



MEMORANDUM

TO: Planning Commission

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Consideration Of Time Extension 22-002 For Conditional Use Permit No. 19-002; One Year Time Extension In Accordance With The Arroyo Grande Municipal Code; Location – 207 Pilgrim Way; Applicant – David Mi; Representative – Warren Hamrick

DATE: May 17, 2022

SUMMARY OF ACTION:

Approval of Time Extension No. 22-001 for Conditional Use Permit No. 16-005 would allow an additional twelve (12) months for the developer to obtain building permits to construct an assisted living facility at 207 Pilgrim Way. Approval of the time extension would extend the expiration of the approval to June 16, 2023.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

None.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution approving Time Extension 22-002 (Attachment 1).

BACKGROUND:

On June 16, 2020, the Planning Commission adopted Resolution 20-2338 approving Conditional Use Permit 19-002 for the construction of an assisted living facility consisting of 120 residential beds, conference room, reception area, and administrative offices. The applicant has been working toward obtaining appropriate permits for grading and construction of the approved development, but has found it necessary to request an extension of the approval to allow adequate time to secure a contractor with availability to perform the work. Therefore, the applicant submitted a time extension request to extend the entitlement's approval for one year, which is due to expire on June 16, 2022.

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ANALYSIS OF ISSUES:

Municipal Code Subsection 16.12.140.C allows the Planning Commission to grant a project up to three (3) one-year time extensions, but only if it is found that there have been no significant changes in the General Plan, Municipal Code, or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety, or welfare. No such changes have been identified that would cause the proposed project to be injurious to the public health, safety, or welfare. The applicant states that the need for a time extension is the result of a shortage of available contractors to carry out the work to construct the facility. If approved, the one-year time extension would extend the expiration date of the project to June 16, 2023. This would be the first of a possible three time extensions available for this entitlement.

ALTERNATIVES:

The following alternatives are provided for the Commission's consideration:

1. Adopt the attached Resolution approving Time Extension 22-002;
2. Modify and adopt the attached Resolution approving Time Extension 22-002;
3. Do not adopt the attached Resolution, provide specific findings and direct staff to return with a Resolution denying the time extension; or
4. Provide direction to staff.

ADVANTAGES:

Approving the requested time extension will maintain the viability of an approved project and will allow the applicant to continue to work toward obtaining building permits to construct the project.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration (MND) was adopted in conjunction with the Conditional Use Permit and the granting of a time extension will not change that determination. In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, it has been determined that the granting of a time extension is not subject to CEQA per Section 15061(b)(3) of the Guidelines, regarding the general rule that where it can be seen with certainty that there is no possibility of a significant effect on the environment, an activity is not subject to CEQA.

PUBLIC NOTIFICATION AND COMMENTS:

Pursuant to Municipal Code Table 16.12.030-B, a public hearing is not required for approval of a time extension. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

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1. Draft Resolution