



**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 November 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Craig H. Mally	FILE NO. SUB2006-00067 Tract 2652
SUBJECT A request for a second time extension by Craig H. Mally for Vesting Tentative Tract Map 2652 and Conditional Use Permit to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development. The Conditional Use Permit includes a mixed use development for: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo, in the Commercial Retail land use category. The site is in the South County (Inland) Sub-area in the South County Planning Area.			
RECOMMENDED ACTION Approve the second time extension request for Vesting Tentative Tract Map 2652 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 August 20, 2005 for this project. The Negative Declaration was approved by the Planning Commission on October 13, 2005.			
LAND USE CATEGORY Commercial Retail, Office/Professional	COMBINING DESIGNATION Central Business District	ASSESSOR PARCEL NUMBER 092-572-015, 025, 045, 057 and 058	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.C.1 – Commercial Retail, Central Business District.			
LAND USE ORDINANCE STANDARDS: Ch. 22.10–Development Standards (Lighting, fencing, screening, density, setbacks); Ch. 22.16– Landscaping; Ch. 22.18 – Parking; Sec. 22.22.090 – Commercial Retail and Office/Professional Subdivision Design			
EXISTING USES: Residences, sheds, detention basin			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / storage facility West: Commercial Retail / RSF/ residences, undeveloped South: Commercial Retail / shopping center, post office East: Commercial Retail/shopping center, Hwy 101			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit was originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, CDF, Nipomo Community Services District, APCD, Parks and Recreation, Cal Trans, RWQCB			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Grasses, forbs, oaks, eucalyptus	
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 2652 and Conditional Use Permit were approved by the Planning Commission on November 9, 2006 and are set to expire on November 9, 2016. On October 3, 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 2652 and Conditional Use Permit is a request by Craig H. Mally to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development. The Conditional Use Permit includes a mixed use development for: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. 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 9, 2008. The Planning Commission approved a first one year time extension request on December 11, 2008 and the new expiration date was November 9, 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 2652 and Conditional Use Permit were extended to November 9, 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 2652 and Conditional Use Permit were extended to November 9, 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 2652 and Conditional Use Permit were extended to November 9, 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 2652 and Conditional Use Permit were extended to November 9, 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 November 9, 2017 subject to the conditions of approval set by the Planning Commission on November 9, 2006 in accordance with Resolution No. 2006-048.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Planning Commission Resolution 2006-048

Attachment 3 - Department of Planning and Building letter to George Newman dated February 4, 2009.

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