

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE DENYING APPEAL CASE NO. 21-007
AND APPROVING PLOT PLAN REVIEW CASE NO. 21-029;
LOCATED AT 1562 STRAWBERRY AVENUE; APPLIED
FOR BY BRENDA GOROSKI; APPEALED BY STEW AND
FRANCINE ERRICO**

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 August 2, 2021, the applicant submitted an application for Plot Plan Review No. 21-029 for the establishment of a vacation rental in an existing, three-bedroom residence located at 1562 Strawberry Avenue; and

WHEREAS, on September 28, 2021, the Community Development Director approved Plot Plan Review No. 21-029 based upon the findings for approval of the permit; and

WHEREAS, notice of the Community Development Director's determination was mailed to forty-five (45) of the fifty-six (56) property owners within 300' of the project site to alert them of the approved request to establish the vacation rental; and

WHEREAS, on October 11, 2021, an appeal of the Community Development Director's approval was filed with the Community Development Secretary by Stew and Francine Errico, et al. in accordance with Arroyo Grande Municipal Code Section 16.12.150; and

WHEREAS, the Planning Commission considered the appeal at a duly notice public hearing on December 7, 2021 and adopted a Resolution denying the appeal and approving the project; and

WHEREAS, on December 20, 2021, an appeal of the Planning Commission's approval was filed with the City Clerk by Stew and Francine Errico in accordance with Arroyo Grande Municipal Code Section 16.12.150; and

WHEREAS, the City Council of the City of Arroyo Grande considered the appeal at a duly noticed public hearing on February 8, 2022; 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 found and determined that the project is exempt pursuant to Section 15301 of the CEQA Guidelines for existing facilities; and

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

Due Process Findings:

Although eleven property owners within 300' of the project did not receive notice of the Community Development Director's original approval of the project, all property owners within 300' of the project received timely notice of the Planning Commission's public hearing for the appeal of the project and could have participated in the appeal hearing. As a result, the City Council finds that no property owners were deprived of their due process rights, no prejudicial errors occurred, and a different result was not probable if the noticing error had not occurred.

Plot Plan Review Findings:

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

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 Single Family zoning district, which is available for use as a vacation rental. The vacation rental will be located in an existing

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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 City Council of the City of Arroyo Grande hereby denies Appeal Case No. 21-007 and approves Plot Plan Review Case No. 21-029 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 Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 8th day of February, 2022.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY

EXHIBIT "A"
CONDITIONS OF APPROVAL
PLOT PLAN REVIEW 21-029
1562 STRAWBERRY AVENUE

CONDITIONS OF APPROVAL:

GENERAL CONDITIONS

1. This approval authorizes the establishment of a vacation rental in the three-bedroom residence on property located at 1562 Strawberry 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 August 5, 2021.
4. This permit shall automatically expire on February 8, 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 Nancy Tucker and she can be reached at 805-748-6880. The secondary contact person is Kathy Kelly and she can be reached at 310-717-8750.
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

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with the name, address, and telephone number of the required contact person. 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 three (3) bedrooms in the main dwelling unit, a maximum of eight (8) 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.