MEMORANDUM

TO: **City Council**

FROM: **Jessica Matson, Legislative & Information Services Director/City Clerk**

SUBJECT: **Supplemental Information**
Agenda Item 9.a. – Appeal Case 21-007; Appeal of Planning Commission Approval of Minor Use Permit- Plot Plan Review 21-029 for the Establishment of a Vacation Rental; Location: 1562 Strawberry Ave; Appellant: Stew and Francine Errico, Et. Al.

DATE: **February 7, 2022**

Attached is correspondence received from the applicants for the above referenced item.

cc: City Manager
Assistant City Manager/Public Works Director
Community Development Director
City Attorney
City Clerk
City Website (or public review binder)

From:	francine errico
To:	Caren Ray Russom; Jimmy Paulding; Kristen Barneich; Keith Storton; Lan George; public comment
Subject:	Additional information regarding Appeal of Plot Plan Review 21-029
Date:	Monday, February 7, 2022 2:34:35 PM
Attachments:	Rebuttal to Memoradum to City Countil Feb8_2022R3.docx

Dear City Councillors,

As we, the appellants, only received the City Memorandum on Friday afternoon February 5, and after we had submitted documents to your Council Meeting packet, we have taken time to add omitted information and comment on areas of the Memorandum which are relevant to our appeal. Given that we are only afforded 3 minutes to speak to our issues, we felt it necessary to put these in writing to you to ensure they are duly considered and entered into public record with the below attachment.

We would be more than happy to take questions on any of the points we have raised and trust you will afford the time and consideration this deserves given the extraordinary time and expense that has gone into bringing these matter directly to your personal attention.

Sincerely

Francine and Stewart Errico

Dear City Council,

As we the appellants have only been afforded 3 minutes to speak to our appeal and address all the points raised and add additional information to the Memorandum provided by City Staff on Friday February 5 (3 days before the City Council meeting), we request that our comments made in RED to this document (below) are carefully and duly considered by the City Council members and included in the public records.

MEMORANDUM

TO: City Council
FROM: Brian Pedrotti, Community Development Director
BY: Patrick Holub, Assistant Planner
SUBJECT: Appeal Case 21-007; Appeal of Planning Commission Approval of Minor Use Permit- Plot Plan Review 21-029 for the Establishment of a Vacation Rental; Location: 1562 Strawberry Ave; Appellant: Stew and Francine Errico, Et. Al
.
DATE: February 8, 2022

SUMMARY OF ACTION:
Adoption of the proposed Resolution (Attachment 1) would deny the appeal and approve the proposed vacation rental project in accordance with the approval granted by the Community Development Director on September 28, 2021, and upheld on appeal by the Planning Commission on December 7, 2021.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
In accordance with Chapter 3.24 of the Arroyo Grande Municipal Code (AGMC), vacation rentals are required to pay the City transient occupancy tax (TOT) in the amount of ten percent (10%) of the rent charged by the operator. To cover the costs of staff's time to prepare the appeal hearing documents, the appellant paid a fee of $491 to appeal the Community Development Director's decision to the Planning Commission and a fee of$1,163 to appeal the Planning Commission's decision to the City Council.

RECOMMENDATION:
Adopt a Resolution denying Appeal Case No. 21-007 and approving Plot Plan Review 21-029.

BACKGROUND:
Vacation Rental Ordinance
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 (Attachment 2). During

the development of Ordinance 663, both the Planning Commission and City Council considered potential issues associated with short term rentals, including noise, parking, and other general problems that could be associated with vacation rentals. Ultimately, both bodies concluded that these concerns could be addressed by compliance with the performance standards and abiding by conditions of approval. For example, an applicant is required to provide a local contact to address noise and general disturbance issues that may arise from operation of a short term rental. Additionally, a 300-foot buffer between short term rentals on the same street is required to prevent the overconcentration of short term rentals in a neighborhood.

The Ordinance went into effect on July 10, 2014. Since that time, the City has permitted seventy-one (71) vacation rentals and forty-one (41) homestays, not including the subject application. In addition to this application, staff is currently processing applications for two (2) vacation rentals and one (1) homestay. Since the adoption of Ordinance No. 663, nine (9) permits that were approved by the Community Development Director for the establishment of a vacation rental have been appealed to the Planning Commission and one (1) of these approvals have been appealed to the City Council. All nine (9) of the appeals were denied by the Commission and the Community Development Director's decision was upheld. Each of the previous appeals were denied due to the Planning Commission affirming the required findings for the Plot Plan Review. Similarly, the single appeal to City Council was also denied and the Community Development Director's decision was upheld.

Plot Plan Review 21-033

The applicants for Minor Use Permit-Plot Plan Review 21-029 submitted their application on August 2, 2021, for the establishment of a vacation rental at 1562 Strawberry Avenue. The subject property is a single family residence in the Berry Gardens neighborhood west of South Courtland Street and north of Blackberry Avenue. Additional materials necessary to provide a complete application were received by the City on September 12, 2021. After reviewing the materials provided, the Community Development Director approved Minor Use Permit-Plot Plan Review 21-029 on September 28, 2021 (Attachment 3). This approval was given without going before a Planning Commission meeting that was open to the public. A Planning Commission meeting was originally scheduled for October 5, 2021 where this matter would have given the opportunity for FREE public comment, but that meeting was cancelled with further actions taking place behind closed doors therefore denying affected residents their right (by the Brown Act) to comment and ask questions in relation to this permit. The only recourse to voice their concern would now be to mount an appeal at the personal cost of $491 if they even know about the approval. This continued practice ensures vacation rentals are being approved at an alarming rate, without oversight, and often residents do not have the funds or experience to mount such an appeal and therefore many vacation rentals are being approved without question.
Simply put This VR application was initially approved in violation of the Brown act via a planning commission action that was not open to the public. No member of the public was afforded the opportunity to be present, voice objections, comments or opinions without cost as required by law. Notice of the Director's approval was sent to forty-five

(45) property owners within 300 feet of the subject property. City staff confirmed that the 45 properties mentioned included some properties outside the 300ft zone, and wrongly ascertained in their Memo to the Planning Commission that this was adequate to satisfy requirements for their application. City Staff failed to properly check the list against an accurate map detailing the actual properties within 300ft. Their mistake was only acknowledged last week as a follow up from a presentation the appellants provided at a meeting the appellants initiated with the City on January 11, a month after the Planning Commission hearing. The staff's incorrect and falsely based argument in their memorandum to the City Planning Commission was inaccurate and negligent. What else might appropriate due diligence prove? At least 11 properties within 300' of the unit were not notified of this action or of their right to appeal even though notification is a requirement. Any action they might have taken, including an appeal was suppressed. The notice included the name and phone number of the applicant's local contact person in accordance with Arroyo Grande Municipal Code Subsection 16.52.230.C.5, appeal information, and information about how to contact Community Development staff should there be questions about the project. The approval mailer also listed the name of a secondary emergency contact person which is a 45-minute drive away and does not quality under the current ordinances to be a contact person. City staff decided to include this even though it does not comply with code. Please see our emails to the City Manager and further details contained in the PC level appeal and other public record documents.

Planning Commission Review

An appeal of the Community Development Director's approval of the Minor Use Permit-Plot Plan Review was filed on October 11, 2021. The appellants submitted additional documents outlining the grounds justifying their appeal on November 12, 2021. The Planning Commission heard the appeal at its meeting on December 7, 2021 (Attachment4). Issues raised in the appeal included completeness of the application, impacts on availability of parking and circulation, noticing procedures and the ability of the listed emergency contact to perform the required functions. After hearing comments from the applicant, appellants and members of the public, the Planning Commission voted to deny the appeal due to the determination that they were unable to make sufficient findings to uphold the appeal. The appellants submitted a timely appeal of the Planning Commission's decision on December 20, 2021. The Planning Commission made their decision with incomplete and false information provided by City Staff. If the notification issue and 300ft buffer zone were properly and fairly addressed the Planning Commission may have granted the requested continuance so that this and other issues could be investigated. However, they relied heavily on the perceived accuracy and fairness of City Staff, and were misinformed. While we appreciate city staff are well meaning professionals doing the best job they can with the resources provided, their documented errors are proof they do not have the support required to be effective and accurate, which is not acceptable as what they are doing is critical, and where mistakes can cause grave damage and irreversible consequences to the City and its residents. It is also noted that staff are not consistently following or enforcing code, and are facilitating damages through application of known broken process. It is extremely likely that other serious violations are taking place, that other applications have contained

such errors in the past and present and that the Planning Commission casted their appeal votes with incorrect and incomplete information. Without updated code and proper application vetting the City Staff are postured for failure.

ANALYSIS OF ISSUES:

Vacation Rental Performance Standards

Arroyo Grande Municipal Code (AGMC) Section 16.52.230 sets forth performance standards and conditions required for the operation of vacation rentals within the City. These performance standards and conditions are intended to ensure vacation rentals conform to the existing character of the neighborhood and do not create an adverse impact on adjacent properties. Applicable performance standards are included as conditions of approval to allow an upfront understanding by the applicant of what the City requires for the operation of the vacation rental. Conditions include items such as having a structure consistent with the neighborhood, meeting applicable Codes, maintaining a local contact person, and limiting the number of guests allowed to occupy the rental. This section omits reference to the open action by City Council to conduct a review of current standards and ordinances due to concerns that they are outdated and do not adequately reflect today's landscape of vacation rentals and the issues they pose to the City and to its constituents. The City Council took the action last October after acknowledging existing VR codes and procedures may no longer be relevant and need updating to action a code review and revision. Knowing that, how can the City continue allowing these known errors to occur with known outdated code?

Basis of the Appeal

The subject appeal indicated concerns about (1) due process, (2) the application not meeting the required performance standards, and (3) the Planning Commission not addressing material errors raised in that appeal (Attachment 5).

1. *Due Process*

The appeal raised concerns with the notification of adjacent property owners as required per Arroyo Grande Municipal Code Subsection 16.16.080.C.6. Notice of the Community Development Director's approval of the application was provided to property owners within a 300' radius on September 28, 2021. City staff omitted to mention that it was tabled as an agenda item for an October 5 meeting, but the meeting was cancelled so public were not afforded the opportunity to comment on the approval without having to launch an appeal. It was later determined, following the Planning Commission hearing, that eleven (11) property owners within the required radius were not notified included in the original mailing list and did not receive notice of the Community Development Director's approval. However, each of these eleven property owners, as well as all of the other property owners within the required 300' radius, were notified of the Planning Commission hearing. This is based on the assumption that the City Council has verified the accuracy and completeness of all the labels which did not occur. Several were addressed to the resident and several not by name since that information was not found at that time. Therefore, it is very likely that there are still property owners who have not been, but should have been, notified. In addition, if this

argument is held to be legitimate, then any applicant could simply notify one owner or a select few (picking and choosing who they want to notify) and rely on an appeal process (which may or may not happen) to give them compliance with due process. This simply does not make sense. Additionally, the notice of this hearing before the City Council was also mailed to all of the required property owners within 300 feet of the subject property, including the eleven properties missed with the original mailing.

Because the Community Development Director's approval of the permit was eventually appealed to the Planning Commission, and because notices of the two hearings before the Planning Commission and the City Council have been provided properly, the City Attorney has advised that no property owner has been deprived of their rights in this case. Government Code Section 65010(b) states:

> No action, inaction, or recommendation by any public agency or its legislative body or any of its administrative agencies or officials on any matter subject to this title shall be held invalid or set aside by any court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission (hereafter, error) as to any matter pertaining to petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals, or any matters of procedure subject to this title, unless the court finds that the error was prejudicial and that the party complaining or appealing suffered substantial injury from that error and that a different result would have been probable if the error had not occurred. There shall be no presumption that error is prejudicial or that injury was done if the error is shown.

The City Staff claim, that no rights were violated, contrary to our research and advice obtained which strongly suggests that rights were absolutely violated, injuries were and will be sustained and outcomes reasonably would have been different. We also request a copy of that legal opinion in writing and on letterhead, and believe that the City Attorney likely gave a statement under different context and may not have had all the information when providing this preliminary opinion. There most certainly has been "injury" or damages, in the fact that the only option for the appellant to question this application is to file an appeal at the cost of $491 and an additional $1163, these are now financial damages – the appellant has in effect paid to find and correct the City Staff's mistakes. Injury does occur to those who have been denied their right to appeal. As the 11 (or more) owners were only notified by the appeal process, they are not afforded due process – the deadline to make their own personal appeal would have been October 11, months before they receive their notification by the appellants. In determining, that even if these 11 omitted owners had the right to appeal that the decision would not have been changed the outcome is predetermination, as we will never know what additional evidence or issues they may have raised. In addition, if the VR application of 1562 Strawberry was denied there most certainly could be a number of different results – the owner might not pursue going through the process again of applying, the City Council may issue a moratorium on all existing and future applications

until the standards and ordinances have been re-visited therefore making it applicable under future ordinances, or other neighbors may decide to apply for a vacation rental, as it would now be their right to do so because the previous one had been denied.

As the error in the original notice of the Community Development Director's approval of the permit was not discovered until after the Planning Commission hearing, staff did not notify the Commission that the original notice had inadvertently excluded 11 properties. However, because all of the property owners who should have been originally notified were subsequently noticed properly for the appeals to the Planning Commission and to the City Council, no property owners were deprived of their rights, no prejudicial errors occurred, and a different result was not probable if the error had not occurred. Therefore, staff does not recommend upholding this appeal issue. Again, we maintain that their rights have absolutely been denied, among other issues, there is no process for them to lodge an appeal after the appeal deadline. The possibility of giving a 3-minute public comment during someone else's appeal hearing is completely different in almost all ways to lodging one's own appeal. If we had not taken the time to discover this violation of property owners' rights and file an appeal, this gross error would never have been realized and the VR application would have been approved in spite of rights having been violated. Ironically, as a result of our identifying and notifying the correct owners of our appeal, the City claim that we corrected the applicant's error since everyone required to be notified was notified of our appeal, even though they were not part of the VR application process. We fail to see how they would have an opportunity to file a PC appeal in this instance (months after the appeal deadline) and hope this seems as absurd and unfair to others as we find it to be.

2. Performance Standards

The appeal contends that the application does not meet the required performance standards, specifically in regards to the listed emergency contact persons. The application originally included an emergency contact person that was beyond the required 15-minute drive time from the rental property. The applicants later provided an emergency contact person that was within the required distance and that person's contact information was provided as the property's primary emergency contact in the notices mailed to nearby property owners. Because the applicants had already contracted with a vacation rental management company, the applicants requested that the original emergency contact person included in the application be provided as a secondary contact person. It is evidenced that the applicants had already contracted with a vacation rental property before obtaining the license. Any financial implications were a result of the applicants poor planning and should not be a reason to make up new rules. The appeal contends that this person would not otherwise qualify as the primary contact person, and, therefore, should not be allowed to be listed as a contact person for this rental. Staff believes that the presence of a second emergency contact person will only serve to benefit the neighborhood should any issues arise. Because the applicants have provided an emergency contact person who meets all of the necessary performance standards, staff does not recommend upholding this appeal issue. If the City Council denies the appeal and upholds approval of the vacation rental permit,

notice of the approval listing the emergency contact persons will be mailed to all property owners within a 300' radius of the property. This suggests that if the applicant provides a local contact number (even if they do not serve any purpose other than being a 15-minute drive) that a secondary contact (the property manager) can be located anywhere, even Alaska or New York City. This sets a dangerous precedent of circumventing the "intent" of the performance stands, in which the local contact within 15-minute drive is to be available to personally address noise and other issues and disturbances. In this instance, it will be the property manager who wants to deal with these issues directly not the intended contact person. Multiple points of contact continue to muddle responsibility and communications. These and other arguments have been made and are well documented in some of our previously filed documents, including an email to the city manager that is in public records, and through this multiple appeals process. Please be certain to review them in detail.

3. Planning Commission Hearing

The appeal states that the Planning Commission did not address some of the errors that were raised during that hearing. These errors mentioned include the notification error with the original Community Development Director approval of the permit and that a secondary contact person should not have been provided due to the fact that the secondary emergency contact person does not reside within a fifteen (15) minute drive of the property. The appeal further states that the Planning Commission should have continued the item to a later date to allow these errors to be corrected. The appellants has very little time to attempt to respond to the city memo that was published and zero time to prepare for changes that they made to that document which were only disclosed at the appeal's hearing, the appellants were only given a few minutes to speak about their entire appeal, of which the incorrect data was not the only issue. Furthermore, they were not permitted to speak again during the hearing even though they made a request to. It took about ½ hour to explain with drawings and diagrams the mistake to the City staff on a zoom meeting January 11. This could not be covered in detail at the City Planning Commission meeting and we requested a continuance so this and many other shortcomings could be accurately and fairly described. The staff memo to the City Planning Commission blatantly said we were in error, even though they had not conducted due diligence and properly checked their claimed facts.

During the hearing before the Planning Commission on December 7, 2021, the Commissioners in attendance had the opportunity to review the materials provided by City staff, the applicant and the appellants and concluded that sufficient materials were provided to make a determination on the appeal. Ultimately, the Planning Commission voted unanimously to deny the appeal and to approve the vacation rental as submitted. Because the Planning Commission conducted a Public Hearing and heard input from all parties, staff does not recommend upholding this appeal issue. Effectively we have spent a great deal of our own time and money to do the City's job of correcting their negligence. Something about that situation does not seem fair. This has all resulted following a great deal of needless personal cost in both time and dollars. This City admission proves our original VR appeal at the Planning Commission level was NOT fairly considered and contained incorrect City provided recommendations and should

not have left us with an only recourse of filing this further appeal at the City level to be heard.
See above comments.

Recommended Action
Staff recommends that the City Council adopt the attached Resolution denying Appeal Case No. 21-007 and approving Plot Plan Review Case No. 21-029. In order for the City Council to uphold the appeal and deny the vacation rental permit, a majority of the quorum would need to identify substantial evidence supporting findings that the requirements of the Ordinance for approval of a vacation rental have not been met, as follows:

1. The proposed project is consistent with the goals, objectives, policies and programs of the Arroyo Grande general plan
2. The proposed project conforms to applicable performance standards and will not be detrimental to the public health, safety or general welfare. We have demonstrated that by approving a vacation rental at 1562 Strawberry Avenue that over 500 residents could be adversely effected, with over 400 being renters who will not have access to emergency contact numbers should there ever be any problems. We have questioned the safety of children and senior citizens on our street due to increased traffic, parking and strangers on the street, and we have demonstrated that the application does not meet the performance standards due to errors by the applicant and the city staff. Additionally existing code is knowingly no longer relevant or appropriate. The incomplete City action of a code and procedures review with updates needs to be completed before any further VR approval related activities occur.

3. The physical location or placement of the use on the site is compatible with the surrounding neighborhood. Again, the location of this vacation rental would be in a high-density area with over 500 residents within the 300ft buffer zone. It is therefore not compatible with surrounding neighborhood. It could also be argued that a lodging business (hotel), is not compatible with the existing neighborhood as specified in the original purpose of building Berry Gardens prescribed in the Berry Garden Specific Plan and approved by the AG City Council.

In accordance with finding #2, the vacation rental must conform to the following performance standards and conditions listed in the Municipal Code:

1. Operators of vacation rentals are required to obtain a minor use permit-plot plan review (Section 16.16.080) and a business license. The minor use permit-plot plan review was invalid and incomplete, qualifying owners were denied their right to notification and appeal, staff were making their own determination in relation to code and setting precedent, and the Brown Act was violated by approving the permit without a free public hearing.
2. Any proposed vacation rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The

use shall be harmonious and compatible with the existing uses with the neighborhood. A daily turnover lodging business with no on-site management is not harmonious or compatible with the existing use of the neighborhood. This is evidenced in the appeal documentation.
3. All Building Code and Fire Code requirements for the level of occupancy of the vacation rental shall be met.
4. All environmental health regulations shall be met.
5. The operator of the vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifteen-minute drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person or entity shall respond, either in person or by return telephone call, with a proposed resolution to the complaint within three hours between seven a.m. and nine p.m., and within thirty (30) minutes between nine p.m. and seven a.m. The applicants have circumvented this requirement by including their additional point of contact that is a property manager who does not qualify to be listed as an emergency contact. See above references.
6. The operator of the vacation rental shall annually, at the time of renewal of the business license, notify the community development department of the name, address and telephone number of the contact person required in subsection (C)(6).
7. A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in subsection (C)(6). The notice shall also set forth 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 be parked on-site, and the day(s) established for garbage collection. The notice shall also provide the nonemergency number of the Arroyo Grande Police Department.
8. On-site advertising of the vacation rental is prohibited.
9. The number of overnight occupants shall be limited to two persons per bedroom and two additional persons. A bedroom shall meet the minimum size requirements as defined in the Building Code.
10. All refuse shall be stored in appropriate containers and placed at the curb for collection every week.
11. The operator of the vacation rental shall pay transient occupancy tax as required
by Arroyo Grande Municipal Code Section 3.24.030.
12. Establishment of a vacation rental within three hundred (300) feet of an existing vacation rental on the same street shall not be permitted.
13.Violations. Violation of these requirements shall constitute grounds for revocation of the minor use permit pursuant to Section 16.16.220. Although City Staff are happy to cite the number of approved permits and how many appeals have failed, they omit here to mention how many permits have ever been revoked, how long the process would take, what the cost is and who covers the cost?

ALTERNATIVES:
The following alternatives are provided for the Council's consideration:
1. Adopt the attached Resolution denying Appeal Case No. 21-007 and approving Plot Plan Review Case No. 21-029;
2. Modify and adopt the attached Resolution denying Appeal Case No. 21-007 and approving Plot Plan Review Case No. 21-029;
3. Do not adopt the attached Resolution, take tentative action to uphold Appeal Case No. 21-007, and provide direction for staff to return with an appropriate supporting resolution including findings for denial of Plot Plan Review Case No. 21-029; or
4. Provide other direction to staff.
5. Adopt a resolution for a moratorium on all existing and future vacation rental applications so that these grave shortcomings in the processes and systems are rectified and ordinances are updated to address many issues surrounding the current landscape of vacation rentals and greater protections are afforded to the constituents of Arroyo Grande. If this were to be enacted, and the appeal successful, the applicant might apply again, but under new updated legitimate ordinances.

ADVANTAGES:
Denial of the appeal and approval of the Minor Use Permit - Plot Plan Review would allow the applicants to establish a vacation rental in accordance with City regulations and provide the applicants flexibility to use the home to generate supplemental income. The applicant would also collect and remit TOT from rentals, which would be used to help maintain City services and infrastructure.

DISADVANTAGES:
The establishment of a number of vacation rentals in a residential neighborhood could impact the atmosphere developed in the neighborhood through time. Impacts to noise, traffic, property values, and neighborhood composition could be observed. However, concentration limitations and performance standards developed specifically for vacation rentals were intended to reduce this potential, including the designation of a local contact person to address negative impacts to neighbors and prevent overburdening City services. Additionally, Citywide performance standards, including the Noise Ordinance, also apply to vacation rentals. If the vacation rental begins operating outside of any of these standards or the conditions of the permit, remedies are made available through the AGMC. Staff have omitted to state that this could be a lengthy and costly venture and how many permits have been revoked to date. They have omitted that they do not have a process in which to collect or research current issues with vacation rentals and complaints and do not advertise to residents the ability and the need to collect such data. One major disadvantage given the evidence in the appeal is that due process was not followed, rights were denied and fair hearings not held, and as such

the residents of Berry Gardens and other AG communities will lose faith in the Arroyo Grande City Council who is supposed to act morally, ethically and legally to protect and maintain the communities it serves. This is incredibly serious. Neighborhoods and residents' lives are being severely and negatively impacted by what is occurring here. Wrongful activity is taking place, and it is unreasonable, unethical and probably illegal for applications, including this one, to continue to be processed in the current environment and under the known outdated code.

ENVIRONMENTAL REVIEW:
Staff has reviewed the project in accordance with the California Environmental Quality Act (CEQA) and determined that it is categorically exempt per Section 15301 of the CEQA Guidelines regarding existing facilities.

PUBLIC NOTIFICATION AND COMMENTS:
A notice of public hearing was mailed to all property owners within 300 feet of the project site, published in the Tribune, and posted on the City's website and at City Hall on Friday, January 28, 2022. 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 have been received.

Attachments:
1. Proposed Resolution
2. Ordinance 663
3. Approval Letter dated September 28, 2021
4. Minutes and Staff Report from the December 7, 2021 Planning Commission Meeting
5. Appeal Document

From: Cheryl Schweitzerhof
To: public comment
Subject: Consideration of Appeal to City Council Case 21-007
Date: Friday, February 4, 2022 5:34:31 AM

My name is Cheryl Schweitzerhof. I reside on Strawberry Ave, Arroyo Grande.

I am not in favor of a mini hotel (vacation rental) as a next door neighbor.

I live in a residential family oriented neighborhood. If I had wanted to live in a mini hotel environment with vacationers/visitors coming to town, I would have bought a residence in downtown Pismo Beach.

I am appealing to the City Council not to allow approval to proceed for the establishment of a vacation rental at 1562 Strawberry Ave, Arroyo Grande.

Your consideration is appreciated

Cheryl Schweitzerhof

Sent from my iPad

From: Linda Drummy
To: public comment
Subject: Appeal of Planning Commission Approval Case 21-007 1562 Strawberry Ave
Date: Wednesday, February 2, 2022 7:13:42 PM

Dear Council Members,

I am writing to you about my concerns for the short term vacation rental slated for 1562 Strawberry Ave, Arroyo Grande. There are many red flags about this property. Please do NOT allow this property to have "short term" rentals. There are many red flags about this property. Please do NOT allow this property to have "short term" rentals.

1. The City mishandled the original mailing to some affected residences, including myself, as they never got the original notice, denying their right to appeal .
2. The residence has no usable parking in the garage as it was converted to an entertainment "play" room. There is no option to remove the items in the garage to even allow cars to park there. So parking will be on the driveway and street, where there is already limited space. With short term vacationers, brings fifth wheelers, trucks with trailers for their off road vehicles and multiple other vehicles and "toys". This street and surrounding ones can not handle this increase in traffic, parking, noise and garbage that is created by short term rentals. Th
3. This is a "conflict of interest" for council members to vote on, as some have their own vacation rentals.
4. The main "emergency contact" is well outside the 15 minute drive from this property (Templeton). Homeowner listed "two" emergency contacts which is also against the city ordinance. The other listed party does not meet the required performance criteria.
5. If a neighbor has an urgent problem with the vacationers, It can take up to 3 hours for someone to respond. This also is unacceptable!!

This is a "residential" neighborhood, not a "commercial" neighborhood. Our entire neighborhood already has limited parking with the cars that are already here.
This short term rental will be detrimental to our neighborhood as it will reduce our property values, increase parking issues, increase traffic issues, cause trash issues, cause noise disturbances and safety issues. Without proper screening, as is used in long term rentals, the short termers can cause quite a number of problems in this quiet neighborhood. There is no accountability for their actions as they just pick up and leave behind the mess they created. There is no recourse in managing them.

A long term rental would be the better option for this home and neighborhood. Do NOT allow this to be approved.

Regards,
Linda Drummy
[redacted]
Arroyo Grande