



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

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE October 22, 2015	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Fortune Realty, LLC and Sean H. McGrath	FILE NO. SUB2005-00054
SUBJECT A request for a <b>first time extension</b> by Fortune Realty, LLC and Sean H. McGrath for Vesting Tentative Tract Map 2779 and Conditional Use Permit to allow for a 1) planned development, 2) subdivision of an approximate 2.2 acre parcel into 31 parcels of 2,040 to 4,585 square feet each, and 3) allow for grading and construction of 31 detached, two-story residences with attached garages, approximately 1,713 to 1,739 square feet each. The project includes off-site road improvements to 12 <sup>th</sup> Street, and a connection to La Bova Street. The project will result in the disturbance of the entire 2.2 acre parcel. The division will create one on-site road (La Bova Street). The proposed project is within the Residential Multi-family land use category and is located on the southern side of 12 <sup>th</sup> Street, approximately 340 feet east of N Street in the community of San Miguel. The site is in the Salinas River Sub Area in the North County Planning Area.			
RECOMMENDED ACTION Approve the <b>first time extension request</b> for Vesting Tentative Tract Map 2779 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on July 11, 2006 for this project. The Negative Declaration was approved by the Board of Supervisors on September 26, 2006.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 021-401-001	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Sec. 22.104.060 – Compliance with the San Miguel Community Design Plan <i>Does the project conform to the Planning Area Standards – Yes</i>			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks), Ch. 22.16 – Landscaping, Ch. 22.18 – Parking, Sec. 22.22.080 – Residential Multi-Family Subdivision Design			
EXISTING USES: Undeveloped.			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single-Family / undeveloped                      East: Residential Single-Family / residential South: Residential Multi Family / residential                      West: Residential Multi-Family / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit was originally referred to San Miguel Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, San Miguel Fire Department, San Miguel Community Services District and APCD.			
TOPOGRAPHY: Nearly level		VEGETATION: Ruderal, ornamental landscaping	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department		ACCEPTANCE DATE: N/A	
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			

## PROJECT DESCRIPTION

This time extension request has been reviewed by staff. It complies with Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances. The Subdivision Map Act as amended by Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116 currently allows time extensions to be granted to a maximum of thirteen (13) years past the initial approval period of two years for tentative tract maps, if the tentative map qualifies for each of the state mandated extensions. This tentative vesting tract map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for subdivision projects are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## DISCUSSION

The following time extension is recommended for approval:

### TRACT 2779 (SUB2005-00054) AND CONDITIONAL USE PERMIT

**First time extension request** by Fortune Realty, LLC and Sean H. McGrath for Vesting Tentative Tract Map 2779 and Conditional Use Permit to allow for a 1) planned development, 2) subdivision of an approximate 2.2 acre parcel into 31 parcels of 2,040 to 4,585 square feet each, and 3) allow for grading and construction of 31 detached, two-story residences with attached garages, approximately 1,713 to 1,739 square feet each. The project includes off-site road improvements to 12<sup>th</sup> Street, and a connection to La Bova Street. The project will result in the disturbance of the entire 2.2 acre parcel. The division will create one on-site road (La Bova Street). The proposed project is within the Residential Multi-family land use category and is located on the southern side of 12<sup>th</sup> Street, approximately 340 feet east of N Street in the community of San Miguel. The site is in the Salinas River Sub Area in the North County Planning Area.

The tentative map is set to expire on September 26, 2015. On August 6, 2015, the applicant's agent, Roberts Engineering, Inc., requested the **first one year time extension**. After review of the tentative map, staff recommends to the Planning Commission that the **first one year time extension** be granted to September 26, 2016, subject to the conditions of approval in the Board of Supervisors Resolution 2006-329 adopted September 26, 2006.

Vesting Tentative Tract 2779 and Conditional Use Permit were approved by the Board of Supervisors on September 26, 2006. A conditionally approved tentative tract map shall expire twenty-four (24) months after its conditional approval. The original expiration date was September 26, 2008. The applicant can request up to six (6) one year time extensions. This request is the applicant's **first one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2779 was extended to September 26, 2009.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2011.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2013.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2779 was extended to September 26, 2015.

#### ATTACHMENTS

Attachment 1 - Project Graphics  
Attachment 2 - Board of Supervisors Resolution 2006-329

Staff report prepared by Jo Manson and reviewed by Steve McMasters.