



**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 December 8, 2016		CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us		APPLICANT Fallingstar Homes, Inc.		FILE NO. S010201T Tract 2451	
SUBJECT A request for a sixth time extension by Fallingstar Homes, Inc. for Vesting Tentative Tract Map 2451 to subdivide an existing 24 acre parcel into 16 lots ranging from one acre to six acres each for the purpose of sale and/or development, and to complete tract improvements and lot grading. The project will result in the disturbance of the entire 24 acre site. The proposed project is within the Residential Single-Family, Residential Multi-Family, Commercial Retail, and Commercial Service land use categories and is located on the north side of Highway 41, immediately east of Toby Way, in the community of Shandon. The site is in the Shandon-Carrizo Sub-area in the North County Planning Area.							
RECOMMENDED ACTION Approve the sixth time extension request for Vesting Tentative Tract Map 2451.							
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 November 8, 2002 for this project. The Negative Declaration was approved by the Planning Commission on January 9, 2003.							
LAND USE CATEGORIES Residential Single-Family; Residential Multi-Family; Commercial Retail; Commercial Service		COMBINING DESIGNATIONS Flood Hazard, Geologic Study Area, Sensitive Resource Area, Renewable Energy Area		ASSESSOR PARCEL NUMBERS 017-181-052, 017-181- 055, 017-321-004		SUPERVISOR DISTRICT(S) 1	
PLANNING AREA STANDARDS: 22.104.080 Shandon URL; 22.94.090 North County Shandon-Carrizo Sub-area;							
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (density), Ch. 22.18 – Parking, Sec. 22.22.080 – Residential Multi-Family Subdivision Design							
EXISTING USES: Vacant							
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture & Residential Suburban / Cholame Creek, residences & vacant East: Residential Single-Family / residences South: Residential Multi-Family & Commercial Retail / vacant West: Residential Single-Family / residential							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map was originally referred to Shandon Community Advisory Group, Department of Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire (formerly CDF), Air Pollution Control District, Department of Fish and Wildlife (formerly Department of Fish and Game), Cal Trans							
TOPOGRAPHY: Nearly level to gently sloping				VEGETATION: Grasses			
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Individual septic 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 2451 was approved by the Planning Commission on January 9, 2003 and is set to expire on January 9, 2017. On October 13, 2016, the applicant requested the **sixth 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.

Vesting Tentative Tract Map 2451 is a request by Fallingstar Homes, Inc. to subdivide an existing 24 acre parcel into 16 lots ranging from one acre to six acres each for the purpose of sale and/or development, and to complete tract improvements and lot grading. The project will result in the disturbance of the entire 24 acre site.

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 9, 2005. The Planning Commission approved a first one year time extension request on December 9, 2004 and the new expiration date was January 9, 2006. The Planning Commission approved a second one year time extension request on January 26, 2006 and the new expiration date was January 9, 2007. The Planning Commission approved a third one year time extension request on December 14, 2006 and the new expiration date was January 9, 2008. The Planning Commission approved a fourth one year time extension request on January 24, 2008 and the new expiration date was January 9, 2009.

As outlined below the “automatic, state-mandated extensions” extended the vesting tentative map to January 9, 2016. The subdivider then applied for and the Planning Commission approved a fifth one year time extension request on January 14, 2016 and the new expiration date is January 9, 2017. 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 **sixth 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 2451 was extended to January 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 2451 was extended to January 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 2451 was extended to January 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 2451 was extended to January 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 **sixth one year time extension** be granted to January 9, 2018 subject to the conditions of approval set by the Planning Commission on January 9, 2003 in accordance with Resolution No. 2003-01.

### ATTACHMENTS

- Attachment 1 - Project Graphics
- Attachment 2 - Planning Commission Resolution 2003-01

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