



MEMORANDUM

TO: PLANNING COMMISSION

FROM: WHITNEY McDONALD, COMMUNITY DEVELOPMENT DIRECTOR

BY: ANDREW PEREZ, ASSISTANT PLANNER

SUBJECT: CONSIDERATION OF TIME EXTENSION 20-001 FOR CONDITIONAL USE PERMIT NO. 16-005; ONE YEAR TIME EXTENSION IN ACCORDANCE WITH THE ARROYO GRANDE MUNICIPAL CODE; LOCATION – 1495 EL CAMINO REAL; APPLICANT – SCOTT PACE; REPRESENTATIVE – GREG SOTO

DATE: JUNE 2, 2020

SUMMARY OF ACTION:

Approval of Time Extension No. 20-001 for Conditional Use Permit No. 16-005 would allow an additional twelve (12) months for the developer to obtain building permits to construct a new professional office building, accessory warehouse space, and two (2) second-floor residential units at 1495 El Camino Real. Approval of the time extension application would extend the expiration of the approval to March 6, 2021.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:

None.

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution approving Time Extension 20-001 for Conditional Use Permit No. 16-005.

BACKGROUND:

On March 6, 2018, the Planning Commission adopted Resolution No. 18-2299 approving Conditional Use Permit 16-005 for the construction of a new professional office building, accessory warehouse space, and two (2) second-floor residential units on the property located at 1495 El Camino Real. The applicant has been working toward obtaining appropriate permits for the construction of the approved development, but has found it necessary to request an extension of the approval to allow adequate time to address plan check corrections on the building permit application. Therefore, the applicant submitted a time extension request to extend the entitlement's approval for one year, which was due to expire on March 6, 2020.

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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, 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 consultants that have not delivered information necessary to meet the conditions of approval, as well as delays stemming from difficulty in securing financing to construct the project. Despite the minor setbacks, the applicant is confident that they will be able to pull a building permit within the next six (6) months.

If approved, the one-year time extension would extend the expiration date of the project to March 6, 2021. Following approval of this extension, the applicant would be eligible to apply for two (2) additional one-year time extensions, in accordance with the provisions of the Municipal Code.

ALTERNATIVES:

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

1. Adopt the attached Resolution approving Time Extension 20-001;
2. Modify and adopt the attached Resolution approving Time Extension 20-001;
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, 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:

Review of Conditional Use Permit 16-005 for compliance with the California Environmental Quality Act (CEQA) determined that the project was categorically exempt from environmental review pursuant to Section 15322 of the CEQA Guidelines regarding in-fill development in urban areas. The granting of a time extension is not anticipated to have any effect on that determination.

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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 PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION FOR CONDITIONAL USE PERMIT NO. 16-005 (TIME EXTENSION 20-001); APPLIED FOR BY SCOTT PACE; LOCATED AT 1495 EL CAMINO REAL

WHEREAS, the Planning Commission adopted Resolution No. 18-2299 approving Conditional Use Permit 16-005 for the construction of a new professional office building, accessory warehouse space, and two (2) second-floor residential units (the "Project")

WHEREAS, the effective date of the decision was March 6, 2018; and

WHEREAS, the approval remained valid for two (2) years from the effective date of decision; and

WHEREAS, an application for Time Extension 20-001 was submitted to extend the expiration date of the Project by one (1) year; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has considered the request for Time Extension 20-001 on June 2, 2020; and

WHEREAS, the Planning Commission reviewed Conditional Use Permit 16-005 for compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA, and determined that the project was categorically exempt pursuant to Section 15322 of the CEQA Guidelines regarding in-fill development in urban areas; and

WHEREAS, the categorical exemption pursuant to Section 15322 of the CEQA Guidelines also applies to the application for a time extension; and

WHEREAS, the Planning Commission 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 Planning Commission of the City of Arroyo Grande hereby approves Time Extension 20-001 for the first of three (3) available one-year extensions, subject to the above findings and the conditions as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. Conditional Use Permit No. 20-001 shall now expire on March 6, 2021.

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On motion by Commissioner _____, seconded by Commissioner _____ and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was adopted this 2nd day of June 2020.

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GLENN MARTIN, CHAIR

ATTEST:

**PATRICK HOLUB
SECRETARY TO THE COMMISSION**

APPROVED AS TO CONTENT:

**WHITNEY McDONALD
COMMUNITY DEVELOPMENT DIRECTOR**

**EXHIBIT 'A'
CONDITIONS OF APPROVAL
TIME EXTENSION NO. 20-001 FOR
CONDITIONAL USE PERMIT NO. 16-005
1495 EL CAMINO REAL**

This approval authorizes a one (1) year time extension for Conditional Use Permit 16-005, which was originally approved by the Planning Commission on March 6, 2018.

GENERAL CONDITIONS:

1. The developer shall ascertain and comply with all Federal, State, County and City requirements that are applicable to this project.
2. Conditional Use Permit No. 16-005 shall expire on March 6, 2021, unless a building permit is issued prior to this date.
3. The developer shall comply with all conditions of approval for Conditional Use Permit No. 16-005.