lots - existing and potential future lots per GP	N/A	
8.	Lots created with future subdivision potential are designed to provide for future primary/secondary streets.	Complies	

**Section 21.03.010(c)(3) Adjustment Request**

Design standards of this section require that new parcels have no greater than a 3:1 depth to width ratio. Section 21.03.020 allows for adjustments to the design standards with additional findings for the adjustment.

The tentative map shows Proposed Parcel 2 has a depth to width ratio of 3.4:1. The applicant has proposed a 100-foot building restriction zone along the southern property line for Davenport Creek where no structural development can occur. This shortens the developable area of the parcel. If the 100-foot building restriction area is factored in, the depth to width ratio is 3:1.

The adjacent parcels to the east and a few others to the north of the subject property do not meet the 3:1 depth to width ratio, so the proposed parcel shapes are not unique to the surrounding parcel configurations in the area. Staff supports the adjustment request and has prepared findings for the Subdivision Review Board's consideration.

***Road Improvements***

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. The review considered the potential for further divisions and development in the site vicinity. As a result of this review, both an offer of dedication and road improvements are recommended as a means of providing appropriate access and circulation for this area.

#### PLANNING AREA STANDARDS

Section 22.96.020 – San Luis Obispo Planning Area Combining Designation Standards (Airport Review Area) - Uses proposed within the Airport Review Area must be found either compatible with or conditionally approvable and consistent with the San Luis Obispo County Airport Land Use Plan. Low density residential uses are considered compatible with the airport land use plan.

#### COMBINING DESIGNATIONS

Section 22.14.030 - Airport Review Area - The project is within the Airport Review Area for the San Luis Obispo County Regional Airport. The project was referred to the Airport Manager. No comments were received for this specific project; however, the recommendation for other similar subdivisions in the area has been to require an avigation easement prior to recordation of the final map. 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 avigation easement to be recorded with the final map. The condition has been added to the project.

#### ENVIRONMENTAL DETERMINATION

Staff has determined that the project qualifies for a General Rule Exemption (please see exemption form attached). This exemption is based on the site not being located in any environmentally sensitive area and any potential impacts from the project being covered by existing ordinance standards.

#### AGENCY REVIEW

**Public Works** – Recommends conditions for road improvements, drainage, stormwater, fees, and CC&Rs (JR Beard, June 4, 2020)

**Environmental Health** – Preliminary evidence of water availability and wastewater treatment letter dated December 5, 2019 attached (Leslie Terry, December 5, 2019)

**County Parks** – No comments received

**County Fire/CalFire** – The project meets fire code secondary access requirements (Dell Wells, email dated April 28, 2020 attached)

**Airport Land Use Commission** – The Airport Land Use Commission found the project consistent with the Airport Land Use Plan at their July 15, 2020 meeting with conditions

**Air Pollution Control District** – The APCD does not support land divisions outside of urban or village reserve lines for proposed parcels that are less than 20 acres in size (Jackie Mansoor, email December 31, 2019)

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

**Building Division** – Building permits not required with the subdivision, will review future construction permits for the newly created parcels (Sylvia Aldana, March 10, 2020)

#### LEGAL LOT STATUS

The single lot proposed for subdivision was legally created by a recorded map (Parcel 2 of CO77-472 / PM 28/4 Parcel 2) at a time when that was a legal method of creating lots.