



**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 SLO Investments LLC	FILE NO. SUB2004-00091 Tract 2312
SUBJECT A request for a third time extension by SLO Investments LLC for Vesting Tentative Tract Map 2312 and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space in two phases of development. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The division will create an on-site road (Frontage Road). The proposed project is within the Commercial Retail land use category and is located between Hill Street and Grande Avenue, west of Highway 101 in 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 2312 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 and adopted for Tract 2312.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-579-005, 006, 007, 008 and 009	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 Subdivision Design			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / gym, parking lot West: Commercial Retail / residence South: Residential Multi-Family / residences East: South Frontage Road, Highway 101			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit were originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans			
TOPOGRAPHY: Nearly level to gently sloping		VEGETATION: Grasses, forbs	
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 2312 and Conditional Use Permit were approved by the Planning Commission on July 28, 2005 and were set to expire on July 28, 2016. On June 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 2312 and Conditional Use Permit is a request by SLO Investments LLC for Vesting Tentative Tract Map 2312 and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space in two phases of development. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The division will create an on-site road (Frontage Road).

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 July 28, 2007. The Planning Commission approved a first one year time extension request on September 13, 2007 and the new expiration date was July 28, 2008. The Planning Commission approved a second one year time extension request on August 28, 2008 and the new expiration date was July 28, 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 2312 and Conditional Use Permit were extended to July 28, 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 2312 and Conditional Use Permit were extended to July 28, 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 2312 and Conditional Use Permit were extended to July 28, 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 2312 and Conditional Use Permit were extended to July 28, 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 July 28, 2017 subject to the conditions of approval set by the Planning Commission on July 28, 2005 in accordance with Resolution No. 2005-028 and Resolution No. 2005-029 and Revised Notice of Final Action dated June 26, 2009.

ATTACHMENTS

- Attachment 1 - Project Graphics
- Attachment 2 - Planning Commission Resolution 2005-028
- Attachment 3 - Planning Commission Resolution 2005-029
- Attachment 4 - Revised Notice of Final Action, June 26, 2009

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