



## MEMORANDUM

**TO:** Planning Commission

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Consideration of Time Extension 22-003 For Conditional Use Permit No. 18-007; One Year Time Extension In Accordance With The Arroyo Grande Municipal Code; Location – 1214 E. Grand Ave; Applicants – Floyd Hinesley and Fred Porter

**DATE:** October 4, 2022

---

### **SUMMARY OF ACTION:**

Approval of Time Extension No. 22-003 for Conditional Use Permit No. 18-007 would allow an additional twelve (12) months for the developer to obtain building permits to construct a mixed-use development at 1214 E. Grand. Ave. Approval of the time extension application would extend the expiration of the approval to October 16, 2023.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

No financial impact is projected.

### **RECOMMENDATION:**

It is recommended that the Planning Commission adopt a Resolution approving Time Extension 22-003 (Attachment 1)

### **BACKGROUND:**

On April 16, 2019, the Planning Commission conditionally approved Conditional Use Permit 18-007 for a mixed-use development consisting of 10 new multi-family residential units and 2,250 square feet of office space to be constructed in two phases. This approval was initially due to expire on April 16, 2021. However, the approval was extended due to the passage of Assembly Bill 1561, which provided an automatic 18-month extension for all housing entitlements that were approved prior to March 4, 2020, and were due to expire prior to December 31, 2021. This bill was passed in response to building material and labor shortages resulting from the COVID pandemic.

The applicant submitted construction documents for Phase I of the project and the building permit is ready to issue, however the rising construction costs delayed construction of the

## **Planning Commission**

Consideration of Time Extension 22-003 For Conditional Use Permit No. 18-007; One Year Time Extension In Accordance With The Arroyo Grande Municipal Code; Location – 1214 E. Grand Ave; Applicants – Floyd Hinesley and Fred Porter

**October 4, 2022**

**Page 2**

project. The time extension will allow the applicant to either pull the building permit to construct the project or sell the entitlement to another developer for them to construct.

### **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 increased construction costs and the applicant's ability to finance the construction. If approved, the one-year time extension would extend the expiration date of the project to October 16, 2023. If approved, there will be two (2) remaining time extensions available for the project.

### **ALTERNATIVES:**

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

1. Adopt the attached Resolution approving Time Extension 22-003;
2. Modify and adopt the attached Resolution approving Time Extension 22-003;
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 towards either constructing the project or selling the entitlement to another developer to construct.

### **DISADVANTAGES:**

None identified.

### **ENVIRONMENTAL REVIEW:**

Review of Conditional Use Permit 18-007 for compliance with the California Environmental Quality Act (CEQA) determined that the project was categorically exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines regarding infill development in urban areas. The granting of a time extension is not anticipated to have any effect on that determination.

### **PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**Planning Commission**

Consideration of Time Extension 22-003 For Conditional Use Permit No. 18-007; One Year Time Extension In Accordance With The Arroyo Grande Municipal Code; Location – 1214 E. Grand Ave; Applicants – Floyd Hinesley and Fred Porter

**October 4, 2022**

**Page 3**

Attachments:

1. Resolution