



MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, PLANNING MANAGER

SUBJECT: CONSIDERATION OF A RESOLUTION DENYING WITH PREJUDICE CONDITIONAL USE PERMIT 18-001; CONSTRUCTION OF A 1,784 SQUARE FOOT ACCESSORY DWELLING UNIT IN THE GENERAL AGRICULTURAL ZONING DISTRICT; LOCATION – 1212 FLORA ROAD; APPLICANT – MURAT & NANCY AKALIN; ARCHITECT – BILL ISAMAN, ISAMAN DESIGN

DATE: JUNE 5, 2018

SUMMARY OF ACTION:

Adoption of the proposed Resolution would formally deny the proposed project in accordance with the tentative action taken by the Planning Commission at the May 15, 2018 meeting.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

None.

RECOMMENDATION:

It is recommended the Planning Commission adopt a Resolution denying with prejudice Conditional Use Permit 18-001.

BACKGROUND:

At the regular meeting of May 15, 2018, the Planning Commission reviewed the proposed project, considered all the facts, presentation by staff and the developer's representative, public testimony from the eight (8) public speakers, and took tentative action to deny the proposed project based upon inconsistencies with the General Plan resulting from anticipated increases in farmland conversions resulting from similar agricultural properties requesting accessory dwelling units and size of the proposed accessory dwelling unit.

ANALYSIS OF ISSUES:

The prepared Resolution has been developed with findings for denial of the proposed project with prejudice, consistent with concerns of the Commission. Findings that could not be made in the affirmative are indicated in bold italics in the attached Resolution. Generally, the Commission could not make findings in the affirmative based on the

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impact to farmland resulting from the proposed project. In accordance with Municipal Code Section 16.12.120, the denial of the project with prejudice does not allow the applicant to reapply for the same or substantially the same use on the same site until June 5, 2019.

ALTERNATIVES:

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

1. Adopt the attached Resolution denying the proposed project;
2. Modify as appropriate and adopt the attached Resolution denying the proposed project;
3. Do not adopt the attached Resolution, request concurrence from the applicant to reopen the public hearing for a future date after providing adequate notice; or
4. Provide direction to staff.

ADVANTAGES:

Adoption of the Resolution would deny the proposed project, consistent with the tentative action taken by the Planning Commission on May 15, 2018.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Procedures for the Implementation of CEQA, staff has determined that adopting the prepared Resolution is exempt from environmental review in accordance with Sections 15061(b)(4) and 15270(a) of the CEQA Guidelines that states CEQA does not apply to projects which a public agency rejects or disapproves.

PUBLIC NOTIFICATION AND COMMENT:

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

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE DENYING WITH PREJUDICE CONDITIONAL USE PERMIT 18-001; LOCATED AT 1212 FLORA ROAD; APPLIED FOR BY MURAT AKALIN

WHEREAS, the project site is an approximately 5.08-acre site located in the General Agricultural (AG) zoning district and currently developed with a single-family structure; and

WHEREAS, the construction of an accessory dwelling unit is permitted in the AG zoning district following approval of a conditional use permit in accordance with the Arroyo Grande Municipal Code; and

WHEREAS, the applicant has filed Conditional Use Permit 18-001 for the construction of an accessory dwelling unit totaling 1,784 square feet; and

WHEREAS, the size limitations for accessory dwelling units in the AG district are determined through the discretionary review process; and

WHEREAS, protection for continued agricultural operations and production is very paramount on land zoned AG; and

WHEREAS, the proposed accessory dwelling unit is located adjacent to the undeveloped portion of the site, which has the potential to impact current and future agricultural operations; and

WHEREAS, the Planning Commission has reviewed this 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 determined that the project is exempt per Section 15303(a) of the CEQA Guidelines regarding new construction of an accessory dwelling unit; and

WHEREAS, the Planning Commission reviewed the project at a duly noticed public hearing on May 15, 2018, and considered all written evidence and oral testimony; and

WHEREAS, the Planning Commission tentatively denied the proposed project, necessitating staff to return with appropriate findings for denial; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, the following circumstances exist:

Conditional Use Permit Findings:

1. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City.

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The proposed use is permitted within the Agricultural district pursuant to Chapter 16.28 of the Development Code and the project complies with all applicable provisions of the Development Code, the goals and objectives of the Arroyo Grande General Plan including Policy Ag 1-4.1 of the Agriculture, Conservation, and Open Space Element and the Bicycle and Trails Master Plan, and the development policies and standards of the City.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

The proposed use on the project site will impair the integrity and character of the AG zoning district, which is primarily to provide for and protect lands for agricultural crop production, grazing, limited sales of agricultural support industries and services. The impact to agricultural land resulting from the construction of the proposed 1,784 square foot accessory dwelling unit and the location of the structure near to the middle of the productive portion of the agricultural property will further constrain the site from fulfilling the primary purpose of the AG zoning district.

3. The site is suitable for the type and intensity of use or development that is proposed.

The site is 5.08 acres, which is smaller than the minimum lot size required in the General Agricultural district. Construction of the accessory dwelling unit will further constrain the site to be viable for agricultural purposes, and therefore, the site is not suitable for the accessory dwelling unit.

4. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

The accessory dwelling unit will utilize City supplied water, sanitation, and public utilities and services that ensure public health and safety.

5. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity.

The proposed use will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity as it will comply with all applicable codes and standards of the Municipal Code and in accordance with conditions of approval specifically developed for the project.

NOW, THEREFORE, BE IT RESOLVED that, based on the foregoing findings, the Planning Commission of the City of Arroyo Grande hereby denies with prejudice Conditional Use Permit 18-001.

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

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AYES:
NOES:
ABSENT:

the foregoing Resolution was adopted this 5th day of June, 2018.

**RESOLUTION NO.
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**GLENN MARTIN,
CHAIR**

ATTEST:

**DEBBIE WEICHINGER,
SECRETARY TO THE COMMISSION**

AS TO CONTENT:

**TERESA MCCLISH
COMMUNITY DEVELOPMENT DIRECTOR**