



**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 27, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Philip D. Gray	FILE NO. S010354U Tract 2441
SUBJECT A request for a third time extension by Philip D. Gray for Vesting Tentative Tract Map 2441 and Conditional Use Permit to subdivide a 3.8 acre parcel into 38 parcels ranging in size from approximately 2,600 to 4,600 square feet in order to construct a planned development consisting of 38 detached single-family residences. The project includes an approximate 6,000 square foot park, underground drainage basin, and a 26-foot wide private street. The proposed project is within the Residential Multi-Family land use category and is located at the northeast corner of Grande Avenue and Blume Street, within the community of Nipomo. The site is in the South County (Inland) Sub-area in the South County Planning Area.			
RECOMMENDED ACTION Approve the third time extension request for Vesting Tentative Tract Map 2441 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 22, 2005 for this project. The Negative Declaration was approved by the Board of Supervisors on November 8, 2005.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-578-005	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Circulation planning, right-of-way requirements, density limitations, permit requirement, site planning criteria, road dedication requirement			
LAND USE ORDINANCE STANDARDS: Sec. 22.22.080.D – Residential Multi-Family condominiums and planned development			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi-Family / vacant South: Agriculture / greenhouse nursery East: Residential Multi-Family / vacant West: Residential Multi-Family / residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit was originally referred to Public Works, Environmental Health, Agriculture Department, County Parks, CDF, APCD, Assessor, Nipomo CSD, Nipomo CAC			
TOPOGRAPHY: Gently sloping		VEGETATION: Grasses, forbs, trees	
PROPOSED SERVICES: Water supply: Nipomo CSD Sewage Disposal: Nipomo CSD 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 2441 and Conditional Use Permit were approved by the Board of Supervisors on November 8, 2005 and are set to expire on November 8, 2016. On September 13, 2016, the applicant requested the **third 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 2441 and Conditional Use Permit is a request by Philip D. Gray to subdivide a 3.8 acre parcel into 38 parcels ranging in size from approximately 2,600 to 4,600 square feet in order to construct a planned development consisting of 38 detached single-family residences. The project includes an approximate 6,000 square foot park, underground drainage basin, and a 26-foot wide private street. 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 November 8, 2007. The Planning Commission approved a first one year time extension request on November 29, 2007 and the new expiration date was November 8, 2008. The Planning Commission approved a second one year time extension request on October 9, 2008 and the new expiration date was November 8, 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 **third 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 2441 and Conditional Use Permit was extended to November 8, 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 2441 and Conditional Use Permit was extended to November 8, 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 2441 and Conditional Use Permit was extended to November 8, 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 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2441 and Conditional Use Permit was extended to November 8, 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 **third one year time extension** be granted to November 8, 2017 subject to the conditions of approval set by the Board of Supervisors on November 8, 2005 in accordance with Resolution No. 2005-346.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Board of Supervisors Resolution 2005-346

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.