



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 8, 2022

Attached is correspondence received by 4 p.m. 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: [Michelle Chariton \(MC\)](#)
To: [public comment](#)
Cc: [Jaime Fordyce](#); [REDACTED]
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. - Chariton Public comment
Date: Tuesday, February 8, 2022 3:35:03 PM
Attachments: [Appeal Case 21007 1562 Strawberry Ave Public Comment.pdf](#)

Please see attachment for your review in public comment. - pdf provide details.

City Counsel Please take time to PAUSE and reflect that the current systems and process surrounding the Vacation Rental is truly broken. As a professional in this field I personally would like to bring to your attention the unrepresented voice and non-bias representation of the municipal code. Title 16 has not been enforced by Arroyo Grande Community Development Staff or at the Planning Commission level. The Vacation rental 16.52.230 Performance Standards and Conditions have not been meet. Attached document describes in detail 16.16.080 - Minor use permits application was incomplete. Plot Plan Review Table 16.12.030-A Mailing Label Requirements - not accurate and incomplete. The permit needs to be denied and the votes unanimously in favor of the appellant.

Michelle Chariton

City Counsel Please take time to PAUSE and reflect that the current systems and process surrounding the Vacation Rental is truly broken. As a professional in this field I personally would like to bring to your attention the unrepresented voice and non-bias representation of the **municipal code**.

Below are the facts. It is really this simple. The applicant either performs the actions laid out in Title 16 or they did not. The burden of proof is not on the appellant or the city it is on the applicant.

First point: The Application for this Minor Use Permit is **incomplete** in the eye of the code aka Title 16. Let's follow the bouncing ball of Municipal Code.

1. **16.52.230 Performance Standards** and Conditions for Vacation Rentals.
 - a. 16.16.080 - Minor use permits 1. Operators of vacation rentals are required to obtain a **minor use permit**- via plot plan review (Section 16.16.080)
 - b. 16.16.080 - Minor use permits—Plot plan review section C. Submittal and Review Requirements: 1. Minor use permit—plot plan review applications **shall** contain the following:
 - a. **Completed planning application form** and required fee and attachments (**see also Section 16.12.030**)
 - c. *****Important note why the application is incomplete lies in 16.12.030 –**
Application submittal two things can happen: in section 6&7
 1. In section 6: Community development director shall determine in writing the completeness. If deemed complete, the application shall then be processed pursuant to the provisions of this Title.
 2. In section 7: If the community development director fails to make a determination as to completeness of an application or resubmitted application within the time period specified by state law, the application shall be automatically deemed complete and processed pursuant to the provisions of this title.
 - d. The Minor Project application PPR21-000029 was submitted on August 8th 2021 and was deemed complete by staff on September 28 2021. This permits timeline exceeds the allot time mandated by the permit streamline act Government Code § 65921 - The agency has 30 days after an application is submitted in which to inform the applicant of whether the application is complete. Staffers took 51 days. This permit was “automatically deemed complete.” – confirming all this items below why they are incomplete.
 - e. *****When a permit is “automatically deemed complete per state statute” the documents have to stand alone. No changes to document can be made as it makes it way through from the Community Development notice of administrative decision. Then to planning commission consent agenda for a vote by the Planning Commission meeting minutes. Which for applicant opens the permit up for audit and security under the code per the appeals process 16.12.150. Which has occurred and has merit!**

- f. Below is the appellant specific reasons for the basis of the appeal and have 100% merit under Title 16 and the Ordinance 663 – Minor Use Permit Application items:
- Project Description II – *incomplete*
 - Section III. For plot plans - *incomplete and completely blank*
 - **Section of V. COMPLETE THIS SECTION FOR PROJECTS ALL** – *incomplete and no signatures provided – technically grounds for incomplete application for any public agency per the Political Reform act of 1974, the City needs to be aware of all entities (i.e. corporations, lending institutions, etc. or individuals that may have a financial interest in the proposed project. --- Due to recent interpretation and legal amendments to the All LLCs shall provide relevant Articles of Incorporation in order to disclose all financially interested entities. Please complete the following certification and provide your signature*
- g. Moreover, Title 16 and the Ordinance 663 Under 16.16.080 - Minor use permits—Plot plan review: C. Submittal and Review Requirements: 6. **For Plot Plan Reviews** establishing the use of property for vacation rental purposes, the decision of the community development director shall also be mailed to all property owners of parcels within three hundred (300) feet of the property for which the plot plan review has been requested, in addition to the requirements of subsection (C)(5). The notice shall indicate the appeal provisions of Section 16.12.150 and Table 16.12.030-A Mailing Label Requirements
- Out of the only 45 addresses on the mailing list used by the applicant, including themselves, properties beyond the 300 feet which are not addresses for property owners within 300 feet are included in this total, and incorrect names are listed against addresses. A cursory analysis indicates that a minimum of 69 properties fall within the 300 foot area. This number does not include the large number of individual units at the complexes at Oak Park Village apartments and Courtland Street Apartments.
- h. 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** - One is not associated with the “deemed complete application” is (Erika McCann), and the other (Kathy Kelly) is further than 15 minutes from the property - Emergency contacts listed are not valid – application is incomplete.
- ***Note an emergency contact is one not two this deviation by “community director” interpretation is confusing for all and not supported by the Code, this interpretation needs to stop immediately.*

In closing Title 16 has not been enforced by Arroyo Grande Community Development Staff or at the Planning Commission level. The Vacation rental 16.52.230 Performance Standards and Conditions have not been meet. Above describes 16.16.080 - Minor use permits application was incomplete. Plot Plan Review Table 16.12.030-A Mailing Label Requirements – not accurate and incomplete. The permit needs to be denied and the votes unanimously in favor of the appellant.

Thank you for your time and pause

Michelle Chariton

My Name is Ben and I am
eleven years old. I am concerned
about the possibility of a
vacation rental next to where I live.

I don't understand why you would
have a VR in a neighborhood when
we are not in an area where a VR
makes sense like the beach front.

I am worried that a VR will
lead to more noises making it so
no one can sleep or enjoy quiet times.

Also, a lot more random people coming here makes illness cases like Covid rise and more traffic and litter.

And young kids would not be able to play safely on or near the cat-de-sac.

I learned in Cub scouts that Government Officials like the

Mayor and people who work for the

Government are supposed to make

decisions to make towns more safe and less dangerous.

If you have any questions for me
I will be on the zoom meeting.

Thank You,

Ben E

From: [Linda Drummy](#)
To: [Whitney McDonald](#)
Subject: Fwd: 2nd Appeal of Planning Commission Approval Case 21-007 1562 Strawberry Ave
Date: Tuesday, February 8, 2022 1:51:53 PM

From: Linda Drummy [REDACTED] >
Date: February 6, 2022 at 7:56:44 PM PST
To: publiccomment@arroyogrande.org
Subject: **2nd Appeal of Planning Commission Approval Case 21-007 1562 Strawberry Ave**

Dear Council Members:

This should be added to my previous email of Feb 2, 2022.

I am very disheartened by the Council's response that my appeal is not going to be heard on this properly even though you DID NOT send me the original notification about my right to appeal.

1. I was finally notified about the appeal because the neighbors did appeal this short term rental. The city did not send me the required flier about this.
2. My right to appeal was taken away from me.
3. The CITY must take ownership of their error and not just slough it off. My input means nothing to you.
4. Last week, the Management company for this property...which is illegally more than 15 minutes away (more like an hour away), was at the said Strawberry property. They sheepishly smiled when asked if the homeowner got permission for this rental. In other words, it appears that this appeal is all futile. As I would have to guess that they already received approval for the short term rental, and, the City has predetermined the approval for the short term rental.
REALLY???????
5. As history has proven, nearby property values will fall. (of course no Council member would allow this in their neighborhood such as The Cherry Lane neighborhood.)
6. There is NO parking allowed in said home's garage, as it is filled with very large and heavy "Toys" such as a non foldable ping pong table and foosball table. No place to move these to and too heavy to move.
7. Homeowners LIED to their neighbors saying this was going to be a "long term" rental. Yet, they deceived everyone and will still get this short term rental approved
8. Parking is at a premium in this neighborhood which means the vehicles and 5th wheelers and trailers carrying off road vehicles, will spill over onto other

already congested streets.

9. There is a conflict of interest for some council members voting on this, as they have rentals of their own.

This entire process is a FARCE. As the City of AG wants any monies they can get their hands on, and this short term rental will benefit the City. It will NOT benefit the neighborhood that I live in. We have been left out of the equation. The City has given the green light to this, even BEFORE hearing valid appeals. And, this appeal process has previously been sidelined numerous times, I would assume to benefit the homeowner.

How can you justify your actions???? And, how can you allow a management company that is an hour away, manage this property??? If there are complaints, they are too far away to be present to assist with the issues in a timely manner.

The City and Council just doesn't care, and the real taxpayers are being rolled over on, once again. THIS IS ALL SO WRONG!!!!!! But you don't care.

Regards,
A very disgruntled homeowner
Linda Drummy
Blackberry Ave, AG