



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land
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SUBDIVISION REVIEW BOARD

MEETING DATE August 3, 2020	CONTACT/PHONE Katie Nall (805) 781-5702 kinall@co.slo.ca.us	APPLICANT Ernie Nolte	FILE NO. CO 16-0135 SUB2015-00068 EXT2020-00026
SUBJECT A request for a First Time Extension by Ernie Nolte for a Vesting Tentative Parcel Map (CO 16-0135) and a Development Plan / Coastal Development Permit for a three-unit planned development including the subdivision of an approximate 8,694 square foot site into three parcels ranging in size from approximately 2,100 square feet to 3,580 square feet, and three dwelling units ranging in size from 1,825 square feet to 1,951 square feet for the purpose of sale and/or development. The project will include partial abandonment of fronting road right-of-way, disturbance of the entire 8,694 square foot site and removal of an existing residence and accessory structure. The proposed project is within the Residential Multi-Family land use category and is located at 157 San Luis Street, within the community of Avila Beach. The site is in the Coastal Zone and San Luis Bay Coastal Planning Area. The Parcel Map was approved by the Board of Supervisors on August 21, 2018 at the appeal hearing.			
RECOMMENDED ACTION Approve the First Time Extension request for Tentative Parcel Map CO 16-0135.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was approved on August 21, 2018 by the Board of Supervisors.			
LAND USE CATEGORY: Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive Area, Local Coastal Plan Area	ASSESSOR PARCEL NUMBERS 076-217-005	SUPERVISOR DISTRICT 3
PLANNING AREA STANDARDS: 22.98.070 B- Edge of Nipomo Mesa 22.98.070 F- Nipomo Mesa Water Conservation Area 22.98.072 H3- RR- Porter Pacific Tract			
LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, Minimum Parcel Size, Multi-Family Dwellings, Setbacks, Parking			
EXISTING USES: Single family residence and accessory structure			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / residences <i>South:</i> Residential Multi-Family / Multi-family residences <i>East:</i> Residential Multi-Family / residences <i>West:</i> Residential Multi-Family / residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Environmental Health, General Services/Parks, Cal Fire, Avila CSD, Bicycle Advisory Committee, California Coastal Commission, and Avila Valley Advisory Council			
TOPOGRAPHY: Nearly level to moderately sloping		VEGETATION: Ornamentals; non-native scattered grasses	
PROPOSED SERVICES: Water supply: Avila Beach Community Services District Sewage Disposal: Avila Beach Community Services District Fire Protection: County Fire / Cal Fire		ACCEPTANCE DATE: NA	

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

The applicant, Ernie Nolte, is requesting a first one-year time extension for Tentative Parcel Map CO 16-0135. On March 2, 2018, the project was approved by the Subdivision Review Board and was subsequently appealed on March 16, 2018. The Board of Supervisors upheld the original approval on August 21, 2018 which is the date of final approval. On June 4, 2020, the applicant requested the **first 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. For development plans that are required by ordinance to authorize a tentative map such as condominiums, planned developments and cluster subdivisions, extension of the tentative map also extends the development plan (pursuant to the State Subdivision Map Act). (Development plans to authorize buildings or land uses otherwise unrelated to a tentative map but presented at the same hearing must be extended independently from the tentative map under Title 22 or Title 23.)

The Tentative Parcel Map is a request to subdivide an approximate 8,694 square foot site into three parcels ranging in size from approximately 2,100 square feet to 3,580 square feet, including the subsequent planned development of three (3) residential units. The existing 8,694 square foot site includes a partial right of way abandonment of approximately 1,200 square feet for project frontage improvements. The proposed residential units will range in size from 1,825 square feet to 1,951 square feet. Each unit has a two-vehicle garage, and a guest parking space is located on site. There is another external parking space dedicated to one of the units ("Building A") due to a slight size reduction to one of the garage spaces.

This tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for tentative maps are discretionary; however, they have historically been processed as an administrative action to be approved by the Subdivision Review Board or Planning Commission on a consent agenda.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved tentative map shall expire twenty-four (24) months after its conditional approval. Approved by the Board of Supervisors on August 21, 2018, the expiration date is August 21, 2020. 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 **first 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. Because the project was approved on August 21, 2018 after the effective dates of these state-mandated extension, none of the following apply:

Senate Bill 1185 (California Government Code Section 66452.21)

Assembly Bill 333 (California Government Code Section 66452.22)

Assembly Bill 208 (California Government Code Section 66452.23)

Assembly Bill 116 (California Government Code Section 66452.24(a))

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. The tentative parcel map remains in compliance with the General Plan and County ordinances.

After review of the tentative map, staff recommends to the Subdivision Review Board that the **first one-year time extension** be granted to August 21, 2021 subject to the conditions of approval set by the Subdivision Review Board and approved by the Board of Supervisors on August 21, 2018 at the appeal hearing.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 – Notice of Final Action, August 21, 2018

Report prepared by Katie Nall and reviewed by Terry Wahler.