



**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 March 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Margarita Valley Ranch, LLC and Ronald J. Yettman	FILE NO. SUB2004-00335
SUBJECT A request for a <b>second time extension</b> by Margarita Valley Ranch, LLC and Ronald J. Yettman for Vesting Tentative Tract Map 2715 and Conditional Use Permit to subdivide an existing 1.14 acre parcel into a planned development of eight approximately 1,500 square foot parcels and one approximately 35,000 square feet open space parcel, and to construct eight detached multi-family residences. The project includes off-site road improvements. The project will result in the disturbance of approximately 1.14 acres of a 1.14 acre parcel. The proposed project is within the Residential Multi-Family land use category and is located at 365 Butterfly Lane, 200 feet south east of Grand Avenue, in the community of Nipomo. The site is in the South County Inland Subarea in the South County planning area.			
RECOMMENDED ACTION Approve the <b>second time extension request</b> for Vesting Tentative Tract Map 2715 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 December 23, 2005 for this project. The Negative Declaration was approved by the Planning Commission on January 26, 2006.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-142-016	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.98.070 – South County Areawide Standards. Circulation, transit-oriented development; Sec. 22.108.040 – Nipomo Urban Area Standards, communitywide. Connection to sewer; Sec. 22.108.040.I – Residential Multi-Family. <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: Residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi-Family / undeveloped                      East: Residential Multi-Family / residential South: Residential Single Family / residential                      West: Residential Multi-Family / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Vesting tentative tract map and conditional use permit were originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, APCD and Nipomo Community Services District.			
TOPOGRAPHY: Moderately sloping		VEGETATION: Ruderal, ornamental landscaping	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		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

## **TIME EXTENSION REQUEST/PROJECT DESCRIPTION**

Vesting Tentative Tract Map 2715 and Conditional Use Permit were approved by the Planning Commission on January 26, 2006 and were set to expire on January 26, 2016. On January 15, 2016, the applicant requested the **second one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2715 and Conditional Use Permit is a request by Margarita Valley Ranch, LLC and Ronald J. Yettman to subdivide an existing 1.14 acre parcel into a planned development of eight approximately 1,500 square foot parcels and one approximately 35,000 square feet open space parcel, and to construct eight detached multi-family residences. The project includes off-site road improvements. The project will result in the disturbance of approximately 1.14 acres of a 1.14 acre parcel. The proposed project is within the Residential Multi-Family land use category and is located at 365 Butterfly Lane, 200 feet south east of Grand Avenue, in the community of Nipomo. The site is in the South County Inland Subarea in the South County planning area.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps 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 Subdivision Map Act & Real Property Division Ordinance**

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was January 26, 2008. The Planning Commission approved a first one year time extension request on February 14, 2008 and the revised expiration date was January 26, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary 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 Map 2715 was extended to January 26, 2010.

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 Map 2715 was extended to January 26, 2012.

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 Map 2715 was extended to January 26, 2014.

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 11, 2013 it extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2715 was extended to January 26, 2016.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **second one year time extension** be granted to January 26, 2017 subject to the conditions of approval set by the Planning Commission on January 26, 2006 in accordance with Resolution No. 2006-003.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 – Planning Commission Resolution No. 2006-003

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