



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT:** CONSIDERATION OF TIME EXTENSION 19-007; ONE YEAR TIME EXTENSION IN ACCORDANCE WITH THE ARROYO GRANDE MUNICIPAL CODE; LOCATION - 1271 AND 1281 JAMES WAY; APPLICANT - RUSS SHEPPEL; REPRESENTATIVE - JAMES COLEMAN, STEADFAST COMPANIES

**DATE:** OCTOBER 8, 2019

### **SUMMARY OF ACTION:**

Approval of the Time Extension would allow an additional twelve (12) months for the developer to obtain building permits for the project, extending the expiration of the approval to July 26, 2020.

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

None.

### **RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution approving a one-year time extension for Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Line Adjustment 16-001 (Time Extension 19-007) for property located at 1271 and 1281 James Way.

### **BACKGROUND:**

On March 24, 2015, the City Council adopted Resolution No. 4651, approving Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Merger 15-001 for the development of 1.8 acres for an approximately 55,000 square-foot, 70-bed assisted living/memory care facility and sixteen (16) independent living units on the subject property. Following that approval, the applicant determined that due to funding for the project, a Lot Line Adjustment was more appropriate than the approved Lot Merger. On July 26, 2016, the City Council adopted Resolution No. 4745, approving Lot Line Adjustment 16-001 to replace Lot Merger 15-001. This approval extended the expiration date of the project to July 26, 2018. Last year, the Council approved Time Extension 17-008, extending the expiration one (1) additional year. In the interim, the applicant has been working toward obtaining appropriate permits for the construction of the approved development, including recording the Lot

**CITY COUNCIL  
CONSIDERATION OF TIME EXTENSION 19-007  
OCTOBER 8, 2019  
PAGE 2**

Line Adjustment, but has found it necessary to request an extension of the approval to allow adequate time to address previous plan check corrections on the building permit application.

**ANALYSIS OF ISSUES:**

Municipal Code Subsection 16.12.140.C allows the Council to grant a project up to three (3) one-year time extensions, 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. Additionally, the applicant has been working toward obtaining building permits for the project, including obtaining approval from other required agencies to address specific mitigation measures required prior to building permit issuance.

If approved, the one-year time extension would extend the expiration date of the project to July 26, 2020, and the applicant would be eligible to apply for one (1) additional one-year time extension, in accordance with the provisions of the Municipal Code.

**ALTERNATIVES:**

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

1. Adopt the Resolution approving Time Extension 19-007;
2. Modify and adopt the Resolution approving Time Extension 19-007;
3. Do not adopt the 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, will allow the applicant to continue to work toward obtaining building permits and is consistent with the Municipal Code.

**DISADVANTAGES:**

No disadvantages associated with approval of the requested time extension have been identified.

**ENVIRONMENTAL REVIEW:**

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.

**CITY COUNCIL  
CONSIDERATION OF TIME EXTENSION 19-007  
OCTOBER 8, 2019  
PAGE 3**

**PUBLIC NOTICE AND COMMENT:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. At the time of report publication, no comments had been received.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR AMENDED CONDITIONAL USE PERMIT 15-001, VARIANCE 15-001, AND LOT LINE ADJUSTMENT 16-001 (TIME EXTENSION 19-007); APPLIED FOR BY RUSS SHEPPEL; LOCATED AT 1271 & 1281 JAMES WAY**

**WHEREAS**, on March 24, 2015, the City Council adopted Resolution No. 4651 approving Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Merger 15-001 for the development of 1.8 acres for an approximately 55,000 square-foot, 70-bed assisted living/memory care facility and sixteen (16) independent living units located at 1271 and 1281 James Way (the "Project"); and

**WHEREAS**, on July 26, 2016, the City Council adopted Resolution No. 4745 approving Lot Line Adjustment 16-001 to replace Lot Merger 15-001; and

**WHEREAS**, the City Council has approved one (1) previous time extension for this project; and

**WHEREAS**, approval for the Project was set to expire on July 26, 2019; and

**WHEREAS**, the applicant filed Time Extension 19-007 to extend the expiration date of the Project by one (1) year; and

**WHEREAS**, the City Council has considered the request for Time Extension 19-007 on October 8, 2019; and

**WHEREAS**, the City Council has reviewed the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is not subject to CEQA per Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the City Council finds, after due study and deliberation, the following circumstances exist:

1. 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.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande hereby approves Time Extension 19-007 for the second of three (3) available one-year extensions, with the above findings and subject to the conditions as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Line Adjustment 16-001 shall now expire on July 26, 2020.

**RESOLUTION NO.**

**PAGE 2**

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

The foregoing Resolution was adopted this 8<sup>th</sup> day of October, 2019.

**RESOLUTION NO.  
PAGE 3**

\_\_\_\_\_  
**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
**JAMES A. BERGMAN, CITY MANAGER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**HEATHER K. WHITHAM, CITY ATTORNEY**

**EXHIBIT 'A'  
CONDITIONS OF APPROVAL  
TIME EXTENSION NO. 19-007  
AMENDED CONDITIONAL USE PERMIT 15-001, VARIANCE 15-001 AND  
LOT LINE ADJUSTMENT 16-001  
1271 & 1281 JAMES WAY**

This approval authorizes a one (1) year time extension for Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Line Adjustment 16-001.

**GENERAL CONDITIONS:**

1. The developer shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Line Adjustment 16-001 shall expire on July 26, 2020 unless a building permit is issued or an extension of time is granted (one potential extension remains).
3. The developer shall comply with all conditions of approval for Amended Conditional Use Permit 15-001, Variance 15-001, and Lot Line Adjustment 16-001.

**THIS PAGE INTENTIONALLY LEFT BLANK**