

## **RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE DENYING APPEAL CASE NO. 22-001 AND APPROVING PLOT PLAN REVIEW CASE NO. 22-026; LOCATED AT 1136 EAST GRAND AVENUE; APPLIED FOR BY WILLIAM RUOFF; APPEALED BY THE PLANNING COMMISSION**

**WHEREAS**, on June 10, 2014, the City Council adopted Ordinance No. 663, establishing vacation rentals and homestays as permitted land uses in the City's residential zoning districts, subject to the approval of a Minor Use Permit-Plot Plan Review in order to ensure conformance with performance standards developed to protect the adjacent residential neighborhoods in which these uses would be located; and

**WHEREAS**, on May 16, 2022, the applicant submitted an application for Plot Plan Review No. 22-026 for the establishment of a vacation rental in an existing, two-bedroom residence located at 1136 East Grand Avenue; and

**WHEREAS**, on June 9, 2022, the Community Development Director (Director) approved Plot Plan Review No. 22-026 based upon the findings for approval of the permit; and

**WHEREAS**, notice of the Director's determination were mailed to all property owners within 300' of the project site to notify them of the approved request to establish the vacation rental; and

**WHEREAS**, the Director's decision was reported to the Planning Commission on August 2, 2022, in accordance to Arroyo Grande Municipal Code Section 16.12.155, and an appeal of the approval was filed by consensus of the Planning Commission.; and

**WHEREAS**, the Planning Commission 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 exempt per Section 15301 of the CEQA Guidelines regarding existing facilities; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande has considered the appeal at a duly noticed public hearing on October 4, 2022; and

**WHEREAS**, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist and findings can be made:

#### **Plot Plan Review Findings:**

1. The proposed project is consistent with the goals, objectives, policies and programs of the Arroyo Grande General Plan;

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*Vacation rentals are allowed in the City's residential zoning districts with approval of a Minor Use Permit-Plot Plan Review. Approval of a Minor Use Permit-Plot Plan Review certifies that the land use or development will satisfy all applicable provisions of the Municipal Code and allows the approving body to develop reasonable conditions to ensure compliance. Approval of a Minor Use Permit-Plot Plan Review enables issuance of a business license for use of the property as a commercial business.*

2. The proposed project conforms to applicable performance standards and will not be detrimental to the public health, safety or general welfare;

*The Municipal Code mandates performance standards to ensure the public health, safety or general welfare. The existing residence meets the requirements of the Municipal Code and conditions of approval developed for this project ensure compliance with the Municipal Code and the protection of public health, safety or general welfare.*

*The proposed vacation rental is compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use, as conditioned, is harmonious and compatible with the existing uses within the neighborhood.*

3. The physical location or placement of the use on the site is compatible with the surrounding neighborhood.

*The subject property is located within an established residential neighborhood in the Fair Oaks Mixed Use zoning district, which is available for use as a vacation rental. The vacation rental will be located in an existing residential structure that is of sufficient size to accommodate the intended use. The subject property where the vacation rental is located is greater than 300 feet from an existing vacation rental on the same street.*

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby denies Appeal Case No. 22-001 and approves Plot Plan Review Case No. 22-026 based on the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was adopted this 4<sup>th</sup> day of October, 2022.

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**GLENN MARTIN**  
**CHAIR**

**ATTEST:**

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**PATRICK HOLUB**  
**SECRETARY TO THE COMMISSION**

**AS TO CONTENT:**

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**BRIAN PEDROTTI**  
**COMMUNITY DEVELOPMENT DIRECTOR**

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**PLOT PLAN REVIEW 22-026**  
**1136 E. GRAND AVE.**

**CONDITIONS OF APPROVAL:**

**GENERAL CONDITIONS**

1. This approval authorizes the establishment of a vacation rental in the three-bedroom residence on property located at 1136 East Grand Avenue.
2. The applicant shall ascertain and comply with all State, County and City requirements as are applicable to this project.
3. The project shall occur in substantial conformance with the application and plans on file in the Community Development Department dated May 16, 2022.
4. This permit shall automatically expire on October 4, 2024 unless a business license is issued. Thirty (30) days prior to the expiration of the approval, the applicant may apply to the Community Development Director for an extension of one (1) year from the original date of expiration.
5. The applicant shall apply and be approved for a business license prior to conducting any business transactions on the premises.
6. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its agents, officers, or employees because of the issuance of said approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the applicant of his/her obligations under this condition.

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS**

7. The operator shall maintain a contact person/entity within a fifteen (15) minute drive of the property to be responsible for responding to complaints regarding the use of the vacation rental in accordance with Municipal Code Subsection 16.52.230.C.5. The identified primary contact person is William Ruoff and he can be reached at 805-235-5333.
8. The operator shall annually notify the Community Development Department of the name, address, and phone number of the contact person, at time of business license renewal.
9. The operator shall conspicuously post a written notice inside the vacation rental with the name, address, and telephone number of the required contact person.

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The notice shall also include the address of the vacation rental, the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to park on-site, the day(s) established for garbage collection, and the non-emergency number of the Arroyo Grande Police Department.

10. Based upon the size of the two (2) bedrooms in the main dwelling unit, a maximum of six (6) guests may stay in the vacation rental at any one time (2 per bedroom and 2 additional guests).
11. No on-site advertising is permitted in conjunction with the vacation rental.
12. Payment of Transient Occupancy Tax is required per Municipal Code Section 3.24.030. Payment of Tourism Business Improvement District assessments is required per Municipal Code Chapter 3.46.

**BUILDING AND LIFE SAFETY DIVISION CONDITIONS:**

13. The applicant shall comply with the current California Codes including the specifically adopted City of Arroyo Grande provisions.
14. A safety inspection will be required prior to business license approval. Contact (805) 473-5454 for inspections.