



# Attachment 4

## APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO PC



@ 4:15 pm

Stewart and Francine ERRICO

Marco and Cecelia TENIENTE

11 OCT 2021

(Name)

(Date)

1570 Strawberry Ave.

1586 Strawberry Ave.

ARROYO GRANDE

93420

(Address)

(City)

(Zip Code)

Project Appeal Name and Case Number

PPR (21-029) 1562 Strawberry Ave.

Project Approved/Denied by Community Development Director on

Project Location

1562 Strawberry Avenue AG, CA

(Date)

93420

Reason for Appeal

As a request for an appeal extension

deadline was denied, more details regarding this appeal

will be provided as an attachment at a later date

per information recieved from Brian Pedrotti on 11 Oct 2021

Signature

Mailing Address

1570 and 1586 Strawberry Ave Arroyo Grande, CA 93420

Telephone

Email

stew. errico@yahoo.com

Receipt Number

Date 11 OCT 2021

Items Required Checklist:

☒ \$491 appeal fee

Two (2) sets of typed, gummed labels on 8 1/2" x 11" sheets, listing the names, addresses, and assessor's parcel number of all property owners within a radius of 300 feet of the exterior boundaries of the subject property, along with copies of the applicable assessor's parcel map book pages

Community Development Staff

## Section 5: Appeal Cover letter statement:

We, the appellants and neighbors, strongly appeal and call for an application denial to 1562 Strawberry Avenue's application to become a Vacation Rental (VR) property. The application submitted does not meet the performance standards for vacation rentals in multiple areas as this appeal will demonstrate. It is our intent to cause this application to be met with the result of a denial. We do not wish for our appeal efforts to serve as an opportunity to collaborate with the applicant or City's efforts to help point out shortcomings to the applicant that lead to cooperative corrections based upon our appeal content, as appears to have occurred in a number of previous VR appeal actions in Arroyo Grande. It is our position that this VR is not an appropriate or legitimate development to our neighborhood, and that the application does not meet the standards required to be approved.

Beyond significant concerns relating to inappropriateness and unsuitabilities between VR's with Neighborhood communities in general, there are additional substantial issues between this VR and our specific neighborhood. There exist a number of relevant restrictions and limitations that should have been addressed relating to this application, but do not appear to have even been considered through the process so far.

There is also the major fact that the PPR VR application filed for 1562 Strawberry Ave contains multiple seriously disqualifying attributes as outlined in this appeal package including violations of: due process, notifications, performance standards and requirements and of the VR application itself.

We, and our neighbors, did not move into this very special custom designed, and approved as such, family suitable neighborhood with a desire or expectation to live in close proximity to hotels, motels or short-term vacation rentals and thank you for your attention to this extremely important matter. This VR application also violates the intent and purpose of code for VR properties in close proximity to residential single family zoned neighborhoods.

The fact that the city are currently reassessing code and processes relating to VR's only further highlights that the present processing for possible approvals of VR applications is out of synchronization with what VR's are inappropriately trying to become.

Appendix A1 contains a copy of the Berry Gardens Specific Design Plan.

Appendix A2 is a small sampling of well documented typical VR complaints.

A general outline is listed on next page for your reference and convenience:

## Appeal General Outline:

### 5. *Appeal re: 1562 Strawberry Ave (PPR 21-029)*

- a. Invalid/Inappropriate/Flawed application
  - i. PPR checklist: issues, violations, & failures
    - 1. Issues
      - a. Table I (form and comments)
  - ii. PPR application: issues, violations, & failures
    - 1. Issues
      - a. Table II (form and comments)
      - b. Also violates terms of associated business license
    - 2. Mailing list utilized is disqualifying
      - a. Tables III and IV
    - 3. Local contact(s) is not valid
  - iii. Unique considerations/objections
    - 1. Appropriate conditions and restrictions
    - 2. VR usage conflicts with approved neighborhood design
  - iv. Global considerations/objections
  - v. VR already exists within 300' of the property application
- b. VR approval process presently in place is not appropriate
  - i. Process and implementation is not appropriate
    - 1. Motel style usage of VRs is a very negative development
    - 2. Due process has not been followed
    - 3. Time given to file an appeal is insufficient
    - 4. Complaints and problems not properly processed or known about
    - 5. VR's are not adhering to city code
    - 6. Specific VR suitability and conditions not being considered
    - 7. Updated appropriate ordinances are needed
    - 8. Offsite parking should not be allowed similar to county code
    - 9. VR's result in further losses to available and affordable housing which is already a serious problem in AG.
- c. Appendix
  - a. Appendix A1: Berry Gardens design plan
  - b. Appendix A2: small sampling of well documented typical VR complaints.

Plot Plan Review 1562 Strawberry Ave, Arroyo Grande, 93420

Application is incomplete resulting from the following items missing from PPR checklist completion:

- 2A. No location and dimensions mentioned on supplied drawings
- 2B. No scale or north arrow on drawings
- 2C No area location map with the distance to nearby cross streets and showing natural made landmarks on drawings
- 2D. No location, name, width and pavement type of adjacent street or alleys, and no location of existing curbs, gutter or sidewalks on drawings
- 2E No location, dimensions and use of existing and proposed structures on the property, including accessory structures, trash enclosures, deck, balconies, exterior lighting, structures, and other structural elements that protrude into the yard area (no inclusion of the hot tub and fire pit) noted on the drawings
- 2F. No location, dimensions, and types of existing and proposed utilities, including water supply, sewage disposal facilities, electricity, gas, or other utilities, Existing and proposed public and private easements missing from the drawings.
- 2 G. No location and dimensions of existing or proposed driveways and parking areas on the drawings
- 2 G1. No type of surfacing materials, parking spaces, aisles and flow of traffic noted on the drawings
- 2 G2. No parking spaces noted on drawings
- 2 G 5 No flow of traffic noted by arrows on the drawings
- 2 H No general location of any topographic or man made features o the site noted on the drawings.
- 2I No approximate location and general description, including species and trunk and canopy diameter of all trees upon the property noted on the drawings
- 3. No grading plans
- 5. No preliminary title report included
- Additional items that may have been missed by this assessment are likely.





# CITY OF ARROYO GRANDE

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLOT PLAN REVIEW

The following list includes all of the items you must submit for a complete application. Some specific types of information may not apply to your particular project and, as noted, some items may only be required in certain circumstances. If you are not sure if a specific requirement applies to your project, please ask the Community Development Staff. A copy of this list will be used to check your application for completeness after it is submitted. If your application is not complete, a copy of the list will be returned to you with additional requirements noted.

FOR STAFF USE ONLY			
DATE SUBMITTED	DATE DEEMED COMPLETE	CHECKED BY	CASE NUMBER

Applicant	City	REQUIRED ITEMS
<input type="checkbox"/>	<input type="checkbox"/>	1. Completed application form and payment in full of applicable fees for processing the application.
<input type="checkbox"/>	<input type="checkbox"/>	2. Seven (7) copies of a plot plan drawn using a standard engineer's scale. (Approval necessary for use of scale smaller than 1:30, i.e., 1:40 or 1:50.) Plot plans shall be neatly and accurately prepared, enabling ready identification and recognition of submitted information, and folded to 9" x 12" size, showing:
<input type="checkbox"/>	<input type="checkbox"/>	A. <del>Location,</del> exterior boundaries, and <del>dimensions</del> of the entire property that is the subject of the application.
<input type="checkbox"/>	<input type="checkbox"/>	B. The <del>scale</del> of the drawing and a <del>north arrow</del> shall be indicated.
<input type="checkbox"/>	<input type="checkbox"/>	C. An <del>area location map</del> showing the proposed project site and its <del>distance</del> from <del>nearby cross streets</del> and <del>natural or man-made landmarks</del> , as necessary to readily locate the site.
<input type="checkbox"/>	<input type="checkbox"/>	D. The <del>location, name, width, and pavement type of adjacent street(s) or alley(s)</del> , as well as the location of <del>existing or proposed curbs, gutter, or sidewalk</del> improvements.
<input type="checkbox"/>	<input type="checkbox"/>	E. The <del>location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, trash enclosures, decks, balconies, fences, walls, exterior lighting structures, signs, and other structural elements that protrude into yard areas.</del>
<input type="checkbox"/>	<input type="checkbox"/>	1. When the use of a proposed structure is not certain at the time of application, the occupancy-type, as defined by the Uniform Building Code, may be submitted for use.
<input type="checkbox"/>	<input type="checkbox"/>	F. The <del>locations, dimensions, and types of existing and proposed utilities, including water supply, sewage disposal facilities, electricity, gas, or other utilities.</del> Existing and proposed public and private easements shall be shown.
<input type="checkbox"/>	<input type="checkbox"/>	G. The <del>location and dimensions of existing or proposed driveways and parking areas (enclosed or open), including:</del>
<input type="checkbox"/>	<input type="checkbox"/>	1. <del>Type of surfacing materials, parking spaces, aisles,</del> and identification of any driveway grades over ten (10) percent. The <del>flow of traffic should be noted by arrows.</del>



# CITY OF ARROYO GRANDE

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLOT PLAN REVIEW

Applicant	City	REQUIRED ITEMS
<input type="checkbox"/>	<input type="checkbox"/>	2. <del>Parking spaces.</del>
<input type="checkbox"/>	<input type="checkbox"/>	3. Aisles.
<input type="checkbox"/>	<input type="checkbox"/>	4. Identification of any driveway grades over ten (10) percent.
<input type="checkbox"/>	<input type="checkbox"/>	5. <del>The flow of traffic noted by arrows.</del>
<input type="checkbox"/>	<input type="checkbox"/>	H. The <del>generalized location of any major topographic or man-made features on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas.</del> A topographic map may be required by the Community Development Director.
<input type="checkbox"/>	<input type="checkbox"/>	I. <del>The approximate location and general description, including species and trunk and canopy diameter, of all trees upon the property or off-site but affected by the project.</del> Include notations regarding their proposed retention and destruction, and notations regarding general type of vegetation in areas not occupied by trees.
<input type="checkbox"/>	<input type="checkbox"/>	3. Seven (7) sets of a <del>grading plan,</del> and drainage plan (folded to 9" x 12" size).
<input type="checkbox"/>	<input type="checkbox"/>	4. Seven (7) sets of <del>preliminary floor plans,</del> (folded to 9" x 12" size), drawn using standard engineer's or architect's scale, for each story of each building or structure, showing the following:
<input type="checkbox"/>	<input type="checkbox"/>	A. Location of walls, doors, and windows.
<input type="checkbox"/>	<input type="checkbox"/>	B. Identification of activity areas.
<input type="checkbox"/>	<input type="checkbox"/>	C. Placement of window and door locations on floor plans in coordination with the elevations.
<input type="checkbox"/>	<input type="checkbox"/>	5. Preliminary <del>landscape and irrigation plans,</del> prepared by a licensed landscape architect or as approved by the Community Development Director.
<input type="checkbox"/>	<input type="checkbox"/>	6. An Administrative Sign Permit application may be required to be processed concurrently with the Plot Plan Review for any use proposed to have signs.
<input type="checkbox"/>	<input type="checkbox"/>	7. An Architectural Review application may be required to be processed concurrently with the Plot Plan Review if modifications to the exterior of a building are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	8. Two (2) copies of a <del>preliminary title report,</del> for the subject property dated within the last six months, as determined by the Community Development Director.
<input type="checkbox"/>	<input type="checkbox"/>	9. All plans submitted shall be collated and stapled on the short end of the plans.
<input type="checkbox"/>	<input type="checkbox"/>	10. Electronic copies of all document submittals in PDF format on USB or CD. Electronic plans shall include one (1) high-quality version for reproduction and one (1) version optimized for web posting.

**5.a.ii.1.a: application notes (also see copy of application (table II))**

**Violations of application of the plot -permit required for approval of Vacation Rentals include:**

- 1) The application for 1562 Strawberry Ave is incomplete. See notes and attachments.
  - a) Dimensions are missing from the required floorplan. See attachments.  
**Additionally:** This plot plan does not provide sufficient information to assess Item 3. performance criteria specifically All Building Code and Fire Code requirements for the level of occupancy of the vacation rental shall be met: Knowing The International Residential Code (IRC) includes requirements for building a bedroom and covers requirements, such as minimum square footage, ceiling height as well as emergency exits and electrical outlets, Fire life safety devices, carbon monoxide detector have been installed and fire protection equipment is installed (fire extinguisher included).  
**And:** The California Code of Regulations, IRC Section R304.1 establishes that habitable rooms have a minimum area of 70 square feet, but we do not know the room sizes from the diagram.  
**And:** 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. But no house in this area has 8 people living in it.
  - b) Items missing from the backyard including hot tub and firepit.
  - c) The garage is listed as part of the parking plan, but has been converted into a games room/living space which makes the space unavailable for the use of parking.
  - d) Building size is not indicated. The planner needs this information to understand if it meets All Building Code and Fire Code requirements for the level of occupancy of the vacation rental shall be met.
  - e) Regarding omission of zoning and parcel size: 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.
  - f) Anticipated number of clients is not indicated.
  - g) Night time lighting is not indicated: All Building Code and Fire Code requirements for the level of occupancy of the vacation rental shall be met. Night time lighting specifically speaks to the fire code chapter 10 egress + 18.120.080 Lighting in the residential lighting zone including footcandles of .3

h) Entities and/or individuals with a financial interest in this project are not listed in section V as required, even though the property is owned by a trust.

i) It does not appear that Kathy Kelly or Digs Vacation Rentals is an authorized agent for this application:

Cal. Code Regs. Section 999.326 - Authorized Agent (a) When a consumer uses an authorized agent to submit a request to know or a request to delete, a business may require the authorized agent to provide proof that the consumer gave the agent signed permission to submit the request. The business may also require the consumer to do either of the following:

(1) Verify their own identity directly with the business.

(2) Directly confirm with the business that they provided the authorized agent permission to submit the request.

Because the application is substantially incorrect and was not complete, the application should be denied.

#### **Further information Re: Parking:**

Applicant claims 4 off street parking spots. They have converted the garage into a games room, complete with game tables, with no attempt to use the garage for its intended purpose of parking of cars (see attached photos). The driveway is very short, and any large vehicle will stick out into the pathway obstructing walkers etc. *A problem has already recently arisen* due to a contractor parking half way into the street obstructing traffic because he could not fit his truck and trailer in the driveway. Being a cul-de-sac, 4 additional parking spots on the road would create parking issues, in addition to creating difficulty for garbage trucks, street sweepers and service vehicles to turn around.

The applicants have in effect converted their garage space into a living space. It is noted that the applicant does not include this on the drawings submitted to the City Council. The Arroyo City Council code clearly states that to acquire a business license (which is required for a Vacation Rental) that “No home occupation shall be conducted in the garage. The garage must be kept clear for the parking of vehicles at all times.” In this instance the applicant is operating its business from a home in Arroyo Grande and using the garage for business purposes. Therefore, the applicant is violation and their application for a Vacation Rental should be denied.

Also: Per 16.16.210 - Business license clearance: 2a. Reuse of Existing Structures. Approval of a business license application that proposes establishment of a different business in an existing building or structure shall be subject to the provisions of subsection (C)(1) of this section and, in addition, shall be subject to the following:

- a. The proposed business site shall provide for the number of off-street parking spaces, driveway, and parking lot improvements as required by Chapter 16.56. 16.56.010 - Purpose and intent. The purpose of this chapter is to ensure the adequate provision of parking facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking facilities, it is the intent of this chapter to: A. Alleviate or prevent on-site and off-site traffic congestion and hazards; B. Ensure the maneuverability of emergency and service vehicles; C. Provide safe, accessible, convenient, attractive, and well-maintained off-street parking areas; D. Protect residential neighborhoods from the effects of vehicular noise and traffic by uses in adjacent nonresidential districts.

j) Emergency contacts listed are not valid. One is not associated with the application (Erika McCann), and the other (Kathy Kelly) is further than 15 minutes from the property.



**CITY OF ARROYO GRANDE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**MINOR PROJECT APPLICATION**

The purpose of this form is to advise the City of the basic components of the proposed project so that the City can accurately evaluate the proposal for compliance with applicable ordinances and policies. **Providing accurate and complete information and plans will help ensure prompt processing of this application.** Use additional sheets when necessary. Please be aware that applications that are inconsistent with the City's General Plan or Development Code will not be accepted as complete. The City is available to assist in filling out this form; please refer any questions to the Community Development Department and we will be happy to assist you.

FOR STAFF USE ONLY			
DATE SUBMITTED	DATE DEEMED COMPLETE	CHECKED BY	CASE NUMBER
08/02/2021	September 28, 2021	Patrick Holub	PPR21-000029

COMPLETION OF THIS FORM IS NECESSARY FOR THE FOLLOWING APPLICATIONS. PLEASE INDICATE THE TYPE OF APPLICATION(S) YOU ARE REQUESTING:	
<b>Permit Type:</b> Plot Plan Review  <b>Permit Subtype:</b> Plot Plan Review	
INFORMATION TO BE SUBMITTED WITH THIS APPLICATION	
A. Refer to the checklist (available from the Community Development Department) for those items required to be submitted for each type of project	B. Include any other information that will help explain your proposal or better clarify your particular situation.

## I. GENERAL INFORMATION

Applicant: Digs Vacation Rentals	Phone: (M): [REDACTED] (W): 805-975-8338
Applicant's Address: PO Box 1771 Templeton, CA 93465	Email: Kathy@DigsVacationRentals.com
Representative: Digs Vacation Rentals	Phone: 805-975-8338
Representative's Address: PO Box 1771 Templeton, CA 93465	Email: Kathy@DigsVacationRentals.com
Property Owner: GOROSKI FAMILY TRUST	Phone:
Owner's Address: 1562 STRAWBERRY AVE ARROYO GRANDE, CA 93420	
Architect (if any):	Phone:
Architect's Address:	Email:
Engineer (if any):	Phone:
Engineer's Address:	Email:
Please indicate if <u>all</u> correspondence should be sent to:	
<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Representative
<input type="checkbox"/> Property Owner	<input type="checkbox"/> Architect
<input type="checkbox"/> Engineer	



Street Address: 1562 STRAWBERRY AV		Zoning:
Assessor Parcel No.: 077131042	Parcel Size:	
General Plan Land use Designation:		
Legal Description of Existing Lot: CY AG TR 2471 LT 9		
Building Sizes in Square Feet: Existing _____ Proposed _____		
<b>Describe the Proposed Project in Detail:</b>		
Vacation Rental EMERGENCY CONTACTS: Erika McCann [REDACTED] Kathy Kelly [REDACTED]		



**III. COMPLETE THIS SECTION FOR LARGE FAMILY DAY ACRE PERMITS, PLOT PLAN REVIEWS, AND TEMPORARY USE PERMITS ONLY**

<b>1. Indicate the proposed hours of operation (DAYS AND TIMES):</b>			
<b>2. Estimate the number of employees</b>			
Total: <u>4</u>	Maximum Shift:	Time of Maximum Shift:	
<b>3. Indicate the number of patrons, clients, customers, etc. anticipated:</b>			
Average per day: <u>4</u>	Peak Hours: <u>4</u>		
<b>4. Number of off street parking spaces to be provided: (if applicable show breakdown as to use)</b>			
Total: <u>4</u>	Garage (enclosed): <u>Yes</u>	Covered:	Open:
<b>5. Describe any night time lighting that will be provided, including the type of lighting to be installed:</b>			

**IV. COMPLETE THIS SECTION FOR CERTIFICATES OF COMPLIANCE, LOT LINE ADJUSTMENTS, AND LOT MERGERS ONLY**

Number of existing lots:
Size of existing lots (in square feet):
Number of proposed lots:
Size of proposed lots (in square feet):



CITY OF ARROYO GRANDE  
COMMUNITY DEVELOPMENT DEPARTMENT  
**MINOR PROJECT APPLICATION**

**V. COMPLETE THIS SECTION FOR ALL PROJECTS**

Due to recent interpretation and legal amendments to 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. 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:

The following <del>entities and/or individuals have financial interest in this project:</del>
---



APPLICANT/REPRESENTATIVE:

I certify under penalty of perjury that the foregoing statements and answers herein made and all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that the submittal of incorrect or false information is grounds for invalidation of application completeness determination or approval. I understand that the city might not approve what I am applying for, or might set conditions of approval.



Signed

Date

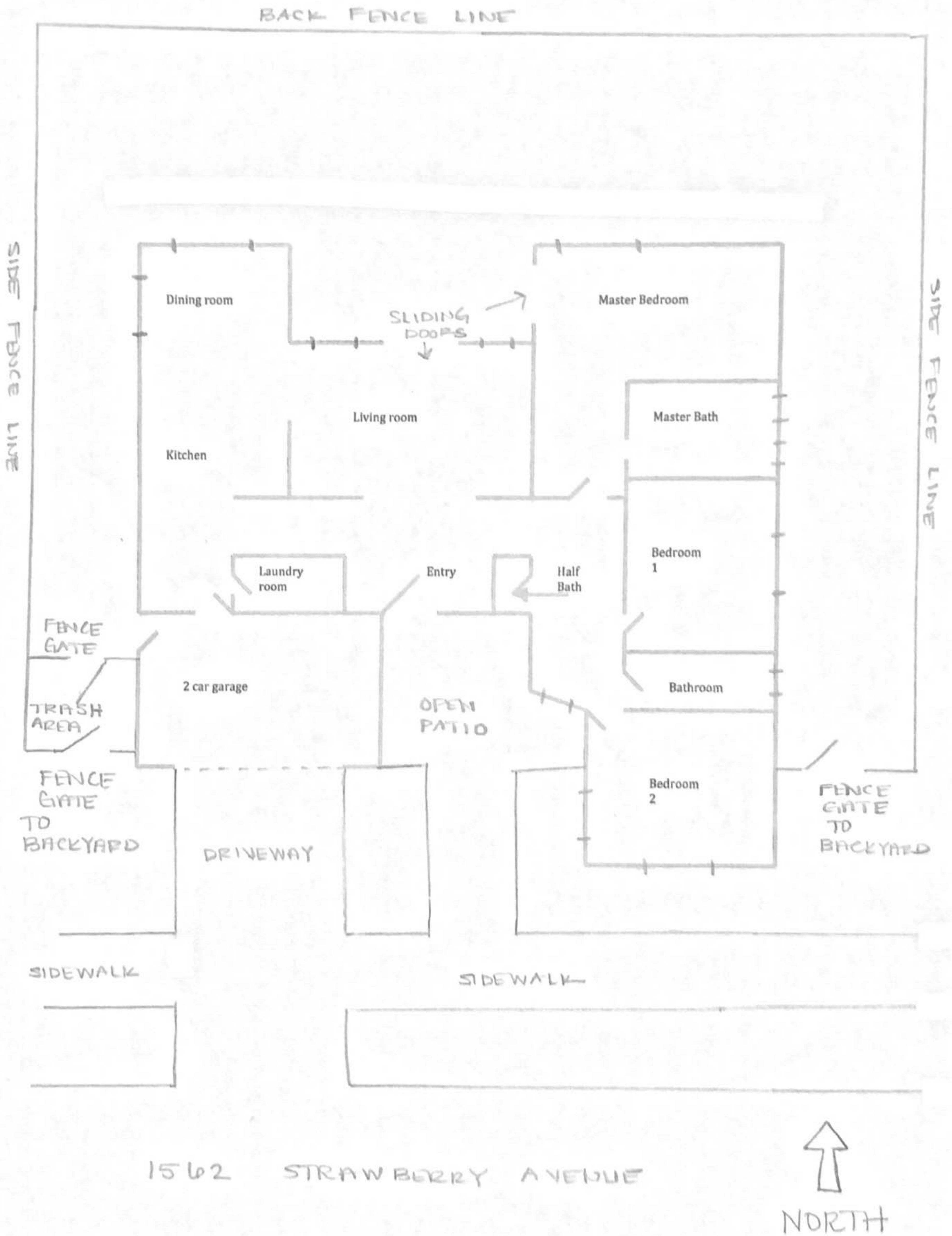
PROPERTY OWNER/AUTHORIZED AGENT:

I certify under penalty of perjury that I am the owner of the property that is the subject of this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)



Signed

Date





5 a ii 1 a: Table IIc 1





5 a ii 1 a: Table IIc 2





## Section 5a ii 2: Mailing list used is disqualifying

It is an essential part of due (and appropriate) process for the appropriate impacted citizens to be notified of a VR's application. As per city code, all homes within 300 feet of the subject application property are to be included in notification.

That did not occur in this case, and as such is sufficient grounds for denial of the application.

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.

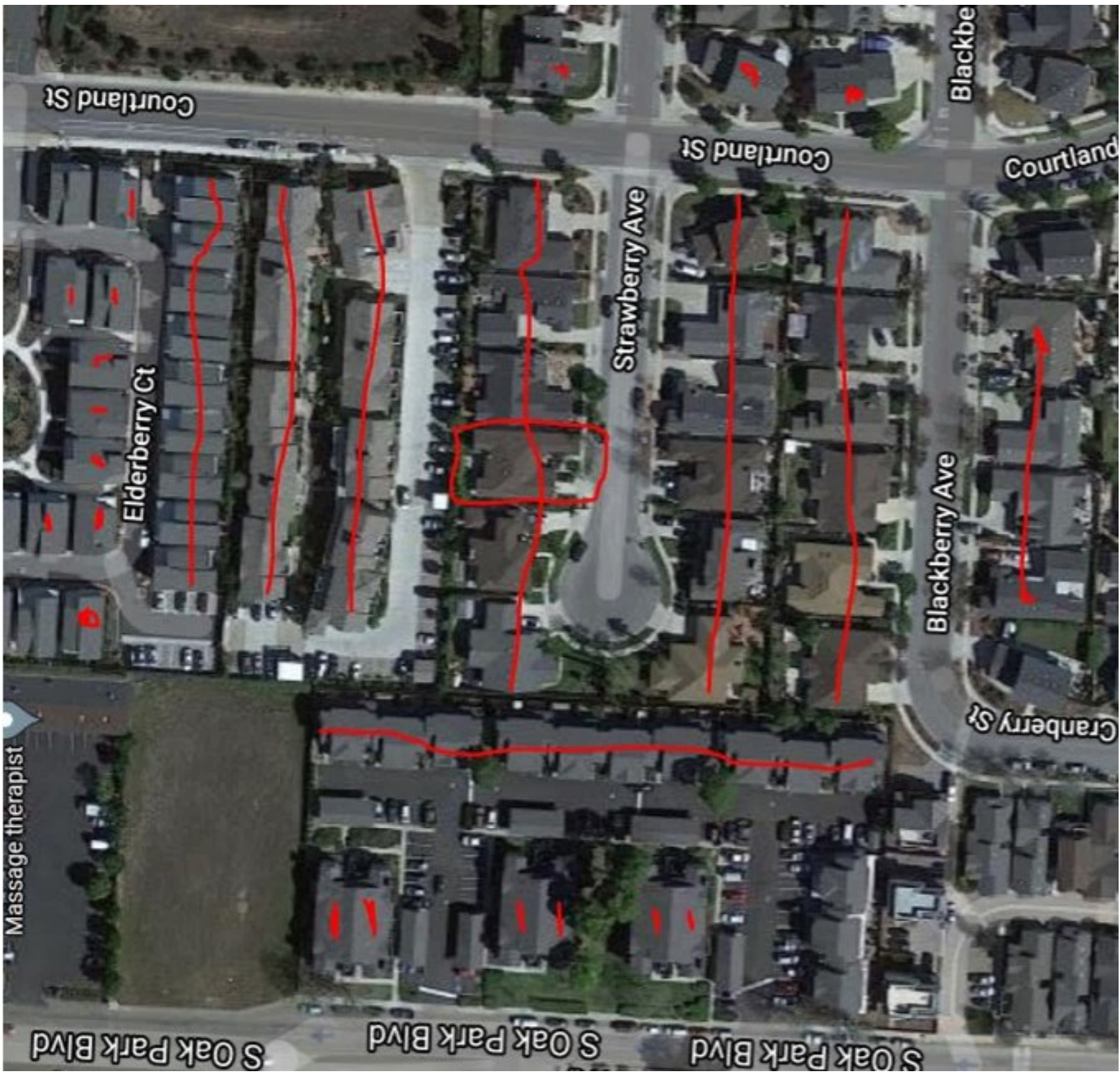
The application approval process requires the applicant to provide a mailing list of ALL property owners with an 300ft radius of the proposed Vacation Rental. A map analysis indicates at least 69 properties fall within this area (including multiple residences). The applicants mailing list of only 45 owners/addresses, leaves a significant number of property owners who did not receive notification and therefore were forfeited the right to appeal. This is in violation of the application process and therefore the application should be denied.

Curiously, in the applicant's 45 addresses provided, a number of them are residential addresses that are outside of the 300 foot buffer, but are not addresses of owners of properties inside the buffer further reducing the amount of correct and effective notification. There are also incorrect names of owners contained in the applicants list.

It would also seem at a minimum, reasonable, that tenants that are not home owners have a vested interest in the application for a VR within 300 feet of where they live. In this particular case, that covers in excess of 150 individuals in very close proximity that may not have received any notification at all of this VR application which will seriously impact them.

See table III (Properties within 300' of 1562 Strawberry Ave)

See table IV (The actual mailing list used for the VR application for 1562 Strawberry Ave)





Jason Christopher Bolen  
Karin Anne Hendricks  
1507 Elderberry Ct  
Arroyo Grande CA 93420-6035

Dennis Machado  
1509 Elderberry Ct  
Arroyo Grande CA 93420-6035

Michael Breridan Burke  
Aisling Denise Fearon  
1511 Elderberry Ct  
Arroyo Grande CA 93420-6035

-----Applicants mailing list-----  
5 a ii 2 Table IV

Linda A Weeks  
1515 Elderberry Ct  
Arroyo Grande CA 93420-6035

Fred P Contreras  
Irma J Contreras  
1517 Elderberry Ct  
Arroyo Grande CA 93420-6035

Victorino B Dres  
Gloria J Dres  
1521 Elderberry Ct  
Arroyo Grande CA 93420-6035

Nilesh Patel  
Nehaben Patel  
1525 Elderberry Ct  
Arroyo Grande CA 93420-6035

Marc Evan Goldsmith  
Caroline Stroud Goldsmith  
1529 Elderberry Ct  
Arroyo Grande CA 93420-6035

Christopher Lock  
1533 Elderberry Ct  
Arroyo Grande CA 93420-6035

Richard L Ibuna  
Jevir R Ibuna  
1500 Blackberry Ave  
Arroyo Grande CA 93420-6707

Robert L Sathrum  
Sandra K Sathrum  
1528 Blackberry Ave  
Arroyo Grande CA 93420-6707

Marc A Lossing  
Clara C Lossing  
1552 Blackberry Ave  
Arroyo Grande CA 93420-6707

Delphine G Cowles  
1549 Strawberry Ave  
Arroyo Grande CA 93420-6714

Jomel Fontanilla  
Rebekah Fontanilla  
1525 Strawberry Ave  
Arroyo Grande CA 93420-6714

Arthur S Degoede  
Karen A Degoede  
1501 Strawberry Ave  
Arroyo Grande CA 93420-6714

Pamela A Gilmour  
Stephen A Gilmour  
1550 Strawberry Ave  
Arroyo Grande CA 93420-6714

Alan D Layshot  
Irma H Layshot  
17543 Havenridge Dr  
Bakersfield CA 93314-8882

Eugene Stuart Lynch  
Patsy Lynch  
1500 Strawberry Ave  
Arroyo Grande CA 93420-6714

Maurice Alford  
Loraine A Wheeler Alford  
540 Camino Roble  
Nipomo CA 93444-5736

Jeremy A Freund  
Samantha M Freund  
1491 Strawberry Ave  
Arroyo Grande CA 93420-6713

Kawaoka C  
1778 Huasna Dr  
San Luis Obispo CA 93405-6809

Ernest H Yasukochi  
Miyoko Yasukochi  
25903 Voltaire Pl  
Stevenson Ranch CA 91381-1144

Brandon Vistro  
Tiana Vistro  
1410 Strawberry Ave  
Arroyo Grande CA 93420-6712

Mark Pell  
Janette D Pell  
1426 Strawberry Ave  
Arroyo Grande CA 93420-6712

-----Applicant utilized mailing list-----

Jerry L Kelly  
Penelope M Kelly  
1434 Strawberry Ave  
Arroyo Grande CA 93420-6712

Donald R Weber  
Jacqueline S Weber  
41 El Viento  
Pismo Beach CA 93449-2854

John F Mccollom  
Angelina M Mccollom  
1488 Strawberry Ave  
Arroyo Grande CA 93420-6712

Gerard Gary M Schweitzerhof  
Cheryl S Schweitzerhof  
19111 Portos Dr  
Saratoga CA 95070-5161

Howard A Funk  
Patricia A Funk  
11918 Childress St  
Bakersfield CA 93312-8236

Henry Mark Handelsman  
Shirley Ann Hughes  
28501 Rock Canyon Dr  
Santa Clarita CA 91390-5243

Terry F Jaurigui  
Gloria A Pedregon  
1443 Strawberry Ave  
Arroyo Grande CA 93420-6713

Nestor B Ganotisi  
Annabelle A Ganotisi  
1433 Strawberry Ave  
Arroyo Grande CA 93420-6713

Steven Walter Skalisky  
The Steven Walter Skalisky Revocable Liv  
278 Oak Ct  
Shafter CA 93263-2426

-----Applicants mailing list-----

Renato Sapasap  
Mina Sapasap  
2856 W Porter Ct  
Visalia CA 93291-6547

Richard D Ventura  
Delores C Ventura  
1401 Strawberry Ave  
Arroyo Grande CA 93420-6713

John F Debtz  
4428 Grey Spencer Dr  
Las Vegas NV 89141-4398

Gary E Smee  
Theresa I Smee  
1572 Blackberry Ave  
Arroyo Grande CA 93420-6707

Scott R Noma  
The Scott R Noma Revocable Trust  
1560 Blackberry Ave  
Arroyo Grande CA 93420-6707

Patrick J Mccann  
Ericka S Mccann  
1555 Strawberry Ave  
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-----Applicant utilized mailing list-----

5 a ii 2 Table IV

### Section 5a ii 3: Local single contact is invalid

On the mail circular advising the application of the VR and detailing the emergency contact, the applicant has listed two points of contacts which is not a single point of contact as it should be. Additionally one is not in accordance with the performance requirements of the City Council code anyway, and therefore another failure of the application.

These contacts listed are (1). The applicant's mother who lives in Grover Beach and within a 15-minute drive of the VR property. (2). The applicant's property manager, which is based in Atascadero (a disqualifying 40+ minute drive from the VR property) This is confusing for local residents, and the intent would seem to divert complaints to the property manager that is not within the required distance per required performance standards and not the required emergency contact per the City performance standards. It is noted that the mother would have no formal knowledge or direct dealings with the proposed vacation rental tenants and their booking and is only a point of contact of little relevance who might serve to field complaints back to the property manager. This is a disingenuous attempt to circumvent the City ordinances and requirements, which specifically states that it is the "Emergency Contact" who needs to be available 24 hours a day, 7 days a week, to respond to the complaints in person or by return telephone call. Having a responsible contact that is not within a 15 minute drive from the proposed vacation rental is in violation of the application process and therefore the application should be denied.

The related Municipal code states: the contact person/entity – it is to be one person or one entity not a series of individuals it negates the process which was described in the ordinance being approved by the city council, it degrades the emergency and ability to meaningfully aspects of a contact if an alternate person thinks the other contact are the contact or no one picks up the phone at one or more contact points.

Definitions of 16.04.070 "shall" is mandatory - ..."vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity". Two or more emergency contacts that is not the intent of the code

See below performance criteria :

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.

## 5 a iii 1 Considerations and Restrictions

It is highly probable that a VR will likely to create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood (see attached list of sample complaints). There are children with medically diagnosed noise and light sensitivities which are exceedingly likely to be exacerbated by the presence and obvious implications of a vacation rental this near their home during the daytime and their bedroom when he is trying to sleep. In our instance, we would have to develop a new solution for our child's bedroom location, as it currently overlooks the back yard of the vacation rental and is close enough to hear every conversation from the backyard and the adjoining areas. Exterior lights and light from flames also are distracting when left on beyond reasonable hours. Is it reasonable that we may have to move our child's bedroom location to an alternate undesired location, and maybe even be forced to move house due to such disturbances (which will potentially occur again and again with every new guest).

**Trash:** Many complaints regarding vacation rentals detail the unpleasant pile up and smells from trash left from vacation rental guests, It is a fact that vacation rentals generate more trash than a normal residence. Our trash pick-up in Berry Gardens is Friday morning, and if someone is not responsible for putting out the trash on that day it would be left to pile up. Also, if the vacation rental guests put the trash on the curbside on Monday after they leave from their weekend stay, then the trash will stay on the street all week, reducing parking and leaving unsanitary conditions. Once the trash is collected, who is responsible for bringing the trash cans in off the road, especially as the property manager is located in Atascadero? Will the City provide additional collections when required, and how will they know when to do this? There is no current plan outlined in the VR application for trash management and this is clearly not in keeping with the existing character of the neighborhood and will create an adverse impact on adjacent properties.

Trash collection and the cul-de-sac of Strawberry Ave, where the vacation rental is to be located, is also made difficult because of existing parking on the street and the tight turn around at the end of the cul-de-sac, especially when trash cans are needed to be offset from the curb in order for the truck to pick them up (and consider each house has three trash cans each). The trash collection trucks need to do careful three point turns in order to avoid cars parked on the street. If there is additional parking created by the vacation rental this could mean that trash collection will be severely hampered.

**Street Sweeper:** The street sweeper could also be prevented from adequately cleaning the cul-de-sac, again due to being blocked by increased parking on the road and inability to get around the end of the cul-de-sac.

5 a iii 2:

Conflicts with approved design and objectives of Berry Garden Specific Plan (See Appendix A1).

Berry Gardens was proposed as a neighborhood housing development in September 1998, as detailed in the Berry Gardens Specific Plan, and provided the City with an additional 170 affordable homes to the Arroyo City area.

Specifically, the General Plan Policies section states the neighborhood should be built to be compatible with “Arroyo Grande’s rural, small town atmosphere”, and that the subdivision “encourage provision of homes that simulate a rural small town, custom home atmosphere”. The intent was to create a community neighborhood that was rural in feel and character.

Importantly it was designed to encourage “low and moderate income housing”. It was not designed for investors to buy up housing stock for use as vacation rentals and lodging commercial businesses, and does not speak to being developed as a beach town tourism precinct with amenities, such as additional parking for more guests than the bedrooms allow, and trailers with beach vehicles and boats.

In fact it was designed so that garages and driveways would take parking off the roads and the community would enjoy walking safely around the neighborhood: “detached sidewalks with large landscaped “parkways” to provide for enhance pedestrian activity with residential areas.”

The plan’s purpose was to “create a diverse range of ownership housing types and enable a more compact single family detached and patio home residential pattern allowing for a higher density.... proposing smaller individual lots than conventional developments.” This meant that the “small town atmosphere” would be kept by neighbors being mindful of the sound transference between the very closely positioned houses due to the small lots. Lodging businesses and vacation rentals are often used for family gatherings and parties, which bring greater than usual sound disturbances, traffic and a clientele who often don’t care about those who are occupying residences around them.

The existence of vacation rentals as businesses lodges in this neighborhood clearly goes against the purpose and intent of the vacation rental code, which specifically says that they should “conform to the existing character of the neighborhood in which they are located and do not create adverse impacts on adjacent properties.” Vacation Rentals located in Berry Garden clearly do not conform to the character of Berry Gardens outlined in the Specific Plan and will create adverse impacts on adjacent properties, especially in relation to sound transference and parking.

There are many examples where the influx of out-of-town visitors upsets the peaceful enjoyment of long-standing residential neighborhoods (see attachment of sample

complaints). Short-term renters have no stake in the community, and therefore no reason to care how the neighborhood around them suffers from their vacation activities.

Vacation rentals decrease the ability for families to own and live in the neighborhood like Berry Gardens. They will take away from the purpose and intent of this neighborhood which was agreed on by the City Council and developed.

#### Section 5a iv Global considerations:

The Berry Gardens, Arroyo Grande area attracts people to live there for a number of reasons, but some of the most important and common ones include to live in an area conducive to raise a family and experience peaceful enjoyment. As much as it is a nice area, it is not compatible with a transient beach tourism. The housing lots in this community are by design quite small (refer to Berry Gardens Specific Plan) with very close neighboring properties where you can hear nearby home activity than most people would usually hear from a single-family residence. Residents did not move into this neighborhood with a desire or expectation to live next door or on the same street as proximity to hotels, motels, short-term vacation rentals or any type of lodging business. If the City has a need to support more tourism accommodation, they truly should consider supporting more motels and hotels in appropriate commercially zoned areas.

It is easy to understand circumstances often exist where a house that was previously a family home might be moved out of, and not sold. Life provides all of us with many changes. Many homes in those circumstances are turned into long term rental units. Nothing about long-term rental units is a blatant compromise to the characterization of this neighborhood. But turning single family residences into short term Vacation Rentals and lodging businesses in this particular area turns the area into a strongly conflicting environment which it is not meant to be.

A persistent high tenant turnover from short-term vacation type renters brings many less desirable traits to an area. Unstable environment, higher traffic with a reduction in safety to the cul-de-sac that many of us moved here for our children to play in with expected light traffic, increased emissions of noise, local street parking issues, trash issues, a multitude of never-ending transient strangers around our susceptible children and senior citizens for short periods of time where the transients often have little incentive to behave in a neighborly way since they will only be there, on vacation, for a very short time, likely diminishment of property values, particularly to homes in close proximity to a vacation rental.

The proposed application for 1562 Strawberry Avenue as a Vacation Rental does not comply with the purpose and intent of the code and regulations, as this property, as a vacation rental, does not conform to the existing character of the neighborhood in which it is located and will create adverse impacts on adjacent properties and could impact over 500 residents who live within the 300ft buffer zone. Such impacts are not addressed by the current performance standards and ordinances and therefore the application should be denied. Here are a number of issues which do not conform to the existing character of the neighborhood and will cause adverse impacts on adjacent properties:

- 1) Noise transference and disturbance: The proposed vacation rental has a wall space of 14ft from its neighboring residential properties and shares a common fence-line with the Courtland Street Apartments. As such there is a great degree

of noise transference from both houses. If windows are open, conversations can be heard from the proposed vacation rental kitchen and living room, and from across the fence-line in the back yard. Noise and conversations (including any profanities) can also be heard by the 150 plus residents in the adjacent Courtland Street Apartments as well as neighbors to the left and right of the property in question. The owner of the proposed vacation rental is encouraging parties at the house, converting their garage to a games room (complete with 2 large game tables), and will market the yard with the hot tub and fire pit as places to congregate and potentially party. Similar marketing appears on the property management website for a property only blocks away: "Enjoying a BBQ with the whole gang. It is the perfect location for... 2 or 3 couples or a girl's getaway."

While there are restrictions by the performance standards relating to how many people can sleep in the house, there are no performance standards relating to how many people can visit the house (i.e. parties and family gatherings). With the potential of many more people being able to use the amenities this would have an adverse effect on the local community and not be in keeping with the character of the neighborhood. There are many complaints of vacation rentals actively being marketed as party houses with not just "adverse effects on adjacent properties," but also for the entire neighborhood. (see sample complaint document for examples)

It is noted from the Berry Garden design plan "to enable a more compact single family detached and patio home residential patters, allowing a higher density... The project proposes slightly small individual lots than conventional developments."

- 2) Visual disturbances: Many occupants of the multistory Courtland Street apartments can see directly in the rear yard of the proposed vacation rental. Many of these occupants are families with young children. As such they may see visitors to the vacation rental have parties, get drunk, vomit, be naked in the hot tub, have sex, or other lude acts, in addition to be subject to smoke from marijuana. These apartment residents, because they are renters, would not have the ability to use the complaint system outlined in the ordinances. This creates an adverse effect on the local community
- 3) Megan's Law, should apply to Vacation Rentals bookings. Those visiting could be on parole, have prior convictions for rape and pedophilia. With many families residing in the 300ft buffer, particularly in the Courtland Street apartments, this places a huge risk within the community and could create an adverse effect on the local community
  - a. Allowing Single Family residences either purchased or long term rentals can circumvent laws like SB-1143 which are housing restrictions intended



to prevent sex offenders from residing or renting near schools, parks and child care centers and to maintain public health, safety and general welfare. When a vacation rental is approved, we have created a short term transient nature accommodation allowing for a loop hole in the housing market which gets violent offenders closer to our parks and schools by providing accommodations hence the need for transient occupancy tax.

- b. This VR is within 2000 feet of a park where children regularly gather, and Living Within 2000 Feet of a School or Park Where Children Regularly Gather is also addressed in a protected Penal Code section 3003.5(b), the law enacted by ballot initiative in 2006 prohibiting registered sex offenders from living within 2,000 feet of a school or park.
- 
- 4) Security: Like the above-mentioned point, there are not backgrounds checks on potential renters of a VR. The fact that strangers come and go on a daily and weekly basis in a neighborhood is a security issue for a neighborhood. There have even been examples where guests of VR's will lie on their application as to who is staying in the property, and as there is no on-site supervision or checks, rent the property for parties.
  - 5) As water usage is an important issue for the City Council, the inability to regulate water usage at the proposed vacation rental could mean that excess water use would occur, adding to our drought-stricken city issues. Tourists often do not care about their water use, because they are not personally responsible for the water bill. This can have an adverse impact on the local community,
  - 6) Trash: There is only one trash collection for the street weekly, on a Friday. Which is very convenient for weekend renters that leave full trash cans behind for the majority of the week before it is picked up again on Friday. There are no provisions for who takes the trash out to the street and brings the trash cans in within the performance standards. Trash may be left out on the street for days before pick up, and the cans not brough back in for days after collection. This would add to the parking issue on the street, as well as create unsanitary situations, especially if the racoons and other animals raid the trash cans left on the street. This would also be amplified if there are multiple residents in a given week, where trash is left to build up. Inadequate trash management is not addressed by the performance standards and therefore the application should be denied on the adverse impact on the local community. An additional trash pickup could help to address this problem and should be a requirement.
  - 7) Increase in traffic: As the house allows for an additional 4 cars, plus there will be increased traffic from frequent cleaners, tradespeople, and uber drivers, there will

be a substantial increase in traffic on a very small cul-de-sac. This could also lead to dangerous situations as many children play in the street, ride their bikes, and elderly and local residents often walk along the pathways. This would adversely affect the character of the neighborhood and create an impact on the local community.

- 8) Parking: Although parking is allocated to garage spaces in the VR application, the intent of the applicants is not to have the vacation rental visitors park in the garage. (see attached photos of the garage turned into a games area). This leaves limited parking on the very short driveway and parking in the street. Any large vehicle parking in the driveway will stick out into the pathway, restricting residents use of the pathway. Being a cul-de-sac, 4 additional parking spots on the road would create parking issues for local residents, be difficult for garbage trucks, street sweepers and service vehicles to turn around. In addition, the main tourists to the area reside from the Valley who come to the county for the beach. As such they bring trailers of ATV, they come in RVs, and will bring boats and jet skis. Such traffic is seen only blocks away on Grand Avenue heading for the Drive-on beach every weekend. There are no regulations which restrict such items and no ordinance or performance standards to deal with such matters and therefore their existence on this small cul-de-sac would lead to an adverse effect on the local community without mitigations such as conditions in place.

It is also noted in the Berry Gardens Specific Plan that this subdivision was specifically created to reduce the need for parking in the streets: "Garages which are setback a minimum of twenty feet from back of sidewalk and ten feet behind living areas reducing the dominance of automobile parking as a residential design element." To approve the application where the vacation rental does not have the off-street parking is in violation of the agreed building codes which governed the approval of developing Berry Gardens and in changing the scope of the neighborhood is not in keeping with the neighborhood and will have adverse effects on the community.

- 9) Security: The transient nature of vacation rentals and the limited means of vetting and controlling who is actually staying there could lead to an increase in crime in the area. The fact that neighbors do not know the occupants and that there are constantly strangers in the local community will have an adverse effect on the local community.
- 10) Loss of property values. Having a vacation rental and the adverse effects they can cause will lead to loss of property values for nearby residents. This is an adverse effect on the local community that is not dealt with in the performance standards or ordinances.

"In fact, a 2015 article in REALTOR Magazine stated that "A single-family home or condo unit next door to a short-term rental — where the occupants change every

few days — will take longer to sell and bring in lower offers.”  
<https://travelonthehouse.com/hate-short-term-rentals/>

- 11) Inability of renters to complain if needed: It is noted that renters, of which there are many who would be affected by the Vacation Rental, including at least two properties on the small Cal-de-sac and over 200 who are within the buffer zone at the Courtland Street Apartments and the Oak Park apartments. These valued residents in the community may not be provided with the “emergency contact” in order to deal with any disturbances and therefore may feel that have to live with any adverse effects. Being treated like second class citizens with no rights when it comes to Vacation Rentals is not dealt with in the performance standards and could have adverse effects on their way of living and even cause them to move.
- 12) Complaint Process: For a VR, “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.” This is insufficient to deal with any unruly and disruptive behavior which needs immediate attention. The only recourse neighbors have is to call the police or deal with the issues (which are forced upon them) by themselves.

The above mentioned points are not typical issues with long-term renters, homeowners and even private guests of homeowners in relation to nuisance and are increased due to the increased number of guests an unrestricted vacation rental can attract. We are not aware of one single case where long term renters, homeowners, and guests have ever been a nuisance on Strawberry Ave or within Berry Gardens. It is incorrect for the City to make this assumption and reason as to justify that vacation rental tourists and local residents behave the same way. Berry Gardens was designed to create a sense of community and create a neighborhood environment.

The aim of this vacation rental is not to have occupancy during a short absence or personal vacation from the applying residence, but to make as much money for the owners as possible. Therefore, it is in their interest to have as many visitors as possible to fill every night in which they are making profit. Such turnover creates a motel like environment which is not in keeping with the neighborhood and has an adverse effect on the local community. The amount of turnover and disturbance this creates is not addressed by performance standards or current ordinances.

5 a v: Nearby VR already exists

A VR already exists within 300' of the property application at 1510 Elderberry Ave. That VR unit is not permitted to accept reservations for less than monthly terms. A common-sense minimum term like a month would help to mitigate a number of the problems that this appeal highlights.

5 b:

5 b i b: VR approval process presently in place is not appropriate

The issue of numerous Vacation Rentals (VR) properties being approved in established neighborhoods in single family residential zones is now a serious crisis in Arroyo Grande and appears to be getting much worse at an accelerating pace with little to no appropriate oversight of the process or what VR's are inappropriately changing into. There is a huge difference in the impact to a community between a VR where property owners might rent out their home to a single family while they go on vacation for a few weeks per year and a VR that is effectively a motel for multiple simultaneous families year round. These circumstances are different enough where they should not fall into the same category for consideration of approval or permission to operate as a VR.

These developments are particularly unfair for families and properties that live near these VR properties which are often neither harmonious or compatible with the established neighborhood and they will suffer a dramatic and particularly adverse impact to the peaceful enjoyment, safety and community that they moved into and have deliberately become a part of.

From a review of a recent appeal relating to the house at 1170 Linda Drive (Case: PPR21-018) it is already well documented that due process is not being followed by the local government in a number of critical areas, and that inappropriate actions are even taking place that undermine the process and public trust.

Our family recently received a notification in the US Mail that we live within 300 feet of the unit covered under PPR 21-029 (1562 Strawberry Avenue) indicating that approval has already been given for this action.

We, and our affected neighbors, were not given a fair and appropriate opportunity through due process to have our comments heard in an appropriate forum before a decision is made. This approval action took place during a meeting that was officially cancelled and had no agenda. Undue process coupled with a lack of opportunity for impacted parties to be heard nearly ensures that the application of reasonable conditions will not have the opportunity to be discovered, developed and applied to this case. In addition to being bad form and undue process it is a violation of the Brown act.

Although we filed for a copy for related records the next business day after receiving notification, we were advised that the request may not even be processed until after the closure of the appeal window further degrading our ability to provide an appropriate and meaningful response/appeal. Since then we have learned that there are non-compliances in the application, and that the performance standards and conditions have not been met for this PPR.

There is clearly a much greater focus on rapid processing than on due process and following appropriate and fair procedure. To a resident like myself it is apparent that there is not appropriate oversight or checks and balances taking place in the process.

The reasonably similar case of 1170 Linda Drive (Case: PPR21-018) well documents in great detail many objections and concerns which also apply to PPR 21-029 (1562 Strawberry Avenue). In the interest of keeping this correspondence more manageable

only this reference is made to that additional relevant material at this time, but it remains available upon request.

The failure of municipal codes and state statutes (listed below) to be properly implemented has further greatly eroded the right to public process/ due process and freedom of speech:

**16.12.155 - Notice of administrative decision—Minor use permits.**

A notice of administrative decision for minor use permits, including any approvals, denials or referrals by the community development director, shall be reported on the planning commission agenda. A public hearing is not required unless an administrative decision is appealed or called up for review by the planning commission through a majority vote. The planning commission must specify the issues to be reviewed at the meeting at which the notice of administrative decision is presented to it. The planning commission shall hear and determine a decision that is called up for review in the same manner as an appeal per Section 16.12.150.

**16.04.070 - Definitions.**

A. Purpose and Intent. The purpose of this section is to ensure precision in interpretation of this title. The meaning and construction of words and phrases defined in this chapter applies throughout this title, except where the context of such words or phrases clearly indicates a different meaning or construction. B. General Interpretation.

**1. The word "shall" is mandatory and not discretionary.**

**The Brown Act 54950 et seq. of the Government Code**

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

The only option to have one's opinion heard on such a critical civic matter should not be via the process of filing an expensive appeal. One would expect that government and community would be even more sensitive to such a consideration during a pandemic which have placed a number of families under a great deal of additional financial and other duress. It is our intent and preference to help facilitate appropriate action to be taken through a collaborative and reasonable request, such as this letter and speaking at public City meetings.

Although we feel it unjust both procedurally and financially, an official appeal has become necessary in this (PPR 21-029) instance, so we have taken that action. More detail on specific objections and concerns relating specifically to PPR 21-029 (1562 Strawberry Avenue) has been included in this appeal and more detail is in development. We hope to aid in rectifying the overall developing VR crisis and the related lack of due process, to include our specific case.

It is a great further disservice to the city and our communities to eliminate so many opportunities for relatively affordable housing to be available to both future owners or renters to become long term residents and neighbors in Arroyo Grande.

We ask that fairness prevail and that PPR 21-029 as well as all other VR permits be placed on hold until such time as processes are corrected to ensure that municipal codes are being properly and professionally followed with an externally conducted audit verifying that result. Under the circumstances we also believe it appropriate for properties that have already undergone approval without due process be eligible for further

appropriate review, revision and possible revocations of previous determinations in the interest of protecting the public health, safety and welfare as well as the rights to due process.

We sincerely thank you for your time and attention to this most urgent matter and implore your assistance.

# BERRY GARDENS



## SPECIFIC PLAN

CITY OF ARROYO GRANDE, CALIFORNIA

SEPTEMBER 8, 1998



# BERRY GARDENS

## SPECIFIC PLAN

ARROYO GRANDE, CALIFORNIA

Proposed by Charles Baker, Developer  
Prepared by Strong Planning Services,  
Assisted by A.P.S., Inc. and Westland Engineering

Prepared for: Community Development Department  
City of Arroyo Grande  
214 East Branch Street  
Arroyo Grande, CA 93420

**September 8, 1998**

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## **BERRY GARDENS SPECIFIC PLAN**

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### **I. INTRODUCTION**

#### **Project Location and Vicinity**

Berry Gardens Specific Plan is applicable to approximately 50.1 acres composed of four separate ownerships located south of Grand Avenue, west of Spruce Street residential developments, north of Ash Avenue, and east of Oak Park Boulevard at the west edge of the City of Arroyo Grande, California. The largest property contains 37.5 acres owned by the Kawaoka family and Developer Charles Baker. The Berry Gardens Specific Plan is intended to establish development and design standards for all of these four adjoining properties described as separate subareas. At this time only the Kawaoka/Baker ownership is proceeding with applications for General Plan Amendment, Specific Plan Adoption, Rezoning and Vesting Tentative Map to develop their portion of the Specific Plan Area, hereinafter called Subarea 1 of the Berry Gardens Specific Plan.

The remaining subareas of the Berry Gardens Specific Plan will be subject to future applications to be submitted by the respective property owners, when each proposes further development. The three adjoining separate private properties defined as Subareas 2, 3, and 4 are:

- 2) The 5-acre Toma property, located south of the Kawaoka/Baker property on the north side of Ash Avenue, proposed for future single family residential development including a southerly extension of Courtland Street.
- 3) The 4.6-acre Matsumoto property, located northwest of Kawaoka/Baker property, 1.6 acres of which is proposed for potential single family residential development, and 3.0 acres of which is General Commercial.
- 4) The 3.0 acre Air Vol, et al property, located north of the Kawaoka/Baker property, south of Grand Avenue, west of Courtland Street extension, and east of Matsumoto property which is zoned General Commercial.

[See Exhibit No. 1, Project Location Map and Exhibit No. 2, Specific Plan Subareas Map]

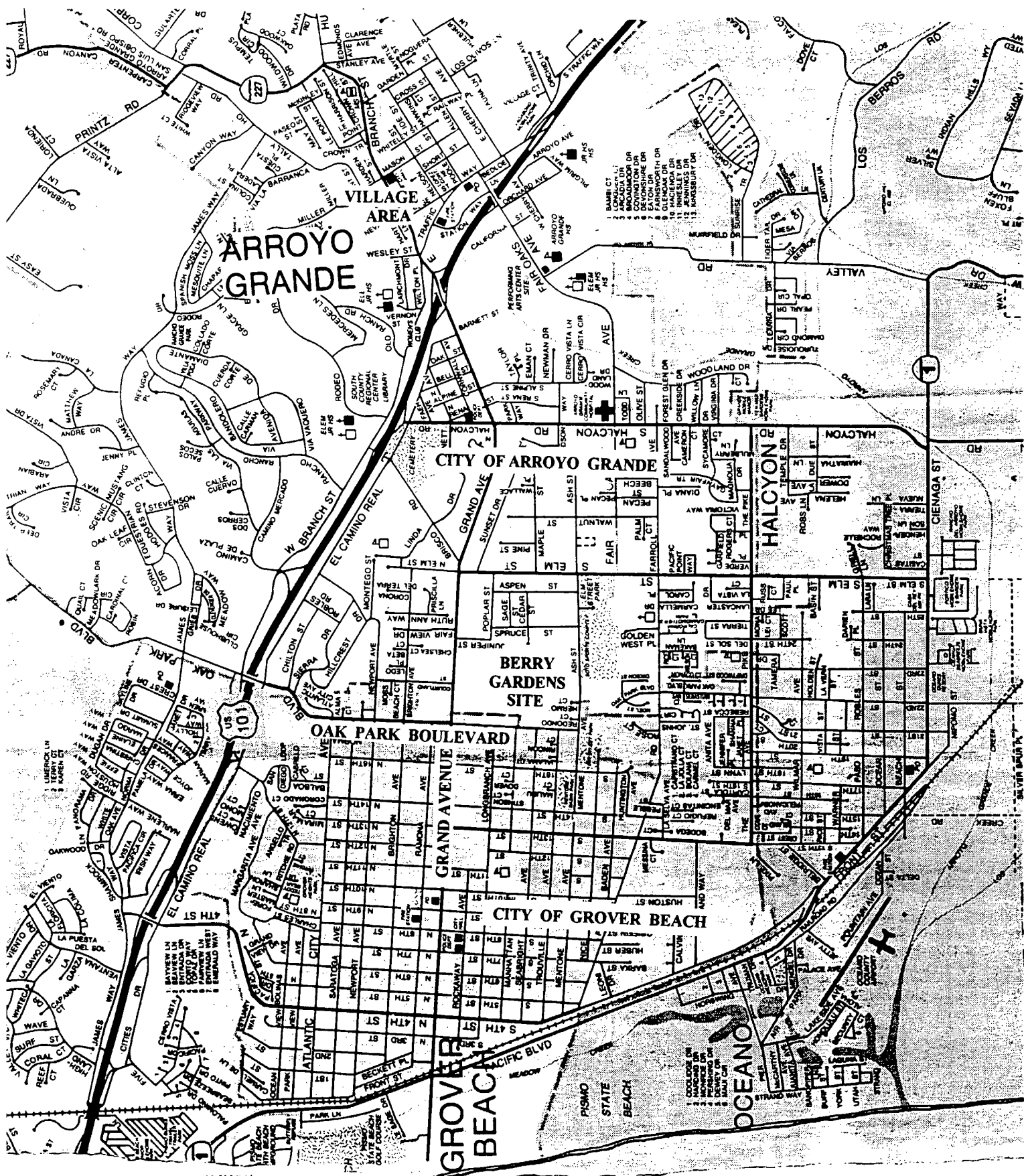


EXHIBIT 1 — PROJECT LOCATION MAP

### **Environmental Impact Report Preparation**

An Environmental Impact Report (EIR) was prepared for the Berry Gardens Specific Plan pursuant to the California Environmental Quality Act. The City Council certified the EIR on August 25, 1998. A copy of the EIR is available at the Community Development Department.

As discussed during the public comment period and Planning Commission hearing on the Draft EIR, the applicant has this opportunity to make revisions to the Berry Gardens Specific Plan, to integrate as many of the recommended mitigation measures suggested by the EIR consultant as deemed feasible by the applicant.

### **Project Description**

The Kawaoka/Baker applications propose General Plan Amendment to the Land Use Element to change 10.2 acres from Rural Residential to Single Family Residential and to change approximately 5.6 acres from Rural Residential to Patio Home Residential as outlined in Subarea 1 of the Berry Gardens Specific Plan.

The Berry Gardens Specific Plan establishes two residential designations within Subarea 1 composed of the 37.5 acre Kawaoka/Baker property:

- 1) Single Family Residential (SFR-SP) containing approximately 31.9 gross acres at a density of 4.8 dwelling units per acre for a maximum of 149 detached homes, and
- 2) Patio Home Residential (PHR-SP), containing approximately 5.6 gross acres at a density of 5.5 dwelling units per acre for a maximum of 31 (attached or detached, zero lot line) patio homes.

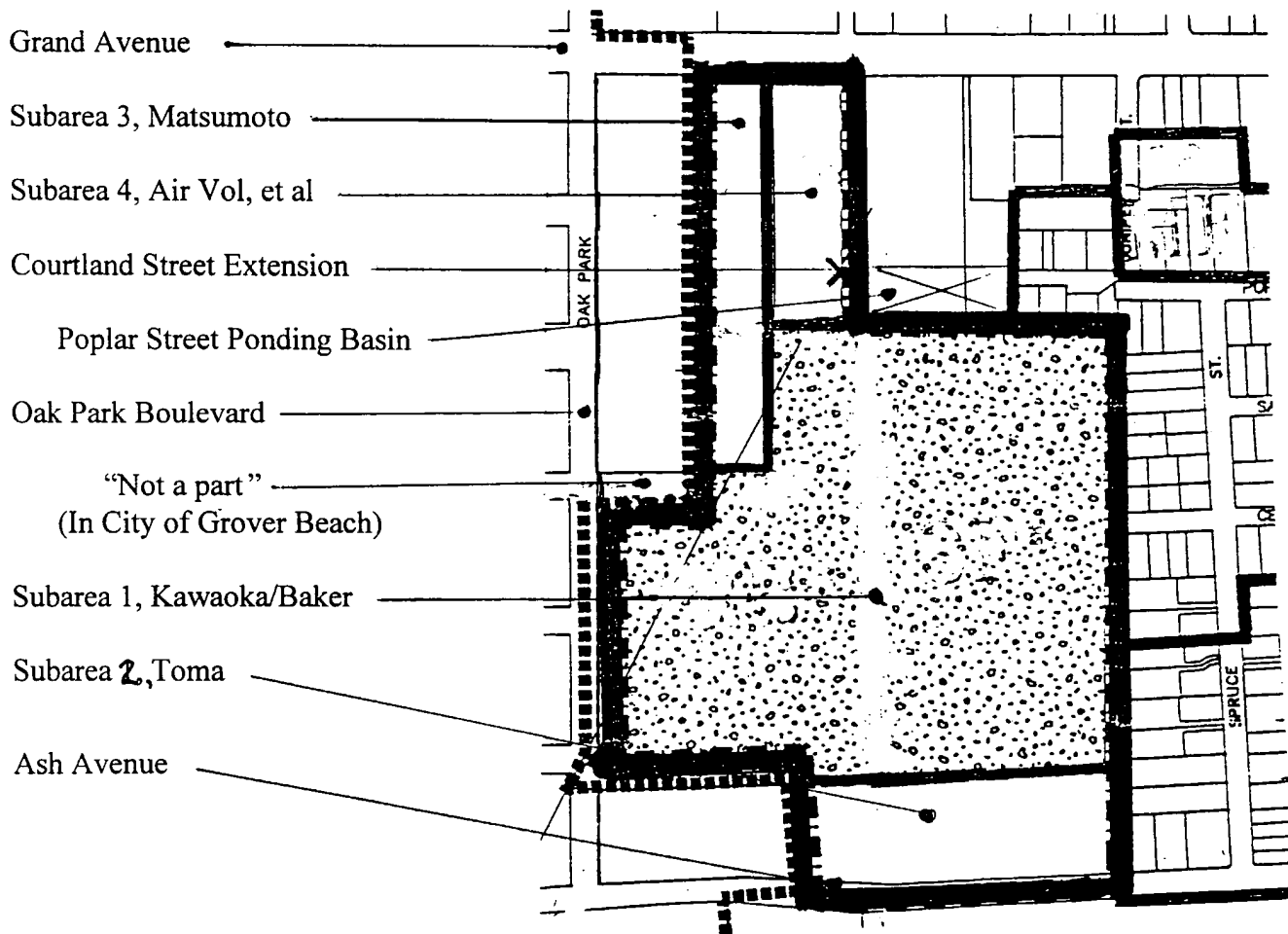
The Subarea 1 subtotal would be 180 units maximum on 37.5 acres gross. Subareas 2, 3 and 4 would be subject to subsequent amendment applications by the respective property owners.

Approval of Vesting Tentative Map No. 2260, implements the development of Subarea 1 of the Berry Gardens Specific Plan in three phases containing a maximum total of 180 residential units, a public neighborhood park and a public or private open space ponding basin and seasonal recreation area.

**Summary of Berry Gardens Specific Plan Subareas:**

Subarea	Owner's Name	Acreage	Existing Zone	Proposed Zone	Use/Units
1	Kawaoka/Baker	10.2	RR	SFR-SP	51
	Kawaoka/Baker	21.7	SF	SFR-SP	98
	Kawaoka/Baker	5.6	RR	PHR-SP	31
2	Toma	5.0	RR & SF	RR & SF	No Change
3	Matsumoto	4.6	RR & GC	RR & GC	No Change
4	Air Vol, et al	3.0	GC	GC	No Change
Subtotal	Subarea 1	37.5 acres			180 max.
Subtotal	Subareas 2,3&4	<u>12.6 acres</u>	To be determined by subsequent GPA/SPA		
TOTAL		50.1 acres			

**Exhibit No. 2, Specific Plan Subareas Map**



## **Existing Environmental Setting**

*Present Use and Adjoining Development* - Subarea 1, the 37.5 acres Kawaoka/Baker property is currently cultivated and contains a farmhouse and several agricultural accessory buildings in the northeast portion of the site. To the northwest, in the City of Grover Beach, new apartment development and several commercial uses are located east of Oak Park Boulevard. To the north in the City of Arroyo Grande Subareas 3 and 4 include the undeveloped 1.6 acre Rural Residential portion of the Matsumoto property and the partially developed 6.0 acre General Commercial designated properties, the west half owned by Matsumoto and the east half owned by Air Vol et al. To the north, outside of the Specific Plan area, are additional partially developed General Commercial properties containing the City's Poplar Street storm drainage ponding basin which separates the project site from Grand Avenue. Northeast of Grand Avenue and Courtland Street, is a neighborhood convenience shopping center containing Lucky's Supermarket and Payless Drugstore. To the northeast and east, both single family and multiple family developments front on Juniper Street, Poplar Avenue, Spruce Street, and Cedar Avenue. To the south, in the City of Arroyo Grande, the five-acre Toma property, Subarea 2, is located north of Ash Avenue. The City's Soto Park Sports Complex and City Corporation Yard are located on the south side of Ash Avenue. To the southwest, in the City of Grover Beach, Ash Avenue becomes Mentone Avenue and single family home subdivisions generally exist on both sides of the recently extended Oak Park Boulevard.

A small portion (one quarter acre) at the northwest corner of the Kawaoka/Baker property fronting on Oak Park Boulevard lies within the City of Grover Beach and is zoned R-3. This is shown on the Berry Gardens Specific Plan and tentative tract map as "Not a Part" and will be developed separately through the Grover Beach City planning process.

[See Exhibit No. 2, Specific Plan Subareas Map]

*Soils, Slopes, and Drainage* - The site is composed of relatively gentle sloping sandy soils which range from 80 feet average elevation along the east boundary to approximately 60 feet elevation along Oak Park Boulevard to the west. The properties in the vicinity also slope gently from north to south so that natural drainage is generally from northeast to southwest, including this site. Drainage from the north and northeast is intercepted and stored in the Poplar Street ponding basin located north of the site, east of the proposed Courtland Street southerly extension. Spruce Street and Cedar Avenue generally convey surface drainage to the south and west and on-site drainage is toward the southwest corner of the property. Portions of the Matsumoto property to the northwest and Spruce Street/Cedar Avenue residential development to the northeast also drain to the southwest onto the Kawaoka/Baker property. The Toma property to the south also partially drains northwesterly toward the Kawaoka/Baker property and partially toward Ash Avenue to the south.

*Vegetation and Wildlife* - Because the Kawaoka/Baker property has been cultivated for agricultural production of strawberries for many years, the site does not contain any significant natural vegetation or wildlife. A windrow of 29 mature eucalyptus trees is located on the east side of existing Oak Park Boulevard frontage along the west edge of the site.



An independent arborist employed as a subconsultant for EIR preparation, determined these existing trees to be a public safety hazard. The applicant applied to the City of Grover Beach for separate environmental determination and tree removal permits. Landscaped median islands and other project landscaping are proposed to mitigate the removal of existing trees. Proposed street parkways, residential yards, a small neighborhood park and ponding basin landscaping within Berry Gardens will provide more habitat opportunity than the existing cultivated agriculture. Proposed on-site and existing off-site ponding basins provide some opportunity to enhance open space habitat value of the site environs for birds, amphibians, and small animals seeking refuge from urban development patterns already established in the vicinity.

*Water, Sewer, and Other Utilities* - Existing City of Arroyo Grande water system includes a 6 inch main in Grand Avenue to the north; 6 inch mains along Juniper, Poplar, and Spruce Streets to the east; a 6 inch main in the Cedar Avenue stub street west of Spruce; and a 10 inch main in Ash Avenue to the southeast of the subject property. (To the west in Oak Park Boulevard, water lines are part of the separate system operated and maintained by the City of Grover Beach.)

The City of Arroyo Grande's sewer collection system in the area includes 8 and 12 inch mains in Cedar Avenue and Spruce Street to the east and 12 inch mains in Ash Avenue to the southeast. Although a 12 inch main exists in Grand Avenue, the elevation of this main is too high to serve the subject property. The development proposes a lift station and force main to serve gravity flow collection lines within Berry Gardens, connected to the existing main in Ash Avenue. (An existing lift station serving a small Poplar Street residential area will be eliminated when the new system is completed.)

The other utility systems in the vicinity include Southern California Gas Company natural gas distribution mains; Pacific Gas and Electric Company power lines; Pacific Bell telephone lines; and Sonic Cablevision facilities in both the City of Arroyo Grande and the City of Grover Beach serving existing commercial and residential developments which surround the subject undeveloped property. These private company utilities and related facilities are capable of providing services to the proposed residential subdivision and potential commercial and residential developments to the north and south without major off-site improvements.

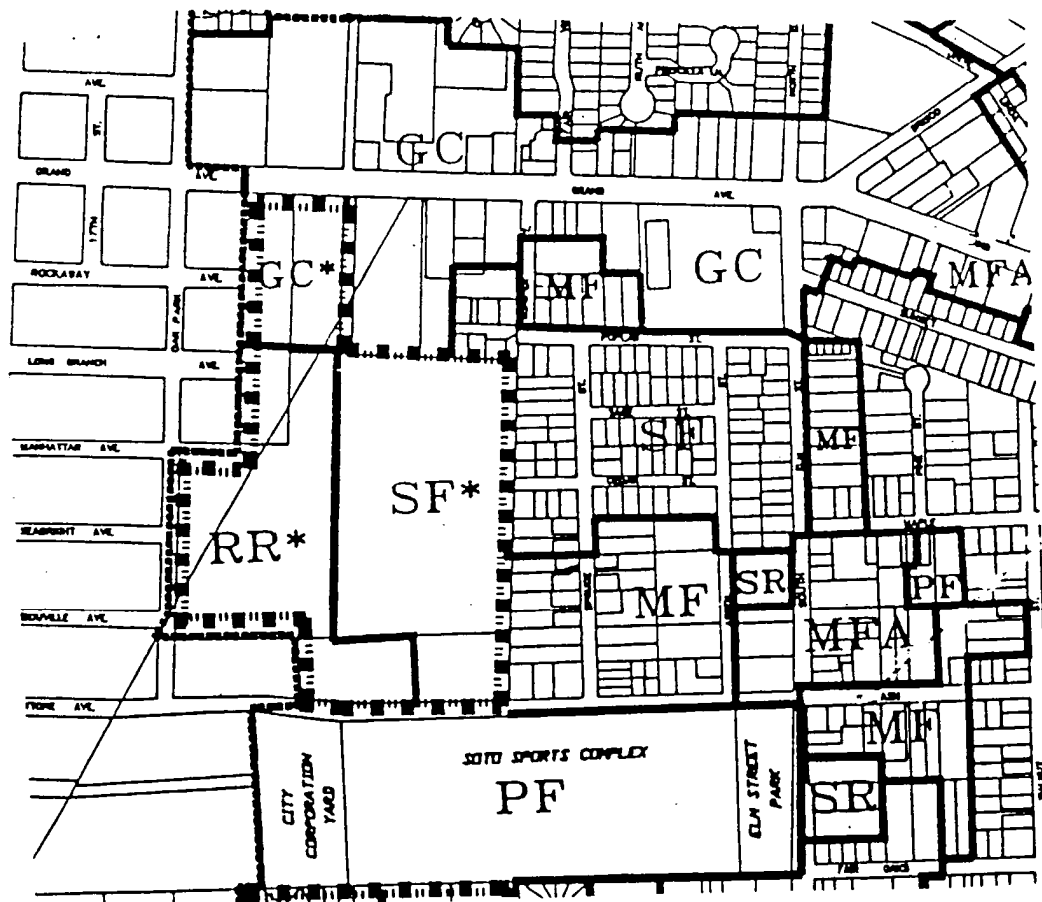
*Schools, Parks, and Other Public Facilities and Services* - In 1997, the Lucia Mar Unified School District received voter approval of bonds to help improve existing school facilities serving the Cities of Arroyo Grande, Pismo Beach, and Grover Beach as well as other parts of San Luis Obispo County. The district is divided into elementary and middle school attendance areas, and provides bus transportation to students beyond walking distance to the nearest school.

Currently, kindergarten through sixth grade children in the vicinity attend Harloe Elementary located at 901 Fair Oaks Avenue, approximately one mile southeast of the site. Students from grades seven and eight in this area attend Paulding Middle School located at 600 Crown Hill Street, on the east side of Arroyo Grande, approximately two miles to the northeast of the site. Arroyo Grande High School located at 495 Valley Road approximately one and a half miles east of the site, serves grades 9 through 12 for the entire District.

The City of Arroyo Grande provides general government, police, and fire protection services to the Specific Plan area. Many of the community active sports and group recreational needs are served by the existing Soto Park and Sports Complex, south of Ash Street, convenient to the proposed project as well as existing developments.

*Existing General Plan and Zoning* - The Specific Plan area is currently designated General Commercial, Single Family Residential (SF) (4.5 d.u./ac) and Rural Residential (RR) (1 d.u./ac) on the adopted General Plan. [See Exhibit No. 3] These predominantly undeveloped properties are required to prepare a Specific Plan as indicated in the City's General Plan. The City of Arroyo Grande Development Code provides detailed land use regulations and property development standards intended to implement the General Plan. The developed residential properties to the east of the Specific Plan area are zoned, Single Family Residential (SF) and Multiple Family Residential (MF). To the south and west, in the City of Grover Beach, the existing zoning is generally single family residential, except along Grand Avenue near Oak Park Boulevard which is zoned Commercial Service. To the northwest, in the City of Grover Beach, the zoning is R-3, a multiple family residential classification. The Soto Park and Sports Complex and City Corporation Yard south of Ash Avenue is classified, Public Facilities (PF) by the City of Arroyo Grande General Plan and zoning map.

### **Exhibit No. 3, Existing General Plan and Zoning Map**



## II. GENERAL PLAN AND ZONING CONSISTENCY

### General Plan Policies

The Arroyo Grande General Plan Land Use Element recognizes the need for a wide variety of housing types due to the diverse needs of its citizens. Specifically, policies 2.1j and 2.2g of Residential Land Use policies of the General Plan provide that the subject properties "shall be considered for conversion to rural residential and single family residential uses at such time as they are no longer economically viable (for strawberry production), subject to the preparation of a specific plan as set forth in Government Code Sections 65450-7."

Policy 2.3 encourages a broader range of housing types, in addition to single family detached, in areas having good access to major transportation routes (such as Grand Avenue or Oak Park Boulevard), in close proximity to neighborhood serving commercial facilities (such as Lucky's and Payless Center), and which will not negatively impact low density single family residential areas.

Rural Residential (RR) allows a maximum density of one dwelling unit per acre, while the Single Family Residential (SF) category provides a maximum density of 4.5 dwelling units per gross acre and the Condominium/Townhouse (Multiple Family - MF) category allows up to 9.0 dwelling units per gross acre.

Policy 2.6 requires that condominium/townhouse projects include enhanced design features such as enclosed garages, increased parking availability and active recreational facilities. Policy 2.7 encourages provision of low and moderate (income) housing, as well as housing for other identified special needs groups, where consistent with the Housing Element and other provisions of the General Plan.

Other relevant General Plan Land Use Element policies regarding Arroyo Grande's "rural, small town character" include the following objectives and the Berry Gardens Specific Plan proposal responds by providing the following features:

- 6.1b - "Incorporate existing natural features into project design." The proposed subdivision replaces the existing eucalyptus tree windrow along Oak Park Boulevard by providing for broad landscaped median islands.
- 6.2 - "Limits the scale of buildings to low-profile horizontal forms, compatible with Arroyo Grande's rural, small town atmosphere." The neo-traditional design guidelines of the proposed Berry Gardens neighborhood involves one and two story houses, with front and side yard setback variations, a variety of roof lines and diversity of architectural details.

- 6.3e - "Requires the provision of open space and recreation areas within the urban residential portions of the City." Berry Gardens proposes a centrally located, small neighborhood public park, and a separate City storm drainage ponding basin, landscaped median islands on Oak Park Boulevard, and broad parkways along all residential streets.
- 6.4b&c - "Requires that Condominium/Townhouse developments incorporate a sense of place, privacy, and security." Berry Gardens patio homes will provide private yards, patios, and/or balconies associated with each unit. Patio homes will have clearly defined back resident and front visitor entrances.
- 6.6 - "Requires that residential street design minimize traffic on local streets." Berry Gardens provides several outlets and a modified grid pattern of local streets with few through alignments to minimize traffic volumes and speed on local residential streets.
- 6.7 - "Provide for enhanced pedestrian activity within residential areas." Berry Gardens proposes a modified grid pattern of tree-lined streets, parkways and detached sidewalks to enhance pedestrian activity, protecting sidewalks with wide landscaped "parkways" flanked by front yards.
- 6.8 - "Provide that new development incorporate landscape themes and extensive landscaped areas." In addition to landscaped street parkways, and entry gateways, Berry Gardens proposes two neighborhood open space features, a small centrally located neighborhood public park and storm drainage ponding basin near the southwest edge of the neighborhood. These features will be landscaped and offered to the City for public use. (If not accepted by the City, the ponding basin could be private open space for seasonal recreation use by the adjoining patio home residential development.)
- 6.9 - "Encourage provision of homes that simulate a rural small town, custom home atmosphere." Berry Gardens proposes a variety of floor plans and elevations for detached homes and patio homes. Additional variations will be created by finish materials, landscaping, walls, trellises, and other architectural details.

### **Proposed Map Amendment**

The Berry Gardens Specific Plan Area would be outlined on the General Plan Land Use Element Map, deleting current Rural Residential (RR) and Single Family (SF) designations within Subarea 1, the Kawaoka/Baker property. The Berry Gardens Specific Plan adoption would establish two land use designations for Subarea 1, the Kawaoka/Baker property: Single Family Residential-Specific Plan (SFR-SP) on approximately 31.9 gross acres and Patio Home Residential-Specific Plan (PHR-SP) on approximately 5.6 gross acres. Subareas 2, 3 and 4 would be defined within the Berry Gardens Specific Plan Area, but the current RR, SF and GC General Plan and zoning land use designations would remain unchanged until subsequent applications by the respective property owners are approved by the City of Arroyo Grande.

There are no existing Rural Residential (RR) developments in the vicinity in either Arroyo Grande or Grover Beach, and the western portion of this residual agricultural area is not a logical location or size to introduce one acre lots. The bulk of this RR classified area is an integral part of the proposed single family residential neighborhood to the east, and should be reclassified accordingly. The Berry Gardens Specific Plan would reclassify 10.2 acres of this Rural Residential designation to Single Family Residential, Specific Plan (SFR-SP). The western portion to this RR classification, composing the east side frontage of Oak Park Boulevard, adjoins existing multiple family zoning and development in Grover Beach and is conveniently located to public transit and commercial development (within walking distance) along Grand Avenue. The General Plan amendment and Berry Gardens Specific Plan propose that this western 5.6 acre portion of the undeveloped property (not including the small portion of property, within the City of Grover Beach) be reclassified Patio Home Residential, Specific Plan (PHR-SP).

Other than deleting the site description in policy 2.1.j and expanding the site description in policy 2.2.g regarding the required specific plan, there are no text amendments or inconsistencies associated with this proposed General Plan map change. If desired by the City, policy 2.3.a could be amended to specifically refer to the site's western portion as an example of both an area "committed to low intensity multiple family use and to provide transition between apartment uses and lower intensity residential uses."

### **Specific Plan Subareas**

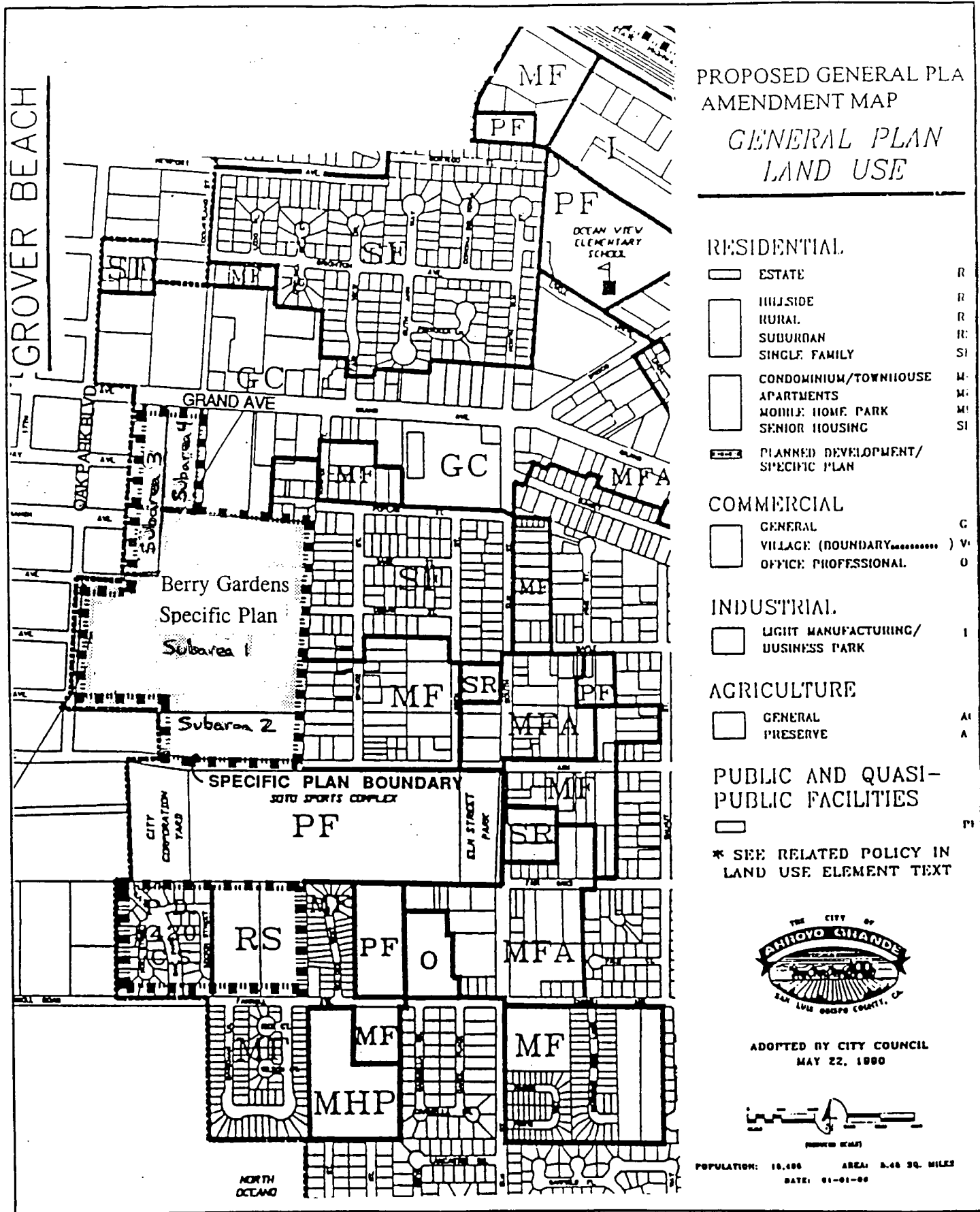
Subarea 1, Kawaoka/Baker Property, 37.5 gross acres — The proposed PHR-SP portion of the site contains approximately 5.6 gross acres, which at 5.5 dwelling units per acre, would enable 31 Patio Homes to be developed. The remainder of the undeveloped Kawaoka/Baker property containing approximately 31.9 gross acres would be classified SFR-SP, which at 4.8 dwelling units per acre would enable up to 149 single family homes. Combined, Subarea 1 of the revised Berry Gardens Specific Plan proposes 149 single family detached homes and 31 patio homes for a total of 180 homes **maximum**. (The Berry Gardens Specific Plan evaluated by the EIR proposed a maximum of 204 dwelling units in Subarea 1.)

Subarea 2, Toma Property — The 5.0 acre property located south of the Kawaoka/Baker property and north of Ash Avenue in the City of Arroyo Grande is intended for eventual single family residential development. The western half is classified and zoned RR, Rural Residential, and the eastern half is classified and zoned SF, Single Family on the General Plan and Zoning Maps.

Subarea 3, Matsumoto Property — The 4.6 acre property located northwest of the Kawaoka/Baker property and south of Grand Avenue at the western boundary of the City of Arroyo Grande has been used agriculturally and contains a house and several accessory structures from which commercial sale of farm products has been conducted. The southern 1.6 acres, more or less, is currently classified and zoned Rural Residential, RR, while the northern 3.0 acres is classified and zoned General Commercial, GC on the General Plan and Zoning Maps of the City.

Subarea 4, Air-Vol et al Property — The 3.0 acre General Commercial property located north of the Kawaoka/Baker property south of Grand Avenue, west of the proposed Courtland Street extension and east of Matsumoto property is currently classified and zoned General Commercial, GC.

Exhibit No. 4, Proposed General Plan Amendment Map



### III. SPECIFIC PLAN PROPOSALS — Subarea 1

#### **Purposes and Objectives**

The Berry Gardens Specific Plan Subarea 1 purposes and objectives include the following:

- a. To create a more diverse range of ownership housing types, predominantly composed of neo-traditional single family detached dwellings, with duplexes or zero lot line “patio homes” providing transition and frontage development on Oak Park Boulevard adjoining existing apartments to the northwest.
- b. To enable a more compact single family detached and patio home residential subdivision pattern, allowing a higher density (subject to General Plan Amendment), replacing the Rural Residential and conventional Single Family designations. The project proposes slightly smaller individual lots than conventional developments and both public and private open space areas.
- c. Provide examples of better bike, pedestrian, and transit friendly development characteristics which can be integrated into conventional residential subdivisions, such as detached sidewalks, landscaped parkways, modified grid pattern of local streets, and controlled access on collector and arterial streets. Encourage pedestrian and bike amenities. This infill development is within walking or biking distance to nearby convenience shopping, community parks and recreation areas and existing transit routes providing regional access to other activity centers, schools, services and employment areas. Design details are intended to reduce dependence on and dominance of individual automobile use.
- d. Internal residential streets, parkways, and sidewalks should be designed to discourage high speed and/or through traffic and utilize human scale buildings, landscape, and lighting design details. Street orientation of garages and placement of living areas of homes should minimize dominance of the automobile and maximize opportunity for resident and visitor interaction. Oak Park Boulevard treatment shall minimize individual private driveways by providing for a parallel private access easement at the rear of frontage buildings.
- e. Provide a small, centrally located neighborhood public park and a separate storm drainage ponding basin/open space near the southwest corner of the proposed development for public or private open space and seasonal recreational use. (Soto Sports Complex located to the south of Ash Street provides for group and community park needs.) Street parkways and sidewalks should provide connections to these park and open space areas as well as supplemental landscaped character to the neighborhood.

Subareas 2, 3 and 4 will define similar purposes and objectives by subsequent Specific Plan Amendments submitted by the respective property owners in the future.

## **Land Use Designations and Property Development Standards**

The Berry Gardens Specific Plan provides for two housing types: the SFR-SP and the PHR-SP composing the 37.5 acre Kawaoka/Baker property, Subarea 1:

Single Family Residential (SFR-SP), containing approximately 31.9 gross acres at a density of 4.8 d.u./ac for a maximum of 149 units.

Patio Home Residential (PHR-SP), containing approximately 5.6 gross acres at a density of 5.5 d.u./ac for a maximum of 31 units.

[See Exhibit 5, Berry Gardens Specific Plan - Subarea 1]

### **Single Family Residential - Specific Plan (SFR-SP)**

#### **1. Permitted and Conditionally Allowed Uses:**

The SFR-SP subarea shall allow one single family detached dwelling and residential accessory structures on each lot. Property development standards shall be as described below and density shall not exceed 4.8 d.u./gross acre.

#### **2. Development Code General Provisions:**

Unless otherwise provided as part of the Berry Gardens Specific Plan all provisions of the Single Family (SF) designation and zone, as defined in the General Plan and Development Code of the City of Arroyo Grande shall be applicable within the SFR-SP area.

#### **3. Minimum building site area:**

Shall be 6000 sq. ft. except corner lots which shall be at least 6600 sq.ft. Average lot size shall be a minimum of 6600 sq.ft. for Subarea 1, SFR-SP, exclusive of public or private park and recreation lots.

#### **4. Minimum average lot width and frontage:**

Shall be 60 feet, except corner lot which shall be 65 feet. The lot frontage minimum is 30 feet on cul-de-sacs or curves.

Exceptions: Lots 12, 13 and/or 14 in the vicinity of the existing farmhouse may allow "flag lot" minimum frontage of 20 feet to enable rehabilitation and remodel of the existing house. (Access to flag lots may involve shared or common driveways and/or restrictions regarding use of existing or proposed access easements, subject to City approval as part of Tentative Map consideration.)



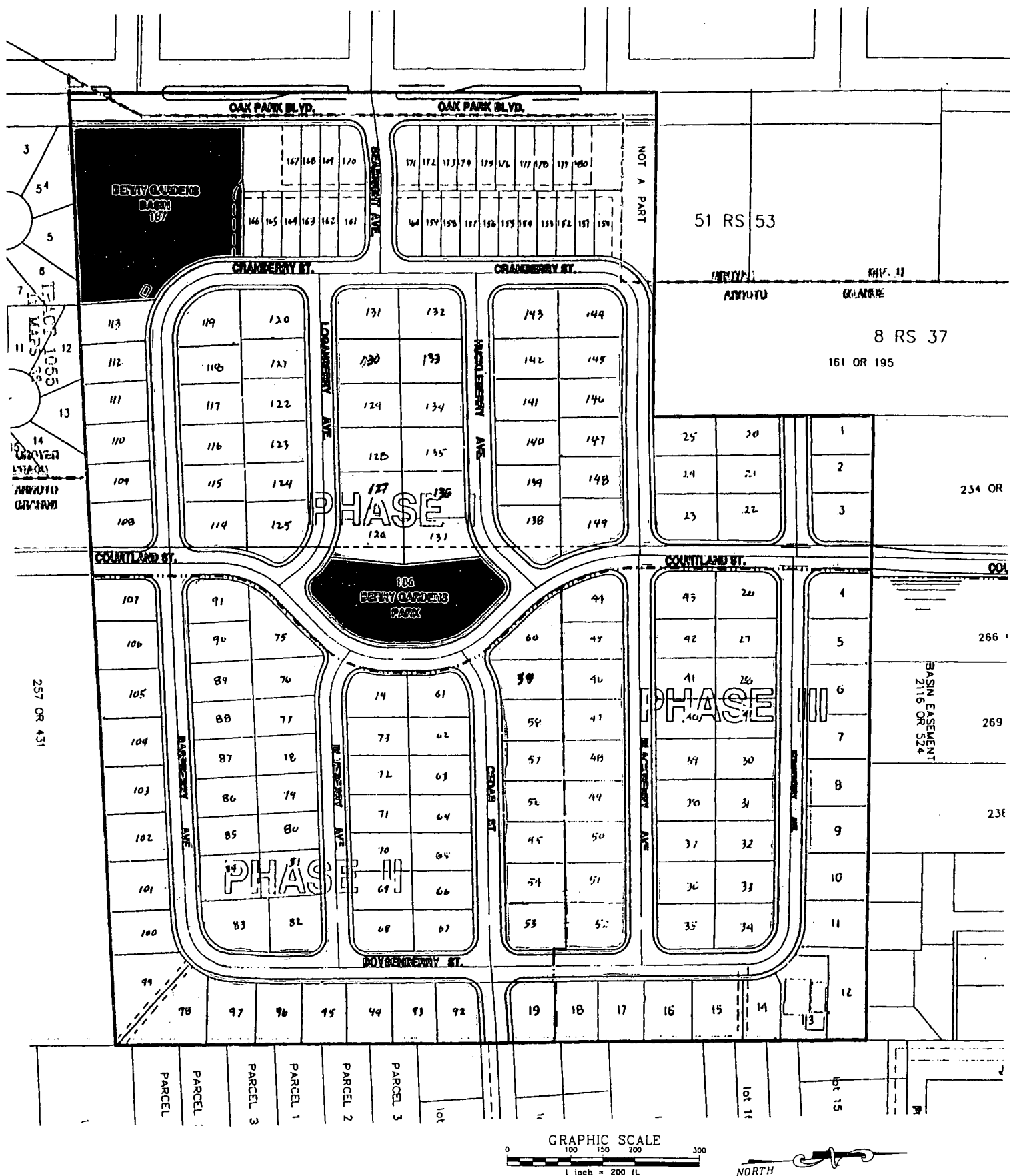


EXHIBIT 5 — BERRY GARDENS SPECIFIC PLAN - Subarea I

5. Minimum lot depth:

Shall be 90 feet.

Exceptions: A minimum of 80 feet lot depth is allowed for unusual shaped lots, e.g. 12, 60, 75, 125, and 138. Depth exceptions for the unusual shaped lots may require special house design to avoid yard or setback variances.

6. Minimum yards:

- a. The minimum front yard building setback (from back of sidewalk) shall be 10 feet and the maximum shall be 20 feet except to garages which shall be setback at least 20 feet. Garage doors shall be set back at least 10 feet from the front of the house. At least 30% of the SFR-SP garages shall be setback at least 30 feet. Front yard setback variations are encouraged: No more than two adjacent residences shall have the same front yard setback in the SFR-SP subarea.
- b. The minimum street side yard building setback on a corner lot shall be 5 feet (from back of sidewalk) except to garage doors which shall be setback at least 20 feet. At least 50% of all corner lots shall provide a minimum street side yard setback of 10 feet (from back of sidewalk). Minimum street side yard setbacks on Courtland Street shall be 10 feet (from back of sidewalk).
- c. Interior side yard setbacks: Shall be 5 feet for single story buildings. For two story buildings, the first floor setback shall be 5 feet and the second floor shall be 5 feet on one side and 10 feet on the other.
- d. Rear yard setbacks: Shall be 10 feet.
- e. Exceptions: Architectural features such as roof eaves, bay windows, steps and chimneys may project into required yards as provided in the City's Development Code.

7. Maximum lot coverage:

Shall be 50%.

8. Maximum building height:

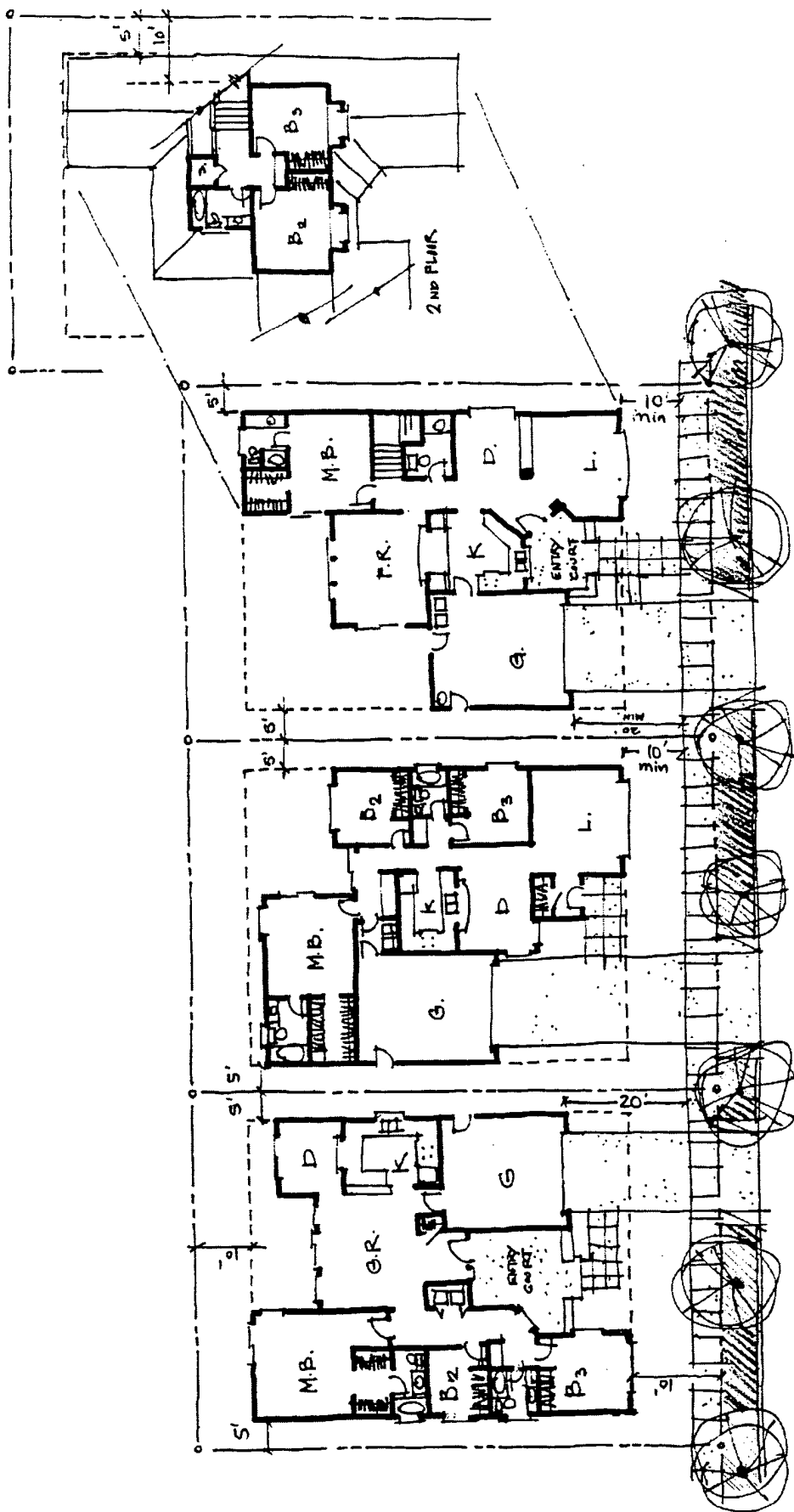
Shall be 25 feet.

9. Maximum Floor Area Ratio:

Shall be 0.5, including garages.

10. Development shall be subject to City of Arroyo Grande Architectural Review.

[See Exhibits 6 and 7 for prototypical building placement on interior and corner lots.]

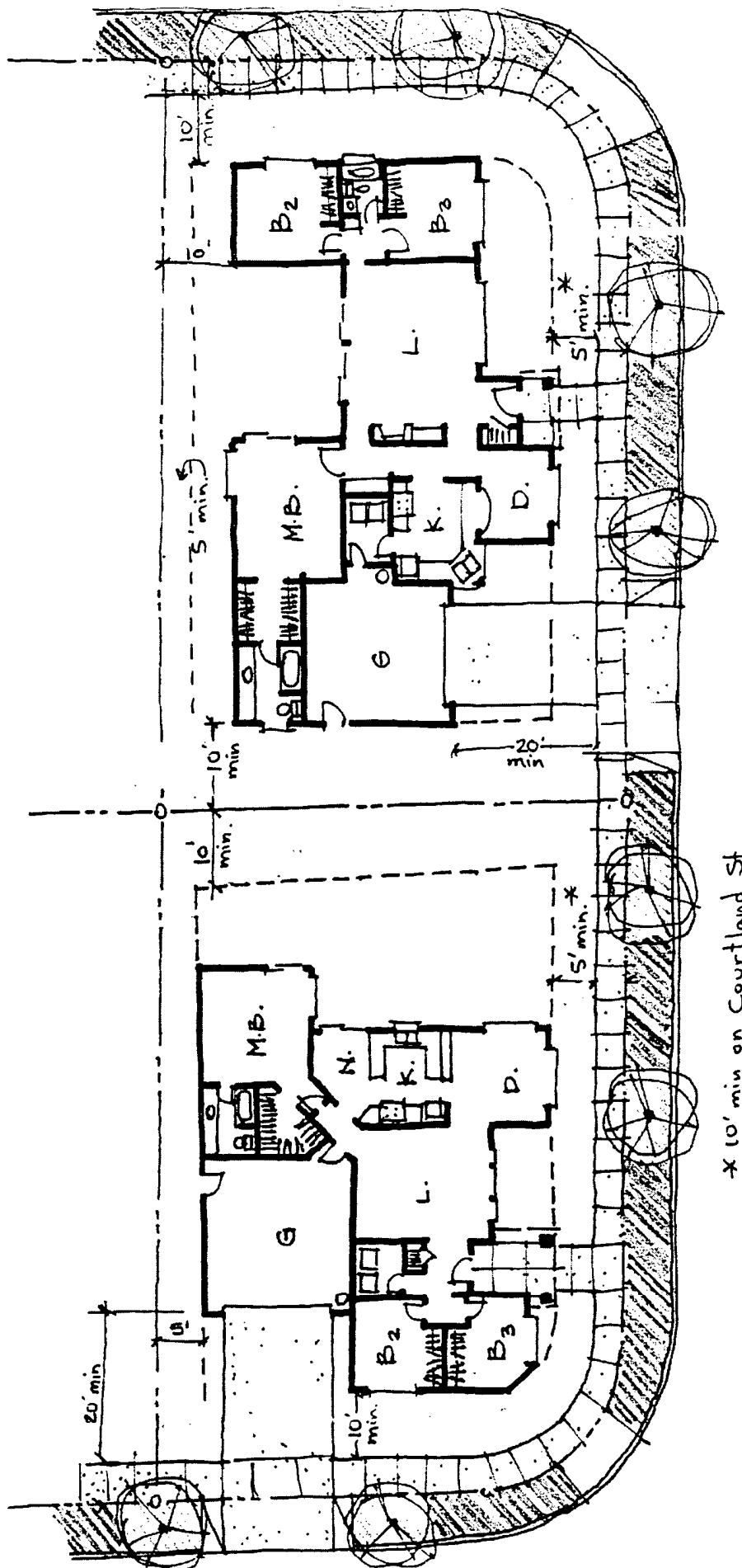


PLAN TYPE - C  
Two story

PLAN TYPE - B  
One story

PLAN TYPE - A  
One story

EXHIBIT 6 — INTERIOR LOT PROTOTYPES



PLAN TYPE - G  
One story

PLAN TYPE - F  
One story

# EXHIBIT 7 — CORNER LOT PROTOTYPES

## **Patio Home Residential - Specific Plan (PHR-SP)**

### **1. Permitted and Conditionally Allowed Uses:**

The PHR-SP subarea shall allow single family detached, attached or zero lot line patio homes and accessory structures. Property development standards shall be as described below and the density shall not exceed 5.5 d.u./gross acre.

### **2. Development Code General Provisions:**

Unless otherwise provided as part of the Berry Gardens Specific Plan, all provisions of the Condominium/Townhouse (MF) designation and zone, as defined in the General Plan and Development Code of the City of Arroyo Grande shall be applicable within the PHR-SP area.

### **3. Minimum building site area:**

Shall be 3000 sq. ft. except corner lots which shall be at least 3500 sq.ft.

### **4. Minimum average lot width and frontage:**

Shall be 30 feet, except corner lot which shall be 35 feet.

### **5. Minimum lot depth:**

Shall be 80 feet, excluding private rear access easement.

### **6. Minimum yards:**

- a. The minimum front yard building setback (from back of sidewalk) shall be 10 feet and the maximum shall be 25 feet. (Off-street parking shall be accessed from the rear of each lot.)
- b. The minimum street side yard building setback shall be 5 feet (from back of sidewalk).
- c. Interior side yard setbacks shall be 0 feet on one side and a minimum of 5 feet and an average of 7.5 feet on the other side for one and two story buildings, subject to City design review and approval.
- d. Minimum rear yard setbacks shall be 0 feet for single story buildings (or portion less than 14 feet in height) and shall be at least 5 feet for two story buildings (or portions more than 14 feet height). (Garages shall provide remote control openers and roll-up garage doors.) Driveway setbacks may vary, but shall allow a minimum of 24 feet between opposing garage doors to assure adequate back up space.
- e. Exceptions: Architectural features such as roof eaves, bay windows, steps and chimneys may project into required yards as provided in the City's Development Code.

7. Maximum lot coverage:

Shall be 60%.

The PHR-SP lots shall provide each unit with an average of 1000 sq. ft. of private open space area.

8. Maximum building height:

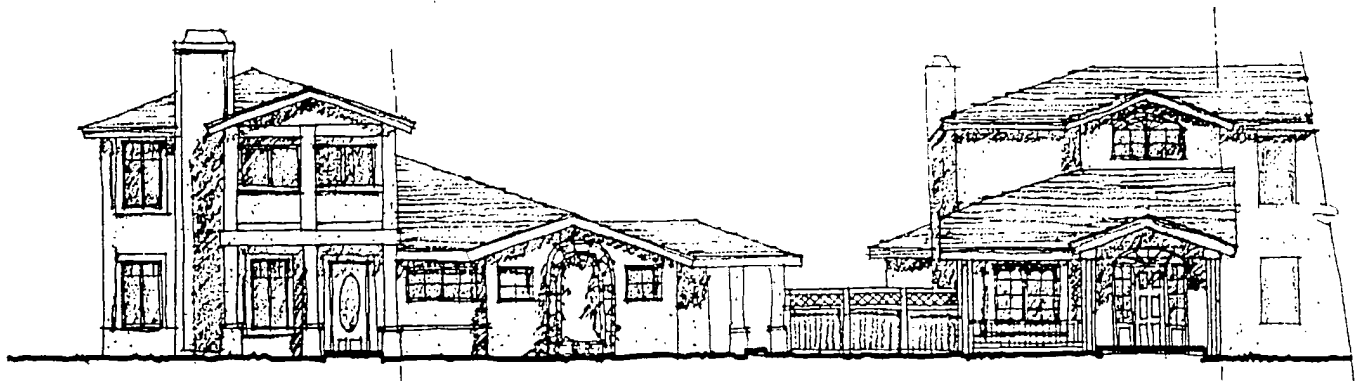
Shall be 25 feet.

9. Maximum Floor Area Ratio:

Shall be 0.60, including garages.

10. Development shall be subject to City of Arroyo Grande Architectural Review.

[See Site Plan Exhibits 8, 9 and 10 for prototypical building and preliminary site plans for Patio Home Residential development.]



- PATIO HOME - STREET ELEVATION

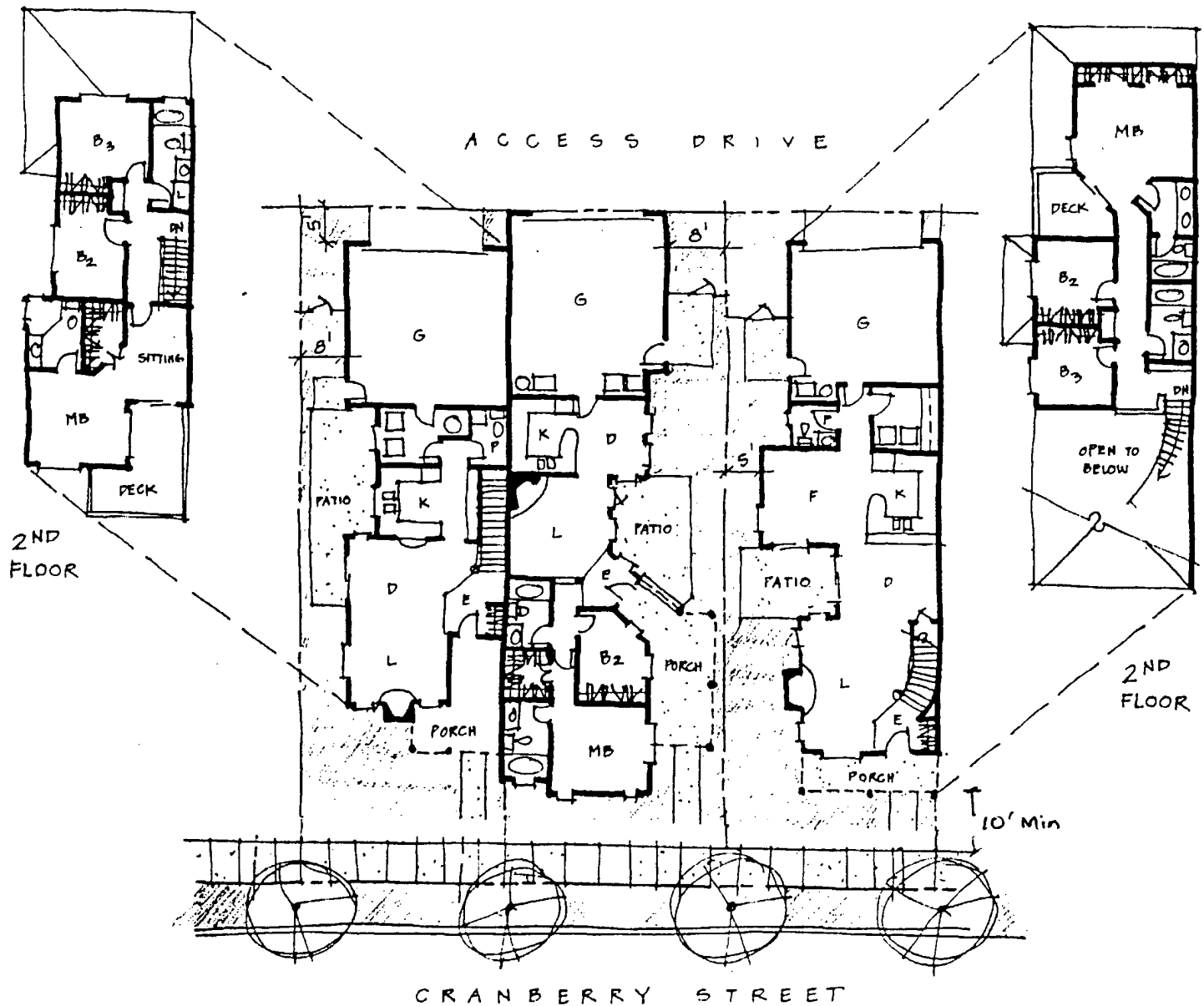


EXHIBIT 8 — PATIO HOME PROTOTYPES

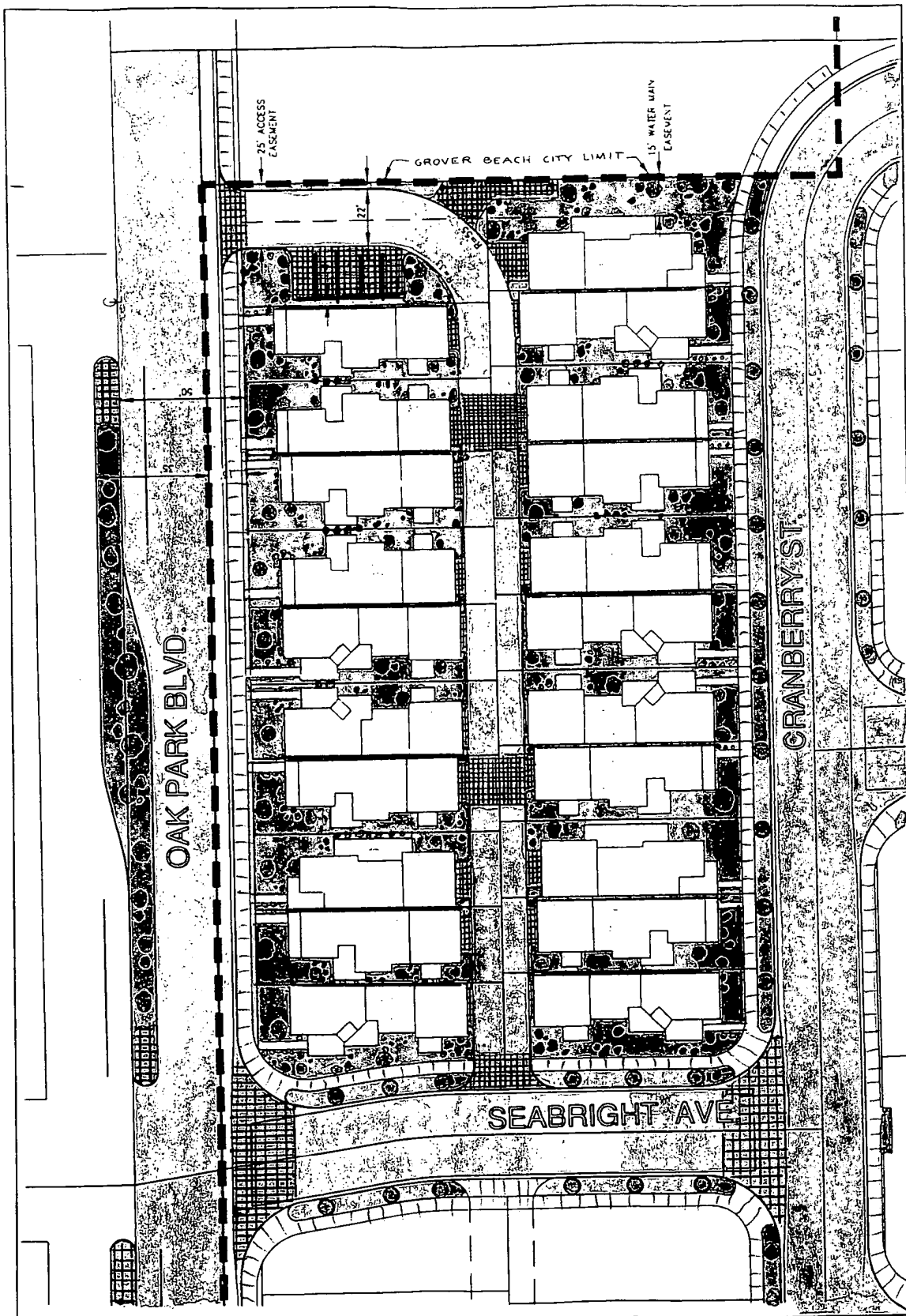


EXHIBIT 9 — PRELIMINARY SITE PLAN - Patio Home Residential - North



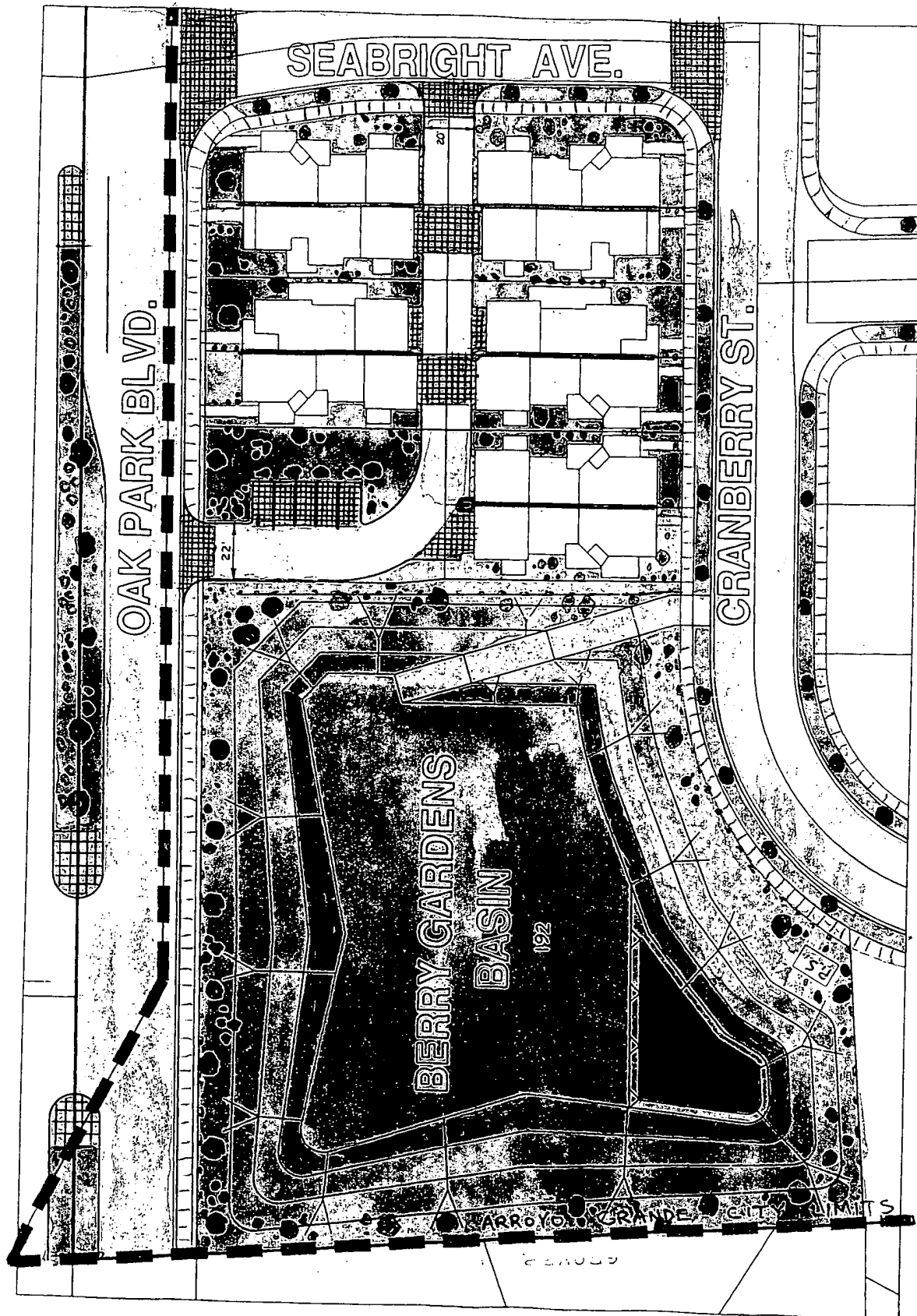


EXHIBIT 10 — PRELIMINARY SITE PLAN - Patio Home  
Residential - South (And Ponding Basin)

## **Access, Circulation, and Parking Standards**

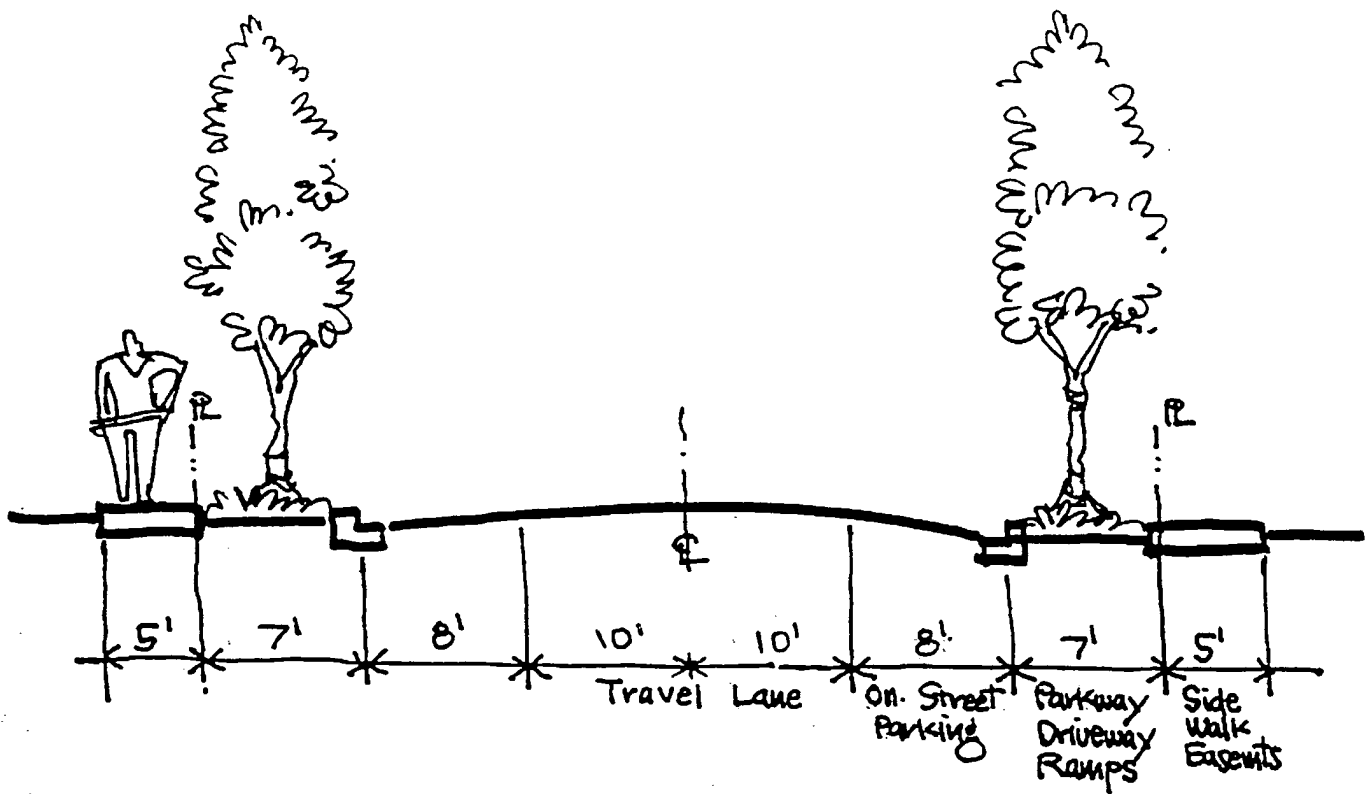
*Courtland Street Extension (North)* - Berry Gardens intentionally restricts access to one public street connection in each direction. The primary entrance and exit from this Specific Planned residential neighborhood development will be to and from Grand Avenue by an extension of Courtland Street south from the existing signalized intersection. Until adjoining General Commercial properties are developed (Subarea 4), the interim Courtland Street improvements between Grand Avenue and Berry Gardens shall consist of 32 to 36 foot wide pavement over base with temporary asphalt curbs on one side and 6 foot wide concrete curb, gutter and integral sidewalk on the other side. This section will be signed "no parking", and street trees, as well as the other permanent curbs, gutters, and sidewalks will be deferred until the street section is widened concurrent with subsequent commercial development. An entry feature will be constructed on Courtland Street north of Strawberry Avenue near the existing Poplar Street ponding basin, as described in a later section of this plan.

*Courtland Street Extension (South)* - When the adjoining Toma property develops, Courtland Street extension to Ash Avenue will create a potential residential collector or through street. Traffic calming design on Courtland Street may include special pavement treatment and three-way stops at Cedar Avenue and Blueberry Avenue intersections to control speed and discourage through traffic. (The alternative of off-setting the south extension of Courtland Street was considered but avoided because otherwise through traffic might further utilize Spruce Street.) An entry monument will be constructed in the parkway on the east side of Courtland Street, south of Raspberry Avenue.

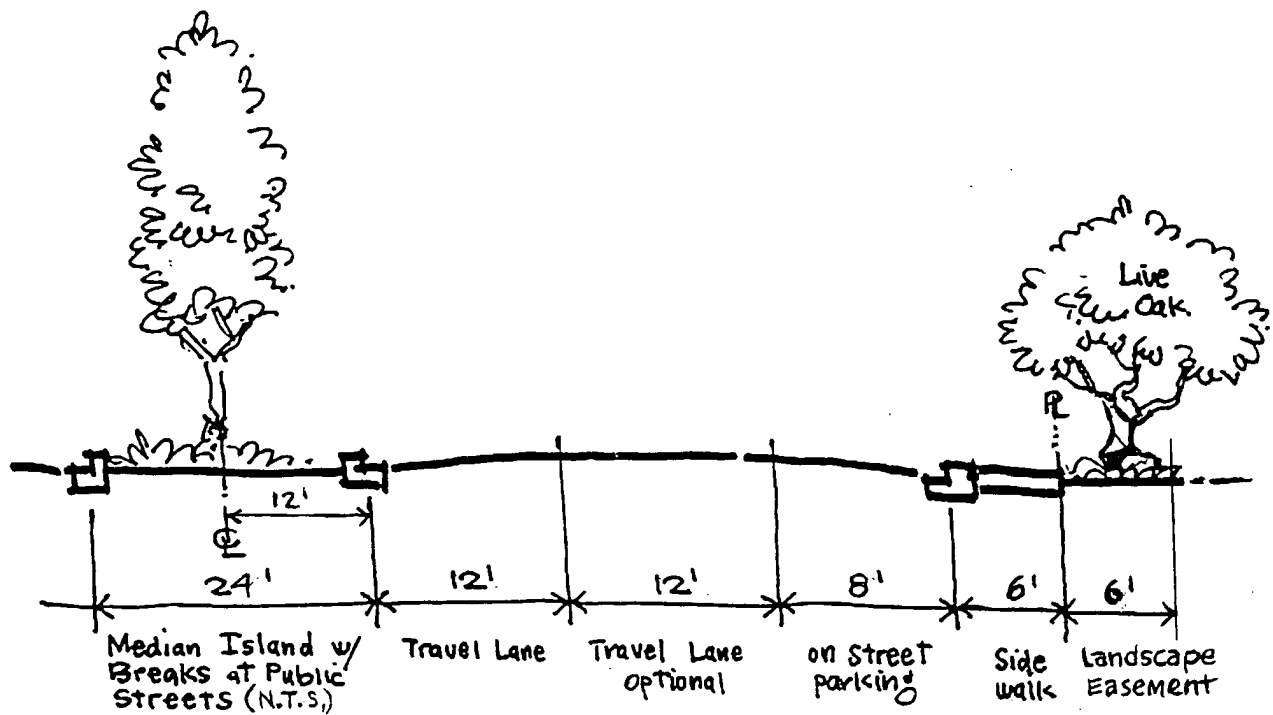
*Seabright Avenue* - Secondary local access would be provided to the Berry Gardens neighborhood by easterly extension of Seabright Avenue to connect with the internal local modified grid pattern of streets. To discourage through traffic, direct connection with Cedar Avenue or other east-west local streets was avoided by offset intersections on Cranberry Street. An entry feature and special intersection pavement treatment will be provided on the east side of Cranberry Street at the Seabright Avenue intersection.

*Cedar Avenue* - West of Spruce Street, a short segment of Cedar Avenue stubs to the site and will be extended (in Phase II) to connect with Courtland Street. East of Boysenberry Street sidewalk will be provided on the south side only with the wider parkway on the north side providing an entry monument. (Curb to curb width east of Boysenberry Street shall match the existing 32 foot curb to curb section, with on-street parking eliminated on the north side.)

*Local Access Streets* - The modified grid pattern of local residential streets provides adequate circulation for low and medium density residential development with on-street parallel parking permitted on both sides. The typical minimum public street section provides 36 feet curb to curb and this Specific Plan proposes a 50 foot street right-of-way for all local access streets, except Courtland Street. The seven feet behind curb face on each side is proposed as a utility easement and landscaped parkway. Detached public sidewalks are located in an additional 5 foot wide pedestrian and utility easement parallel with and adjoining the street right-of-way. To facilitate pedestrian traffic, these sidewalks are proposed to be 5 feet wide and driveway ramps would occur in the parkway area to enable level walks. Pedestrian level street lighting, and other amenities (such as benches and clustered mailboxes) can be placed along the sidewalks or in selected parkway locations. Other lighting standards shall be pedestrian scale. Conventional streetlights should be confined to intersections:



LOCAL STREETS — 36 FEET CURB TO CURB



OAK PARK BOULEVARD — 100 FOOT RIGHT OF WAY

EXHIBIT 11 — STREET CROSS SECTIONS

*On-street Parking* - This local access street section provides each single family lot an average of at least two guest or supplemental resident parking spaces, and approximately 1.5 spaces per each patio home. The Specific Plan proposes to require two car garages for each dwelling unit, with 10 supplemental off-street parking spaces proposed for Patio Home Residential Subarea guest parking (0.3 spaces per unit). The Specific Plan intentionally avoids off-street parking at the proposed park or the ponding basin to discourage excessive use of automobiles for local access.

*Transit Shelter* - The developer proposes to contribute to a transit shelter located on the south side of Grand Avenue near Courtland Street, to be developed concurrent with adjoining commercial zoned properties.

*"Streetscape" Design* - To prevent the "streetscape" from becoming a row of garages, typical of many contemporary suburban single family developments, yet avoid creation of service alleys sometimes associated with "neo-traditional" neighborhoods, the Specific Plan proposes interior side and rear yard placement of garages with greater front yard setback required for the garage doors than the living areas of the homes. For the patio homes, the individual garages shall be congregated at the rear of each unit, with private access driveway parallel to and connected with Oak Park Boulevard and also intersecting Seabright Avenue.

*Oak Park Boulevard* - This partially improved existing street is a potential four lane "minor arterial" street according to the General Plan Circulation Element. It currently extends north of Grand Avenue through Grover Beach to connect to Freeway 101 and recently was extended south of Mentone/Ash Avenue to provide regional access to Grover Beach and southwestern parts of Arroyo Grande. Existing segments of Oak Park Boulevard north of and south of the subject property's frontage are 100 foot wide right of way with and 84 foot wide without a raised median island or center divider.

The Berry Gardens Specific Plan proposes that the frontage segment of Oak Park Boulevard provide a total right of way of 100 feet, providing for a four lane street section with on-street parallel parking on both sides. The proposed raised median islands, with breaks at existing public street intersections, shall be landscaped as approved by the City of Grover Beach to mitigate for the removal of the hazardous existing mature eucalyptus trees (currently at the west edge of the subject property).

Additionally, to enhance the "boulevard" appearance of the proposed development, the east side of the street right of way in Arroyo Grande shall provide for a landscaped easement behind the integral 6 foot wide sidewalks. Street trees spaced 30 feet apart shall be planted in the easement to create a tree lined, shaded sidewalk along Oak Park Boulevard.  
[See Exhibit No. 11, Street Cross Sections]

## **Street Trees/Parkways, Park, and Ponding Basin Landscaping**

*Street Trees/Parkways* - As described above, all of the internal local streets and avenues of Berry Gardens neighborhood provide for 36 feet wide curb to curb streets with seven foot wide parkways separating five foot wide sidewalks on both sides. The landscape concept for street tree planting is generally to locate deciduous shade trees within the parkways to eventually create a canopy over most of the street pavement as well as the sidewalks. By planting at least two street trees per lot frontage, the spacing would be approximately 30 feet between trees, enabling driveway ramps about 60 feet apart. Fall color and spring and summer shade characteristics of trees such as Chinese Pistache, Liquidamber, European and Chinese Hackberry, Honey Locust, Maidenhair Tree, Aristocrat Pear, and Little Leafed Linden compose the primary plant list. Each street will have a selected evergreen and deciduous tree pattern with contrasting accent points for interest with seasonally opposite tree. Evergreen canopy street trees include Quercus, Carrotwood, Magnolia, Cork Oak, and Evergreen Chinese Elm. At entries and key vista points such as the north and south ends of the park, and subdivision corners, small scale flowering trees can contrast with adjacent, typical street tree pattern. Golden Rain Tree, Flowering Plum, and Tipu Tree are examples of small flowering trees while Glossy Privet, Olive, Fern Pine, and Holly Oak are small evergreen trees appropriate for these accents. The final selection of street trees shall be part of subdivision map review and approval or Architectural Review.

Along Oak Park Boulevard the median island will be dominated by the Liquidamber and Coast Live Oaks replacing the existing hazardous eucalyptus trees which will be removed subject to permits by the City of Grover Beach. On the east side, street trees will be in landscape easement behind the curb and sidewalk: the Specific Plan proposes extensive use of Coast Live Oaks reflecting the street name.

*Park Landscaping* - At the western fringe of Berry Gardens Park, a solid screen of evergreen trees with flowering smaller trees and shrubs to the east and west will reinforce the boundary between the public park and private yards. Accent planting of flowering and colorful trees will be placed at the north and south ends of the park, visible as one drives up or down Courtland Street, Cedar Avenue, or Blueberry Avenue due to modified grid street alignment. Along the east side and in the center of the Park, the row of street trees along Courtland Street should remain open to facilitate views of the park's lawns, gardens, and a central fountain, benches and flag poles. [See Exhibit 12, Berry Gardens/Kawaoka Park]

*Ponding Basin Landscaping* - The proposed storm drainage ponding basin at the southwestern corner of the subdivision will be excavated to a depth of approximately twelve feet, with a 6-foot high perimeter fence. Side slopes varying from 3:1 to 2:1 will be planted with ground cover such as Carmel Creeper not requiring mowing while the bottom will be relatively flat and planted with turf grasses. The fenced perimeter of the basin will also include trees and shrubs to generally screen the ponding basin from adjoining residential properties and partially screen views from Oak Park Boulevard and Cranberry Street. Small structures, such as sewer or drainage lift pump houses, on the perimeter should not be precluded, subject to further Architectural Review. This open space and drainage feature is proposed as a public open space, subject to City review and approval. Seasonal use for private outdoor recreational open space would be an alternative, if not accepted for public use.

[See Exhibit 13, Berry Gardens Ponding Basin]

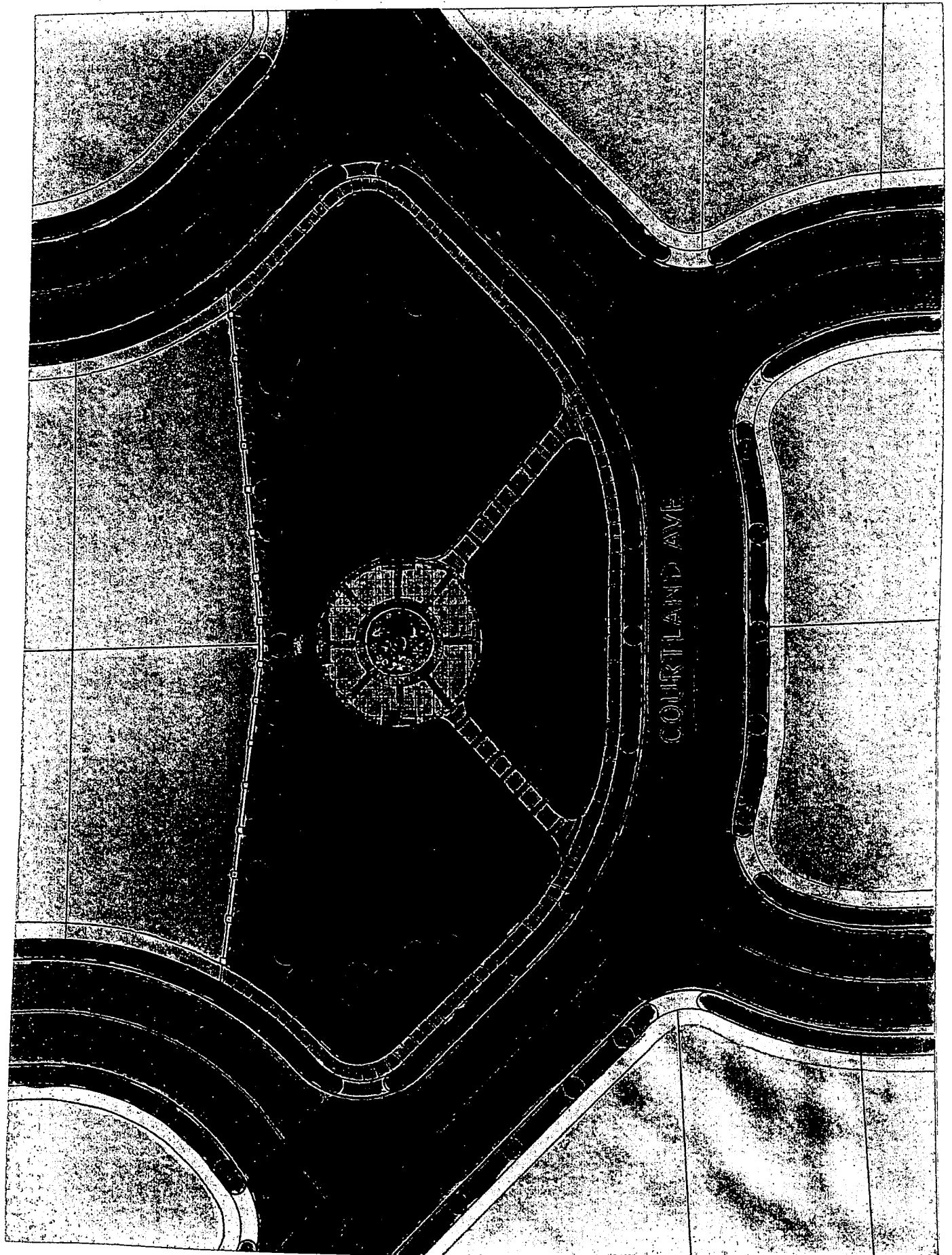


EXHIBIT 12 — BERRY GARDENS/KAWAOKA PARK

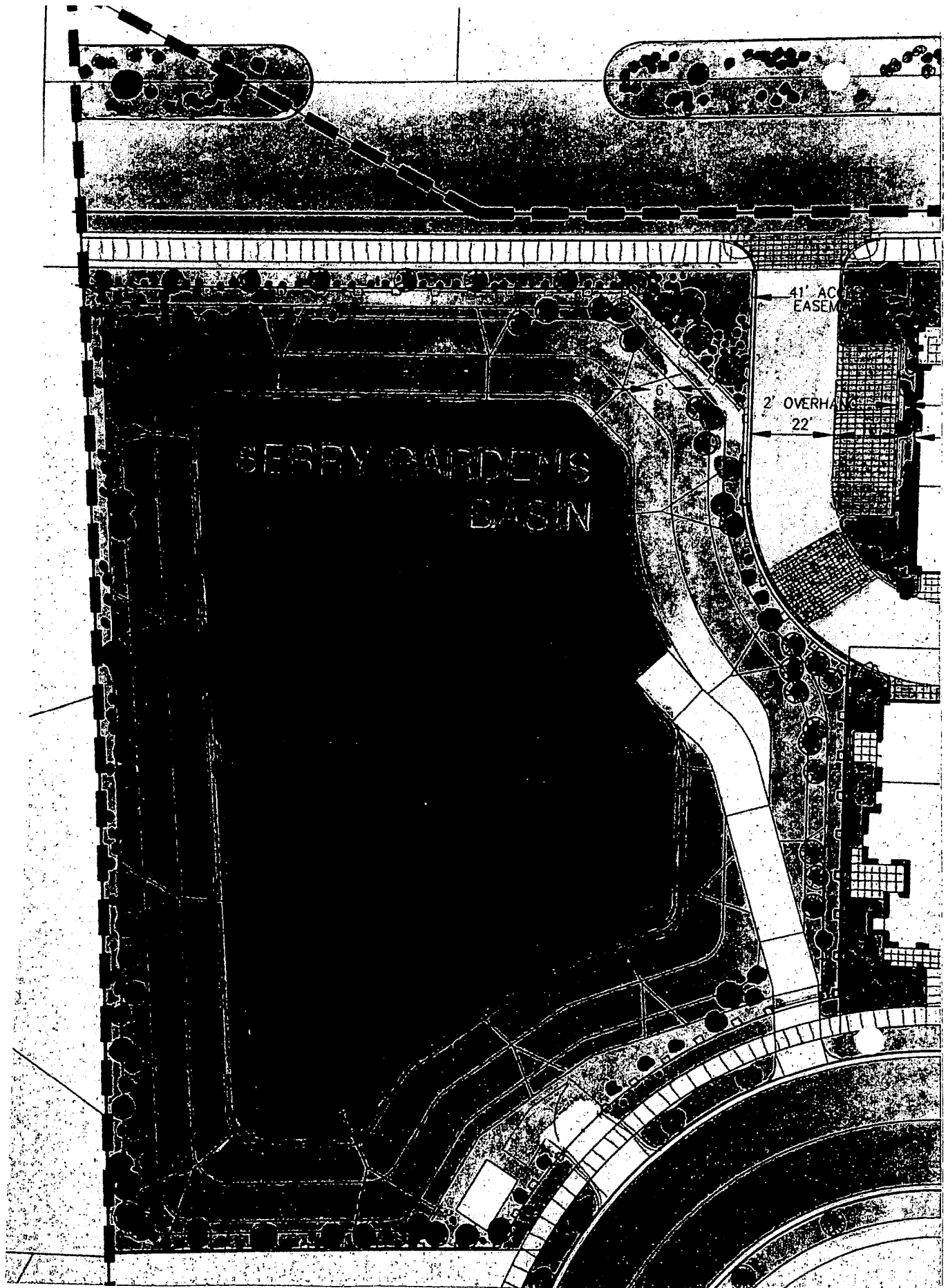


EXHIBIT 13 — BERRY GARDENS PONDING BASIN

## **Fences, Walls, and Special Entry Features — Subarea 1**

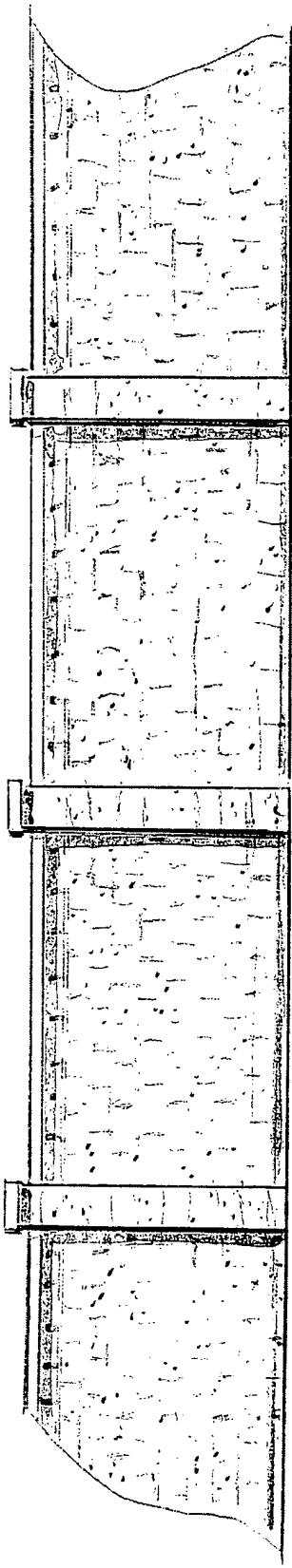
*Fences* - With the exception of along Courtland Street and a potential wall separation from General Commercial property development to the north, the interior side and rear yards of Berry Gardens' single family detached homes will involve standardized six foot height unpainted redwood or cedar fencing. The proposed fence design provides for an attractive base and cap board with post spacing every six to eight feet for stability. The developer proposes to provide side and rear yard fencing as well as front yard landscaping with each home to assure a basic finished "streetscape". Homeowners will be responsible for landscaping of individual rear yards except for the perimeter fencing. Front and street side yard fences or walls shall be designed not to exceed 48 inches and finished with the same exterior material and colors as the exterior of the individual house. Entry gates, if any, at driveways and/or walkways shall be given special architectural treatment or trim to reflect features of the house or yard landscape design (i.e. trellis, arbor, arched gateway, etc.). Along Courtland Street the developer will provide a consistent stucco, stone, or split face masonry street side yard wall design, with individual design details for each lot to reinforce the attractive, coordinated appearance of this primary neighborhood entrance. Standard wood plank, chain link, or painted plywood fencing materials are prohibited for front or street side yard locations.

The relocated fence for the Courtland Street frontage of the Poplar Street ponding basin is proposed to be wrought iron panels with split face masonry, stone, or stucco pilasters along the street frontage and also contiguous to Berry Gardens rather than the existing chain link security fence. The City ponding basin fence and western slope bank require reconstruction in any event to enable Courtland Street and adjoining sidewalk to be constructed. The developer does not propose to otherwise alter or improve this City ponding basin unless park fee credit is allowed for such enhancements. Perimeter landscaping and more attractive fencing would be particularly beneficial to adjoining residential and commercial area development.

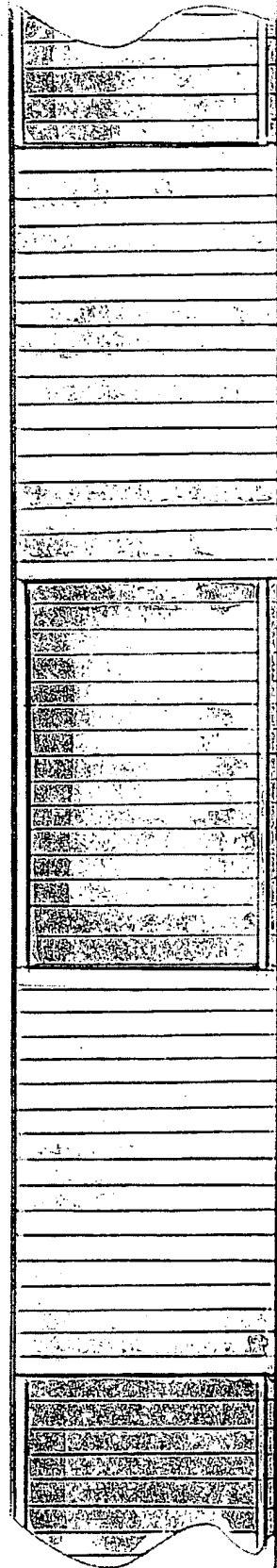
The Berry Gardens storm drainage ponding basin at the southwest corner of the site will have a minimum six foot high security fence around its entire perimeter with a maintenance access gate at the north side. This fence will be wrought iron panels with split-face masonry, stone, or stucco pilasters on Oak Park Boulevard and Cranberry Street frontages and across the north and east side adjoining the patio home driveway and lots. The south side of the basin, adjoining existing single family homes in Grover Beach may be either a solid stucco wall or similar wrought iron panels with pilasters. [See Exhibit 14, Fences and Walls]

*Walls* – Split-face masonry block or stucco walls shall be compatible with the materials and design of the patio homes, particularly to enclose private side or rear yards. Walls of six to eight feet may be proposed except in required front yards where 48" maximum height shall be considered except on corner lot yards where 36" maximum shall be allowed subject to Architectural Review. In no event shall more than half of required front or street side yards be fenced or walled from street view. Fence or wall design within front or street side yards shall be of materials and colors matching the exterior of the adjoining patio home. Where walls are constructed in front or street side yards, they shall be designed with one or two foot indents or offset from the back of sidewalk for at least half their length to enable screen vines or shrub planting on the street side. (These plants will minimize potential for graffiti or

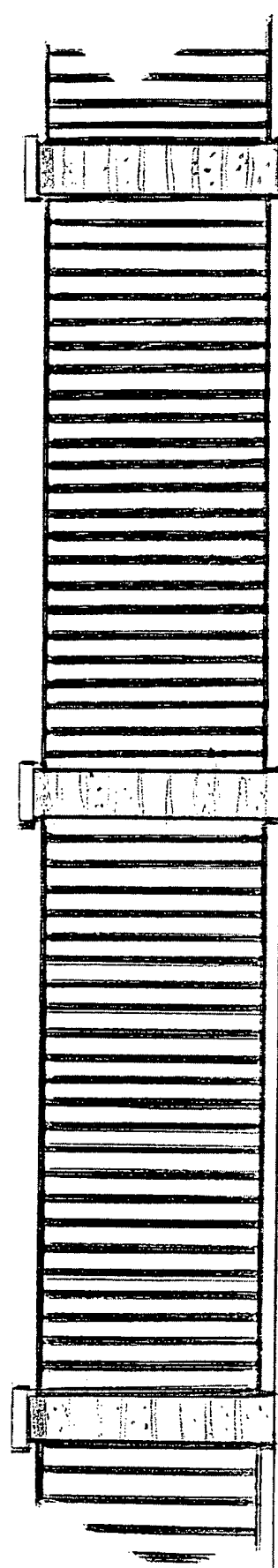




6 FOOT CORNER STREET WALL BLOCK



6 FOOT BACK AND SIDE YARD WOOD FENCE



6 FOOT IRON & BLOCK STREET AT BASINS

EXHIBIT 14 — FENCES AND WALLS

monotonous surfaces.) Alternatively, the walls can include design details or texture and material changes, caps, tile inserts, or similar features which tie to the architecture of the adjoining residence: The intent is to add to pedestrian scale visual interest.

Residential covenants conditions and restrictions (CC&Rs) shall specify that it is the responsibility of the individual lot owner to maintain the exterior appearance of the fences, walls, street trees landscaping and entry features of front and street side yards, including the adjacent parkway.

*Special Entry Features* - Neighborhood entry identification signs and gateways are proposed at Courtland Street near Strawberry Avenue, at Seabright Avenue and Cranberry Street, at Cedar Avenue east of Boysenberry Street, and at Courtland Street south of Raspberry Avenue. These entry features shall be subject to review and refinement including landscaping, lighting, and/or signage at the time of City Architectural Review. Conceptual design for each of these four locations is included as part of this Specific Plan.

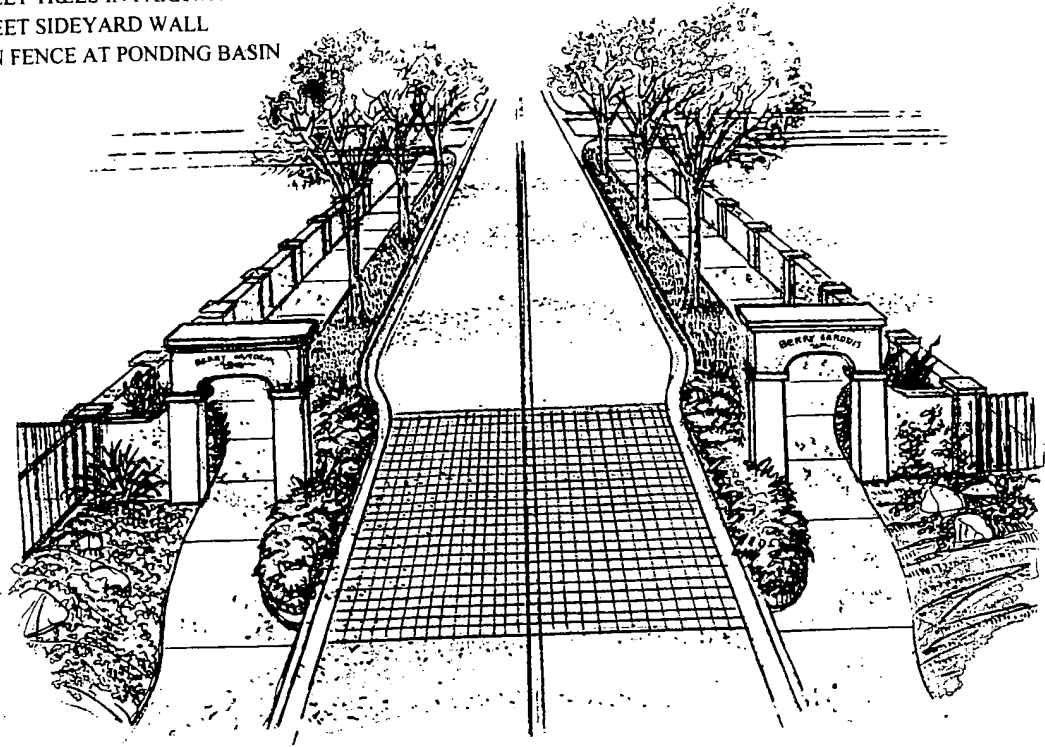
[See Exhibit No. 15, Special Entry Features]

The entry features at the secondary accesses at Seabright Avenue, Cedar Avenue, and the southern extension of Courtland Street are integrated into the street side yard walls of the corner lots. The six foot high wall is indented and a lower wall and bench adjoin the sidewalk to create a terraced alcove with a neighborhood entry identification sign at approximately four feet height, mounted on the alcove wall.

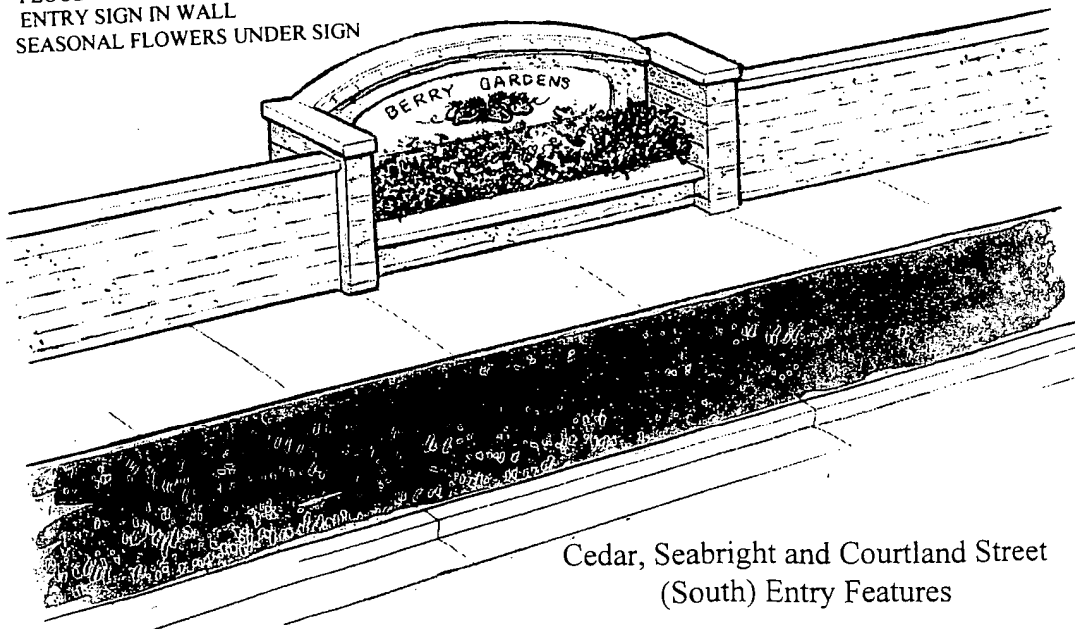
The primary entrance gateway feature on Courtland Street north of Strawberry Avenue is an extension of the rear fence or wall alignment separating Berry Gardens residential from potential commercial development to the north. It proposes an arched gateway over the sidewalk and a stuccoed wall extension across the parkway on both sides of Courtland Street. A landscaped planter and street curb bulb-out would create a narrower "gateway" at the primary entrance to Berry Gardens. A neighborhood entry identification sign would be mounted on each archway. The street side yard walls adjoining these gateways shall also be similar material and colors. All split-face block or stucco street side yard walls along Courtland Street will be coordinated and of similar design and materials to create an attractive, more uniform "streetscape" character along this entrance route.

## COURTLAND ST. GATEWAY

- FIVE FOOT WIDE DETACHED SIDEWALK
- STREET TREES IN PARKWAY
- STREET SIDEYARD WALL
- IRON FENCE AT PONDING BASIN



- STRAWBERRY HAWTHORNE SHRUBS
- CREEPING STRAWBERRY
- FLOOD LIGHTS
- ENTRY SIGN IN WALL
- SEASONAL FLOWERS UNDER SIGN



Cedar, Seabright and Courtland Street  
(South) Entry Features

## EXHIBIT 15 — SPECIAL ENTRY FEATURES

## **Water, Sewer, and Utility Facilities**

The Berry Gardens Specific Plan proposes water distribution, sewage collection, and other underground utility facilities installed by the developer prior to each of three phases of the subdivision. The initial phase will include total site preparation, grading and off-site extensions and improvements described below to enable connection to existing City and Utility company systems

*Water System* - Berry Gardens Specific Plan anticipates that the proposed 180 homes will use about 100 acre feet per year. The City of Arroyo Grande Public Works Department reports existing water pressure in Grand Avenue mains at 70 to 75 psi. A looped water system of new 8-inch mains connecting to existing mains at Grand, Cedar, and Ash Avenues is proposed, with a new 10-inch main along Courtland Street. According to preliminary design, the required peak fire flow of 1500 gallons per minute will be achieved with this looped system of eight inch diameter PVC lines. Water lines would be located in the interior street rights-of-way creating a typical 240 ft. x 600 ft. grid system. Fire hydrants would be located at intersections and mid-block so that no building is more than 300 feet from at least two fire hydrants.

The patio home development fronting on Oak Park Boulevard will provide for a main located on the east side of the divided arterial street, which is also the City limits of Arroyo Grande and Grover Beach. This main would interconnect to the internal grid at the north and south ends of the development within utility easements across the southwestern ponding basin and the northern most lots with a grid middle connection in Seabright Avenue.

*Sewer Collection System* - The City of Arroyo Grande will maintain the internal gravity flow sewer lines and manholes, which the developer will construct with each phase of subdivision. The southwest corner of the site, where the proposed storm drainage ponding basin is located coincides with the topographic low point. Sewer lines will be located in the street rights-of-way of proposed local residential streets with manholes according to City standards approximately 300 feet apart. Based on preliminary estimated flow calculations, a system of 8-inch PVC sewer mains is feasible including a line under the private driveway easement serving the patio homes.

The gravity flow sewer system will terminate at the corner of Cranberry Street and Raspberry Avenue where a sewer lift station will be installed, connecting to a new force main.

The sewer force main would extend east in Raspberry Avenue right-of-way and south in utility easements to the sewer main and manhole located on Ash Avenue west of Spruce Street. (The project engineer calculates that the lift station will need two effluent pumps, each with a capacity of 85 gallons per minute to force the peak flows to Ash Avenue near Spruce Street.) The sewage system would be maintained by the City of Arroyo Grande.

When Phase Three of Berry Gardens is constructed, the local sewer collection lines will enable the City to gravity flow from the Poplar Street lift station, eliminating the existing lift pumps. (A sewer line easement is shared by ponding basin drain line located between Lots 10 and 11.)

[See Exhibit No. 13, Water and Sewer Plan Map]

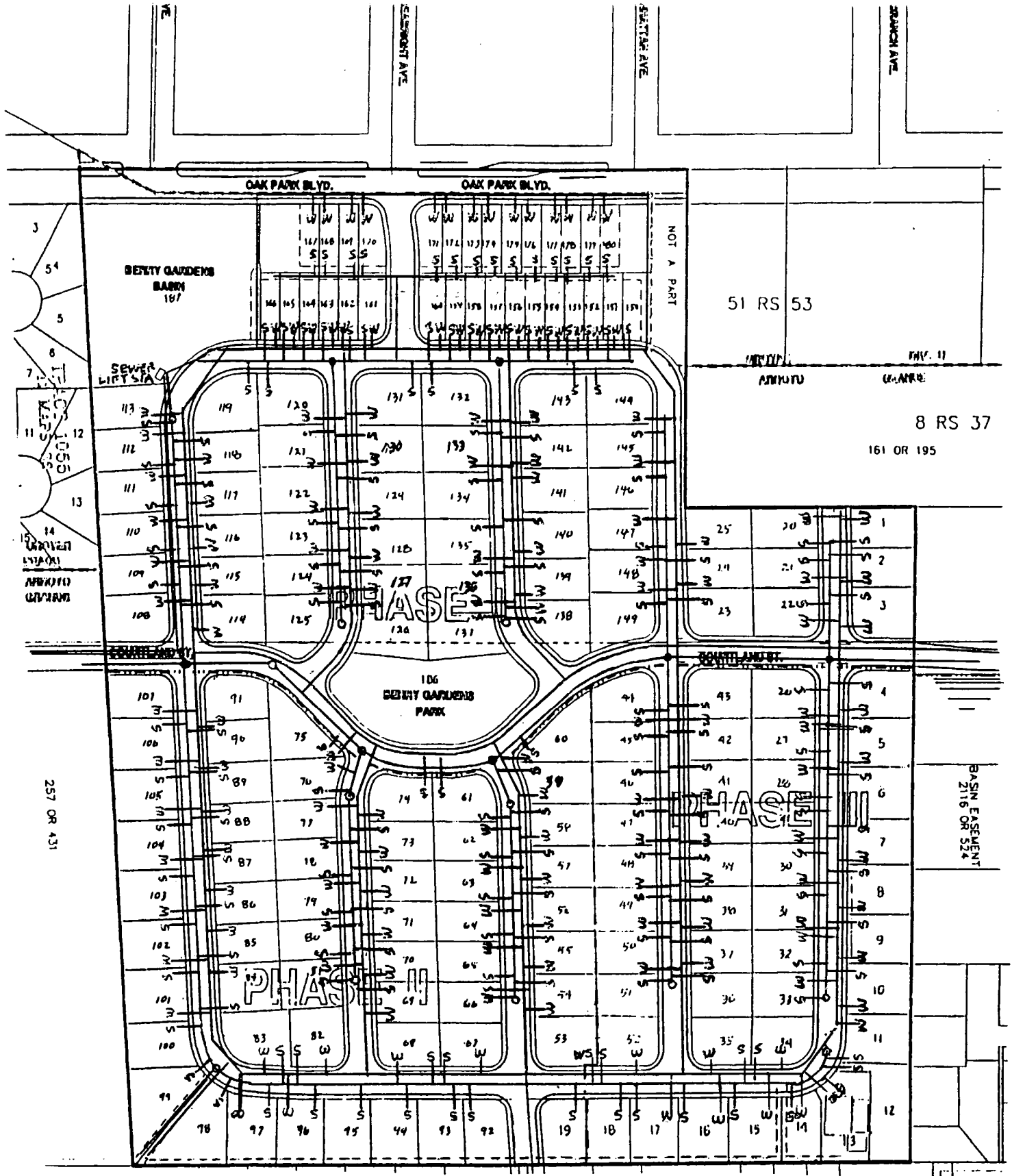


EXHIBIT 16 — WATER AND SEWER PLAN MAP

*Other Utilities* - Other underground utilities proposed include natural gas distribution lines and meters, electrical power lines and meters, cable television conduit and risers, and telephone lines and risers. These would be engineered and installed to Southern California Gas, Pacific Gas and Electric Company, Sonic Cablevision, and Pacific Bell specifications respectively. Detailed design will accompany the final subdivision map for each phase of development.

### **Drainage and Storm Ponding Facilities**

The existing Poplar Street ponding basin north of Berry Gardens intercepts most of the developed commercial and residential area drainage to the north and northeast of the basin. Some of the surface drainage from Grand Avenue is conducted in a drainage ditch that occupies part of the proposed Courtland Street right-of-way which will be improved by drop inlets and piped underground storm drain lines to enable street construction.

The Berry Gardens ponding basin, located at the southwest corner of the proposed residential development is designed to serve off-site residential properties to the northwest, northeast and south as well as the entire Berry Gardens tract.

The proposed Berry Gardens ponding basin does not provide adequate capacity to accommodate storm drainage from future development of the General Commercial properties north of the residential area, requiring either future expansion of the existing Poplar Street ponding basin maintained by the City or individual private drainage facilities on these commercially zoned properties.

Based on EIR review, the City intends to require this proposed ponding basin to accommodate at least 100 year storm design, including possible successive storms and considering recharge percolation rates experienced at the Poplar Street ponding basin. The new basin will also accommodate possible overflow from the undersized existing Poplar Street ponding basin, and provide a sump pump and overflow drain line connecting to the City's Soto ponding park facilities. Additionally, an overflow spillway will provide for exceptional storm events allowing natural drainage onto Oak Park Boulevard and continuing into the City of Grover Beach.

The 1.5 acre proposed Berry Gardens ponding basin will function during spring, summer, and fall as a public or private recreational open space area serving the 31 patio homes located to the north. During winter rainy season, the ponding basin function will be assured by easement offered to the City of Arroyo Grande, with off-site as well as on-site properties contributing to periodic ponding basin maintenance.

The preliminary basin design proposes excavation to depths of approximately 12 feet with side slopes generally 3:1 to 2:1 inside the fenced perimeter. Inlet pipelines ranging from 18 to 24 inch diameter would collect water from drop inlets along Oak Park Boulevard and along Raspberry Avenue and Courtland Street extending to the north edge of Berry Gardens subdivision. These lines would outlet into a low-flow pond at the southeast corner of the basin, which would require periodic maintenance to remove siltation, street debris, or other pollutants. The basin will recharge the underground aquifer by natural percolation or pipeline and sump pump connections to the City's Soto Sports Complex storm drainage basin. The drainage basin and system would be constructed by the developer to City standards, and maintained by the City of Arroyo Grande.

These Specific Plan water, sewer, utility, and drainage facilities proposals would be reviewed and refined as necessary for acceptance by the City and respective utility companies during tentative and final subdivision map consideration.

### **Transit, Bike, and Pedestrian Facilities**

The regional public transportation system, Central County Area Transit (CCAT), serving the Cities of Arroyo Grande and Grover Beach, utilizes Grand Avenue as the community connection route. This route serves a majority of the convenience commercial centers, and is reasonably close to other community activity centers such as medical, entertainment/recreation, and government as well as providing access to most employment opportunities.

The residents of Berry Gardens will be within convenient walking or biking distance from Grand Avenue via both Oak Park Boulevard and Courtland Street, both providing signalized intersections to facilitate safe crossing. The developer proposes to contribute to a transit shelter and benches at Grand Avenue near Courtland Street. When the Toma property to the south develops, Courtland Street will be extended to Ash Avenue facilitating neighborhood access to the Soto Sports Complex and community park. In the interim, Berry Gardens residents will access these facilities via either Oak Park Boulevard or Cedar Avenue and Spruce Street.

All of the interior local residential streets of Berry Gardens are designed to accommodate low speed vehicle traffic and on-street parking. Separate bike lanes are not proposed, but bike use will be encouraged. Bike racks will be provided by the developer at Berry Garden Park and adjoining the proposed ponding basin open space. Detached five foot wide sidewalks on both sides of all local residential streets, separated from street traffic by wide tree-lined parkways and on-street parking, will encourage pedestrian use. Amenities such as benches and a drinking fountain will also be provided by the developer at the centrally located Berry Gardens Park. To encourage evening strolls, street lighting will be pedestrian scale except at intersections requiring greater degree of safety lighting. The proximity of residential living areas to the sidewalks, and the reduced dominance of garages along the street, will improve "neighborhood watch" and casual interaction opportunities between residents and pedestrians.

Courtland Street "traffic calming" design proposes two three way stops at Cedar Avenue and Blueberry Avenue as well as entry "gateway" planter and special pavement and landscaped bulb-outs north of Strawberry Avenue. The Specific Plan intentionally avoids bike lanes or median turn lanes within Berry Gardens. When fully improved the Courtland Street extension north of Berry Gardens, will include a center turn lane and/or bike lanes to serve potential commercial uses.

In the interim, the Courtland Street extension will provide two 12-foot wide travel lanes and two 4-foot wide bike lanes on the 32-foot curb to curb pavement section. A permanent 6-foot integral sidewalk will be provided on the east side of the street.

At the signalized intersection with Grand Avenue Courtland Street interim improvements will provide for a left turn lane as well as travel lanes in both directions.

### **Schools, Parks, and Other Off-site Public Facilities Fees**

Berry Gardens Specific Plan recognizes that this proposed subdivision is an integral part of the larger established residential neighborhood to the east and west, and that many of the public facilities serving this area are located off-site. Specifically, Harloe Elementary School, Paulding Middle School, and Arroyo Grande High School are located more than one mile to the northeast, east, or southeast, requiring school bus or private transportation rather than convenient walking from the development. (Future changes to enrollment areas may enable more convenient school access, but this is beyond the scope of this Specific Plan.)

The Berry Gardens Specific Plan intends that school impact fees as established by Lucia Mar School District be paid by the developer concurrent with each phase of construction at the time of building permit issuance. An agreement has been executed between the developer and the Lucia Mar School District.

The developer requests credit for on-site public park dedication and improvements and other public open space improvements, but may also contribute park in-lieu fees to the City if required to help support nearby Soto Sports Complex and Community Park. Other impact or improvement fees established by the City of Arroyo Grande, such as water system or sewer connection charges, traffic, fire or police services impact fees shall be resolved concurrent with tentative map approval.

### **Architectural Design Guidelines**

Neo-traditional residential neighborhood design guidelines were derived from the SLOCOG Model Ordinance as recommended by the City of Arroyo Grande Community Development Department. Features include:

- Single family detached houses oriented to the streets with front porches and living areas having ten to twenty foot front yard and five to ten foot street side yard setbacks from back of detached sidewalks.
- Garages which are setback a minimum of twenty feet from back of sidewalk and ten feet behind living areas reducing the dominance of automobile parking as a residential design element.
- Driveways which are varied in design with reduced ramp and approach width across parkways and front yards, flared to double width on interior side yards or rear yards where they can function as private patio or playspace.
- A variety of one and two story floorplans and elevations intended to create a diverse design rather than tract-like uniformity of housing styles. Detached single family, and patio home plans are all intended for resident ownership, each with two, three or four bedrooms, two baths, and two car garages.



- On-street parking will be for supplemental resident and guest parking. The Patio Home area also includes 10 off-street guest parking spaces adjoining Oak Park Boulevard driveway entrances.

Because the City of Arroyo Grande reserves the Architectural Review process to consider detailed plans and specifications prior to construction, the Berry Gardens Specific Plan does not intend to prescribe final floor plans and elevations. Instead, it defines “prototypical” site plans for interior and corner single family detached lots and patio homes, conforming to proposed property development standards. Additionally, the Specific Plan Architectural Design Guidelines are intended to describe other elements of form, materials, details, and colors which are encouraged to create diverse but coordinated and compatible designed residential and accessory buildings. The Specific Plan intentionally avoids a uniform architectural style!

*Building Materials* - Consistent use of stucco and masonry or horizontal painted wood siding are encouraged as exterior siding materials. Concrete or clay tile, slate, or heavy composition shingles are encouraged as roofing materials. (Wood shake or shingles are prohibited for fire safety.) Heavy timber, tile, or wrought iron are encouraged as accent materials.

*Color* - Coordinated use of earth tone colors complemented by compatible accents, shading, landscaping, and lighting will provide for diversified design character. Uniform color of adjoining houses is discouraged, except for patio homes. Accent or trim colors should energize and enliven the visual character, using warm hues. No colors, basic or accent, shall be shrill or garish and no more than two basic colors shall be used on a single building mass. Similarly not more than two accent colors shall be used on any one building except patio homes where attached units may be a single color with individual units distinguished by different accent colors. There is no limit to the number of neutrals that may be used on any building. Detailed material and color palates will be determined for specific buildings as part of subsequent City Design Review.

*Building Orientation* - Residential buildings shall generally face the adjacent access street with convenient primary entrance but secondary entrances are also allowed. Buildings shall provide for shaded or sheltered pedestrian areas, particularly along southern and western exposures, including use of arcades, trellises, arbors, and roofed porches or balconies.

*Screening Provisions* - Walls shall generally be the same colors and materials as the adjoining building exterior and not in excess of six to eight feet height, reinforced where feasible with landscape screening. Walls in required front and street side yards shall not exceed 48 inches to six feet in height, depending on placement, except on corner lots where street yard maximum height within 50 feet of intersection shall not exceed 36 inches. Perimeter fences shall not exceed 6 feet height unless specifically approved otherwise by Design Review, or for architectural features such as entry gateways, trellis and arbor elements.

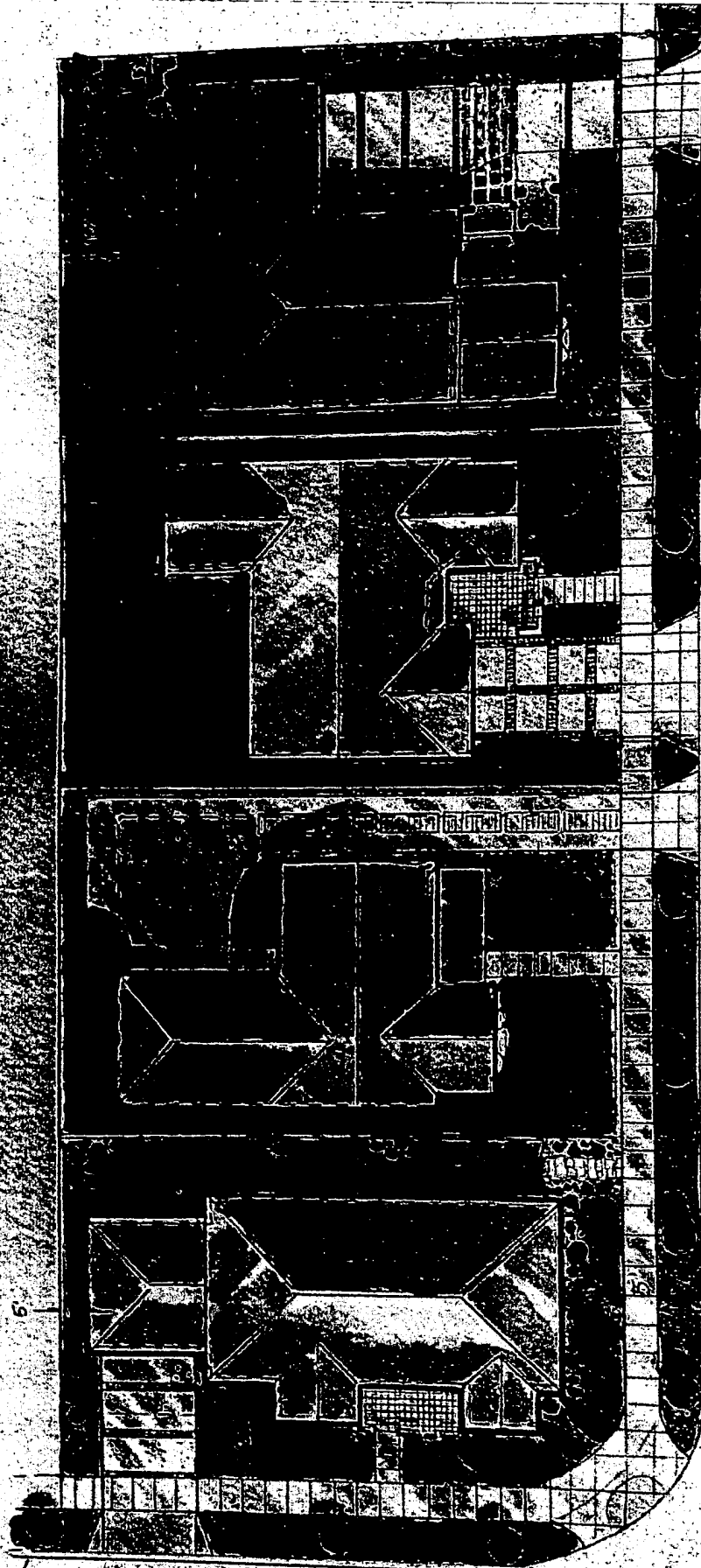
*Outdoor Storage, Mechanical Equipment, and Trash Enclosures* - To the extent possible, these types of facilities shall be integrated into buildings and not located outside. When necessary, and if approved by City Design Review, limited outdoor storage, mechanical equipment, or trash enclosures may be within walled and gated enclosures designed as an extension of and compatible with the primary or accessory structures. Free standing enclosures and metal accessory structures are discouraged. Normal utility and air-conditioning equipment may be placed on the ground when screened by appropriate landscaping and situated away from outdoor use areas, windows, or doorways.

*Architectural Details* - Rather than describe the architectural design details intended in Berry Gardens "neo-traditional" neighborhood, a set of photographic examples is included as part of the Specific Plan. Among the details encouraged are:

- Multi-pane vertical shaped rectangular and/or arched windows, recessed or with framed relief. Windows may be grouped.
- Fireplace chimney trim and cap details and shapes which reflect the roof or window shapes or include material changes, tile or trim, and color variations.
- Roofs which include eave extensions or trellises, arbors, or roofed porch elements to accent and shelter primary entrance doors.
- Low walls and landscape screening of front and side street side yards to improve outdoor utility and provide partial separation or distinction of public and private open space.
- Accent materials or trim color attic vents, and windows or skylights to maximize natural lighted interiors and provide exterior diversity.
- Diversity of roof pitches and materials which generally avoid flat or shed roofs or parapet walls, and favor hip or gable roofs reflecting traditional American architectural styles.
- Distinctive and readable housing numbers located near the primary entrance and preferably lit for night visibility from the public street.
- Side yard attached or rear yard detached double garages with double doors or single doors on each side, consistent with the architectural character of the residence.
- Minimum hardscape and maximum landscape in the required front and street side yards, including special driveway treatments such as grass-crete, wheel strips, single wide ramps and aprons, gravel or patterned concrete, stone, or pavers.
- Entry trellises or arbor gateway entries to walkways and sideyard driveways to facilitate pedestrian access and screen vehicular areas.

# BERRY GARDENS TYPICAL DRIVEWAY DESIGN

10' 6"



18

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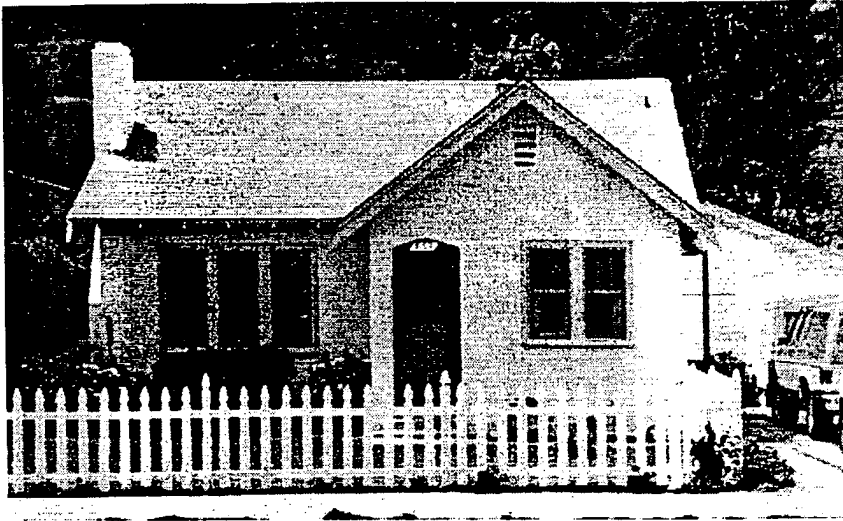
EXHIBIT 17 — Typical Driveway Design Variations



EXHIBIT 18 — Single Family Residential, Parkway and Home Examples



EXHIBIT 19 — Patio Home Residential, Home and Driveway Examples



VARIED ROOF TYPES AND  
BUILDING STYLES

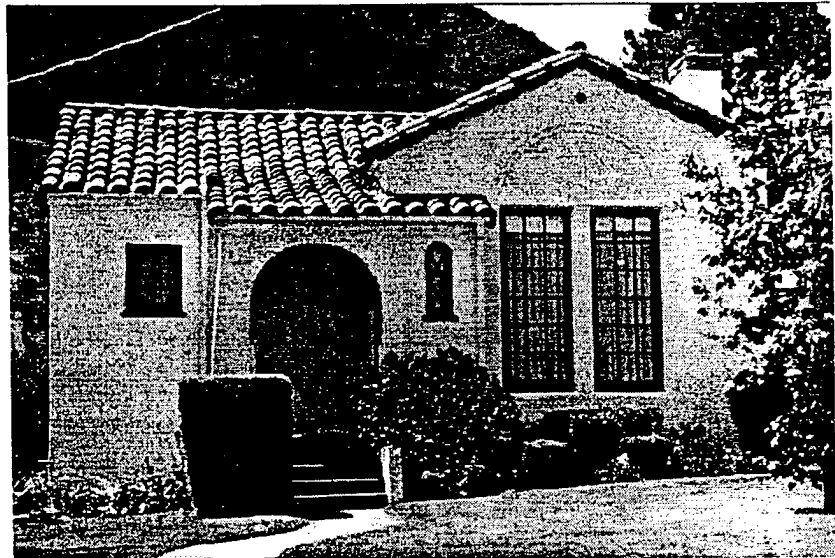


EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



VARIED ROOF TYPES AND  
BUILDING STYLES



EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES

SIDE YARD, "GATEWAYS"  
AND OPENINGS

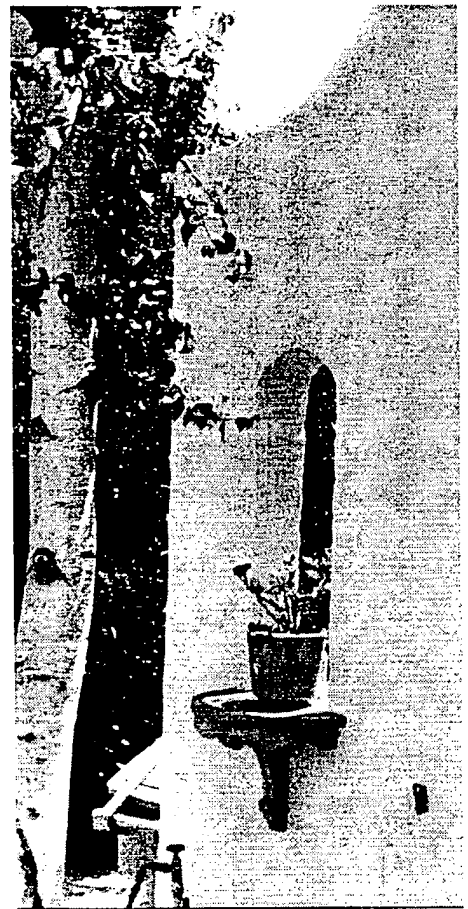
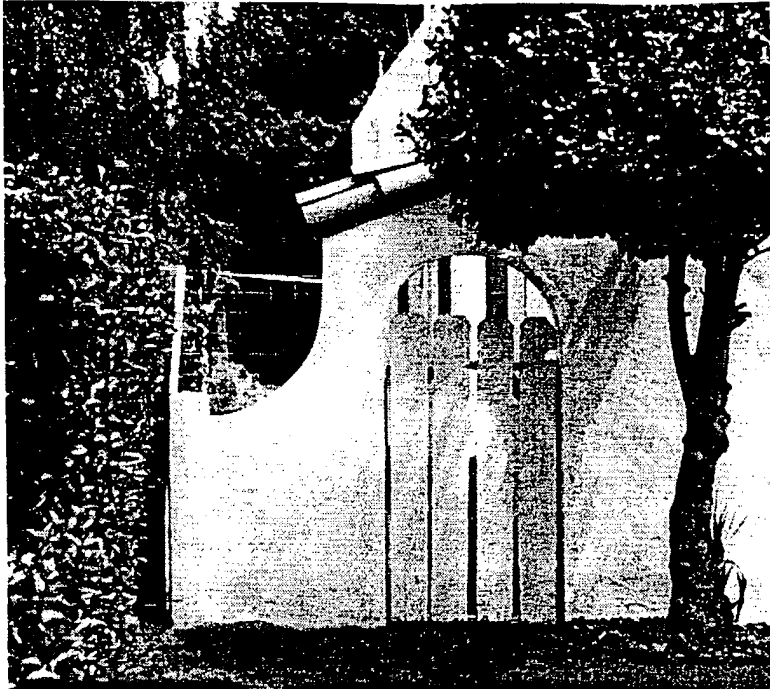
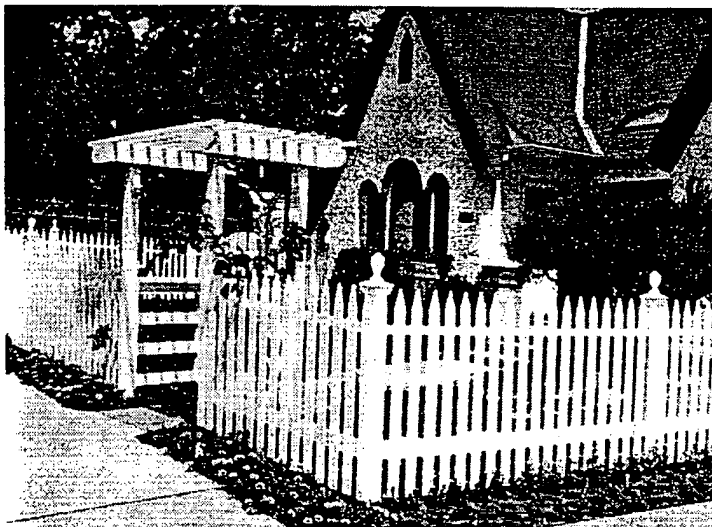
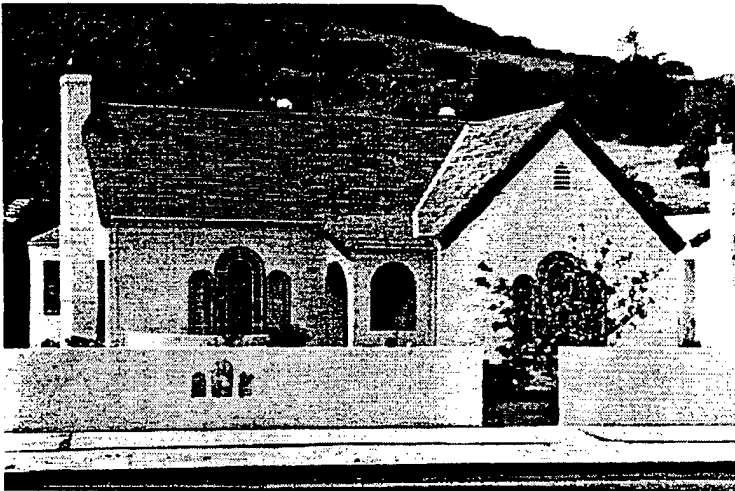


EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES





FRONT YARD FENCE, WALL  
AND ENTRIES

EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



FIREPLACE SHAPES, MATERIALS AND TRIM

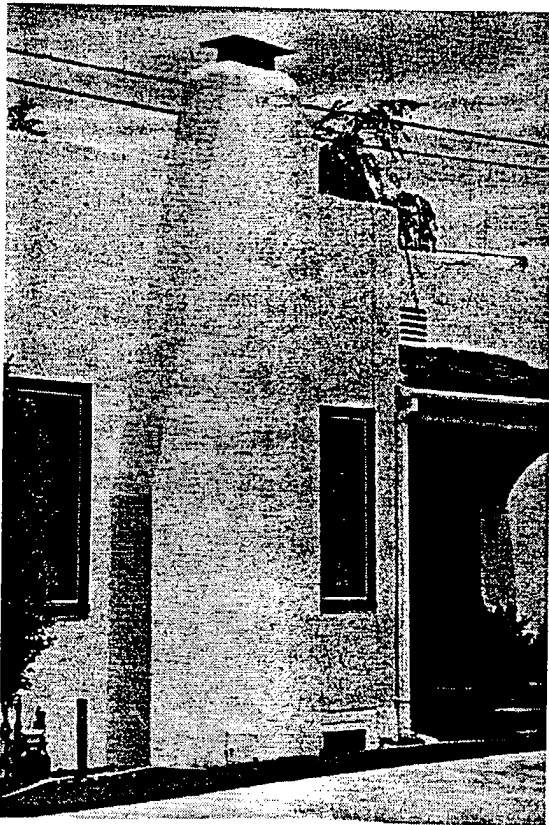
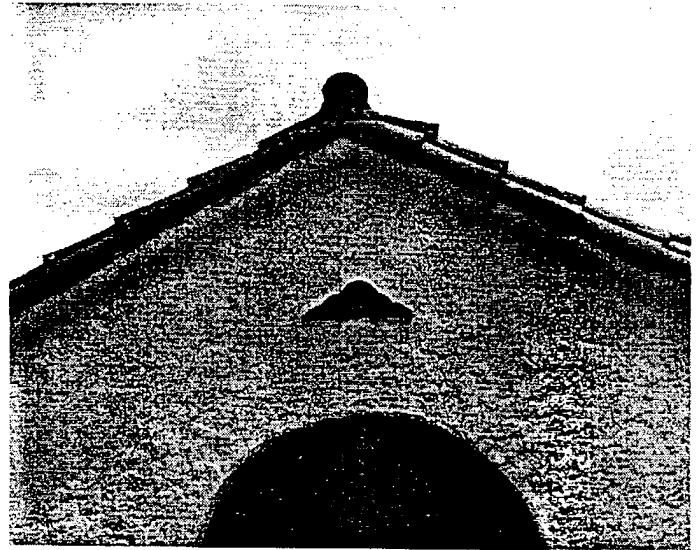


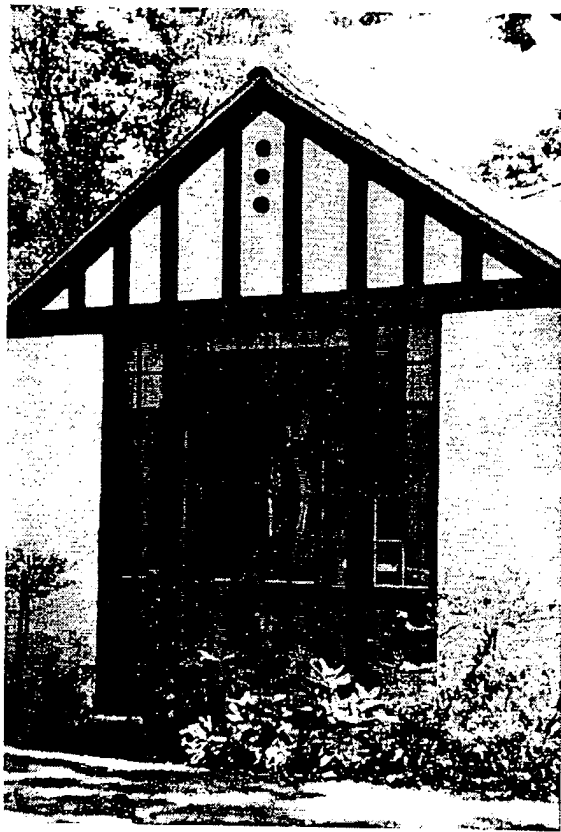
EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



ARCHED WINDOWS, UNIQUE  
ATTIC VENTS & TRIM DETAILS



EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



MULTI-LITE GROUPED  
RECTANGULAR WINDOWS AND  
UNIQUE ATTIC VENTS

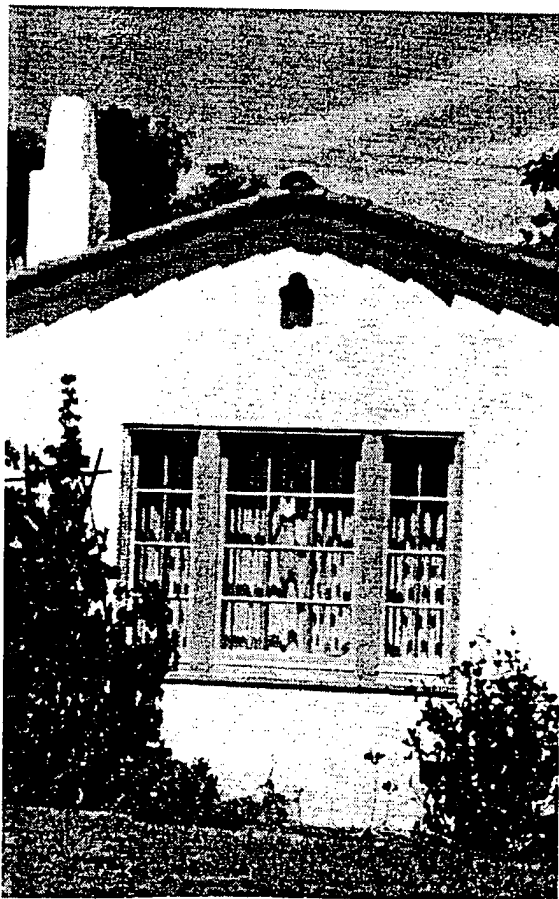
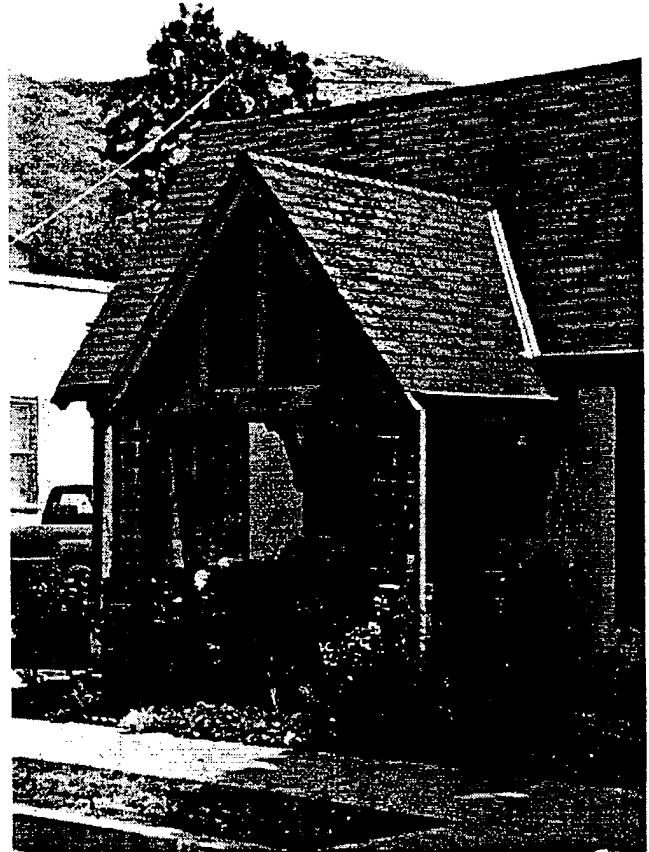


EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



COVERED FRONT PORCHES  
WITH LOW WALLS

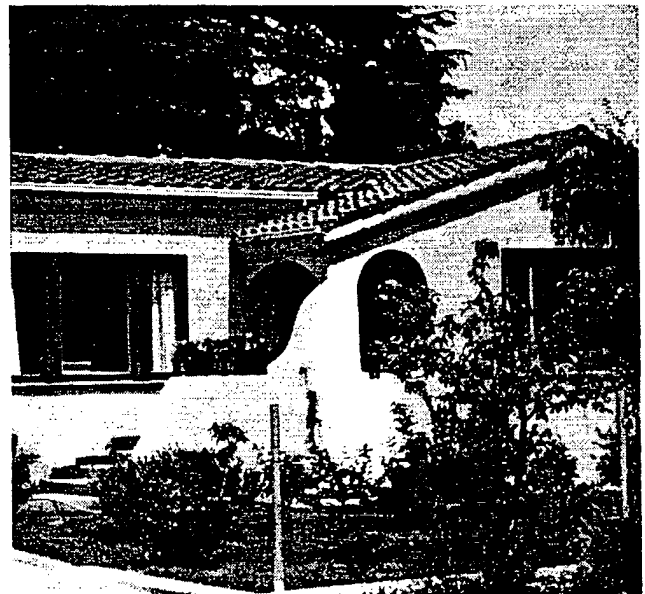
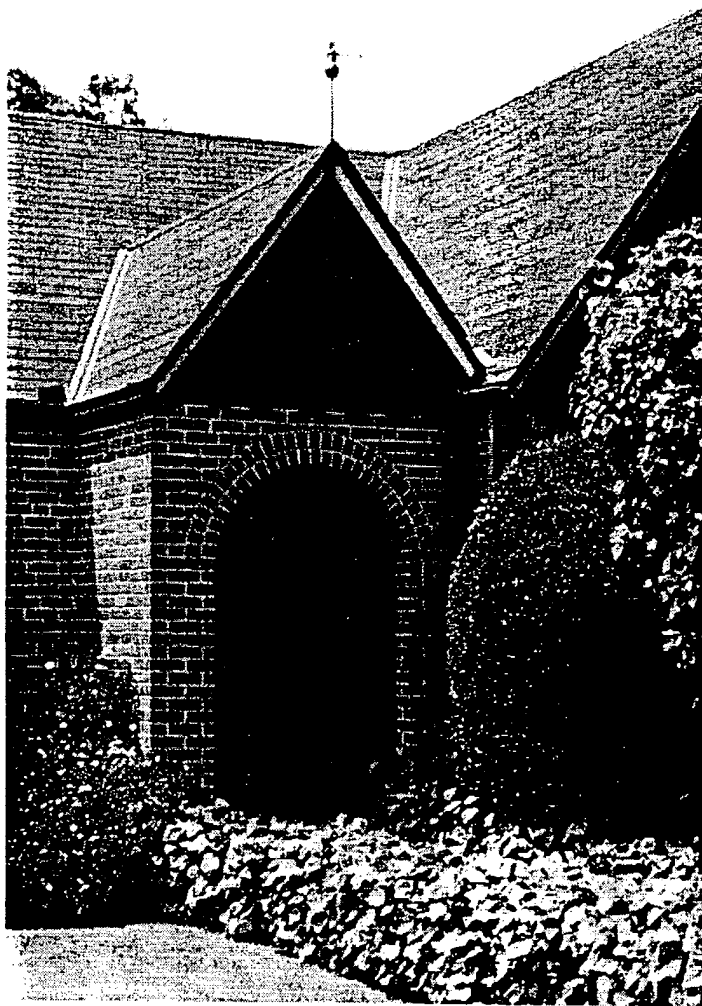


EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES



COVERED FRONT PORCHES  
AND DIRECT ENTRIES

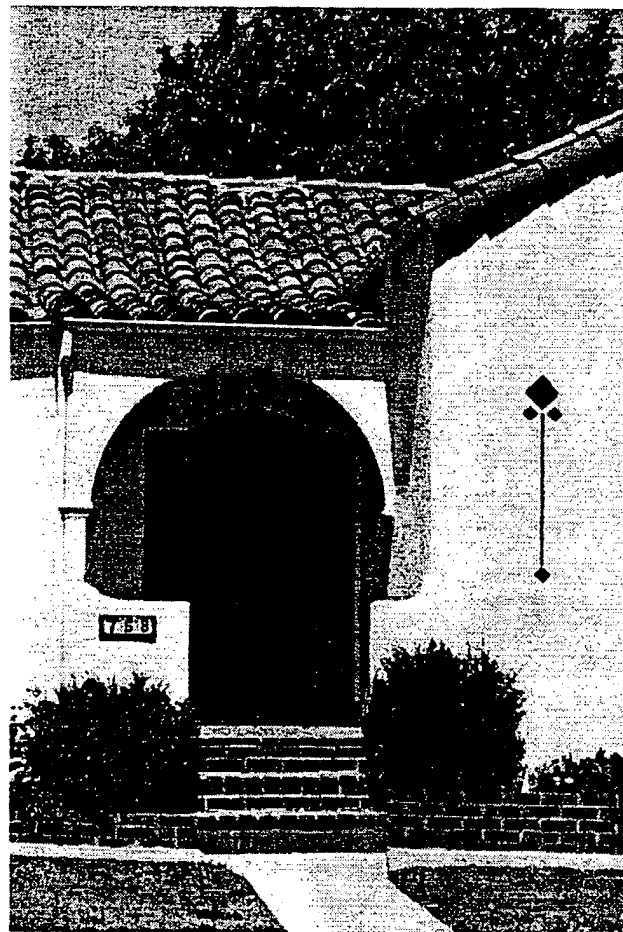


EXHIBIT 20 — ARCHITECTURAL DETAIL EXAMPLES

#### **IV. SPECIFIC PLAN PROPOSALS — Subarea 2**

**This separate section of the Berry Gardens Specific Plan is reserved for subsequent provisions and maps applicable to Subarea 2, subject to applications by the property owner and approval by the City of Arroyo Grande as a Specific Plan Amendment.**

## **V. SPECIFIC PLAN PROPOSALS — Subareas 3 and 4**

**This separate section of the Berry Gardens Specific Plan is reserved for subsequent provisions and maps applicable to Subareas 3 and 4, subject to applications by the property owner and approval by the City of Arroyo Grande as a Specific Plan Amendment.**



## **VI. IMPLEMENTATION AND ADMINISTRATION**

### **Other Regulations and Code Enforcement**

Except as provided otherwise in the Berry Gardens Specific Plan, all other provisions of the City of Arroyo Grande Municipal Code shall apply.

The SFR-SP designation shall be considered equivalent to the Single Family Residential District and the PHR-SP designation shall be equivalent to the Condominium/Townhouse District of Chapter 9-06 of Arroyo Grande Development Code.

### **Proposed Phasing of Subdivision Improvements**

Subarea 1 of the Berry Gardens Specific Plan envisions three phases of subdivision improvements starting with the west half and then proceeding with the southeast quarter and completing with the northeast quarter. Although the patio home sites are part of phase one, the construction of these attached single family units may be deferred to Phase 2 and/or 3 as well. Each phase is designed to be functionally complete without dependence on the infrastructure of subsequent phases, but the neighborhood concept will be incomplete until full development.

**Phase One** shall include all of Oak Park Boulevard improvements including landscaped center median islands, east half of the minor arterial street, curb gutter and six foot integral sidewalk, and six foot landscape easement with street trees spaced 30 feet apart. The Seabright Avenue easterly extension and all local residential streets including and west of Courtland Street will also be fully constructed, including underground water, sewer, drainage, and utilities, street lights and street trees within the parkways, and detached sidewalks on both sides. Additionally, Courtland Street shall be fully improved within the residential subdivision and the interim street pavement, walk on one side, 12 inch water main and drainage system extended north to Grand Avenue. The signal and intersection modifications at Courtland Street and Grand Avenue are also proposed as part of Phase One improvements.

Phase One will also include full excavation, perimeter fencing, and landscaping of the storm drainage ponding basin in the southwest corner of the subdivision and grading, irrigation and landscaping improvements to the centrally located Berry Gardens Park. Driveways and other parkway landscaping will generally be accomplished concurrent with housing construction to assure continued maintenance once established. Other Phase One improvements, which may traverse off-site properties or portions of Phase Two and Three, include sewer force main; water main extension to either Cedar Avenue and/or Ash Avenue; storm drainage basin outlet line; and other off-site utility improvements which may be required by the respective private utility companies.

**Phase Two** will include connection of the Cedar Avenue stub street westerly to Courtland Street as well as the remainder of the southeastern quadrant modified grid pattern of local streets, including water, sewer, storm drain, underground utilities, street lights and street trees, and detached sidewalks. Other parkway planting will be deferred until adjoining houses are built to provide for maintenance once established. To complete Cedar Avenue on both sides, the lots fronting on the north side of the street are included in Phase Two.

**Phase Three** is composed of the remaining northeast quadrant of the subdivision (north of Cedar Avenue frontage and east of Courtland Street). This phase will require removal of all existing agricultural buildings and remodel or replacement of the existing farmhouse. This phase will also enable the elimination of the small sewer lift station located at the Poplar Street basin by providing a connection to gravity flow sewer system within Berry Gardens. Similar to Phase Two, the local street improvements will complete water, sewer, storm drain, underground utilities, street lights, street trees and detached sidewalks. Driveways and other parkway planting may be deferred until adjoining house construction.

Each of these three proposed phases may be revised or refined by minor changes acceptable to the City's Community Development Director or Planning Commission without Specific Plan Amendment, subject to Design Review or subdivision review and approval. The approximate composition of each of the proposed phases is summarized as follows:

	Single Family Detached	Patio Homes	<b>SUBTOTAL</b>
<b>Phase One</b>	51	10*	61
<b>Phase Two</b>	56	11*	67
<b>Phase Three</b>	42	10*	52
<b>SUBTOTAL</b>	149	31	180

*\* Developer reserves the right to build-out in any sequence as determined by market conditions.*

[See Exhibit No. 21, Subdivision Phasing Map]



### **Special Conditional Uses**

The Specific Plan enables, but does not provide for certain conditional uses such as daycare facilities, churches, and private schools. Depending on the actual conditional uses proposed by Conditional use Permit application, if any, during Design and Development Review, the City may approve, conditionally approve, or deny such uses including control of hours of operation, size, access, service limitations which the City determines appropriate by separate application and subsequent public hearing processes.

### **Joint Use Management, HOA, and CC & R's**

The Patio Home Residential, PHR-SP designation, will require joint use and common area maintenance provisions for the private access easements and shared open space areas. These and other landscaped areas such as front and street side yards necessitate a unified property management or Home Owners Association (HOA) to administer acceptable covenants, conditions, and restrictions (CC& R's).

Concurrent with Subarea 1, Phase One Architectural Review for PHR-SP development, the developer will submit proposed by-laws and articles of incorporation for the HOA and CC & R's for State of California Department of Real Estate and City of Arroyo Grande Community Development Department review and approval. The developer may propose, maintenance districts for the purpose of contract with the City or private property management and maintenance companies to manage, develop, or operate certain facilities including storm drainage ponding basin, Patio Home driveway and landscaping or other common services.

### **Administration and Amendment of the Specific Plan**

The City of Arroyo Grande Community Development Director shall determine if any application submitted for Development or Architectural Review requires Planning Commission Specific Plan Amendment consideration including public hearings pursuant to City rezoning procedures. If the Director and/or Architectural Review Committee determines that a use and development is consistent with the purposes and objectives of the Specific Plan, he/she/they may approve minor and incidental changes or refinements to the development standards and design guidelines as outlined herein without Specific Plan amendment. Appeals of the Community Development Director's and/or Architectural Review Committee's or Planning Commission's decisions shall be as provided by City Development Code.

Complaints against Vacation Rentals (Small sample of many)

<https://www.sarasotamagazine.com/news-and-profiles/2019/10/airbnb>

“Private residential neighborhoods are not intended to be transient areas,” testified Lois Trotochau, who lives next door to 1406 Westway with her husband, David. Lois says the couple has been forced to plant more trees to buffer the noise coming from next door and has called the cops on multiple occasions. “There is no on-site management, no one to keep the rowdy parties under control, no limit on occupancy, no one to stop 4 a.m. spring break-type parties,” Lois Trotochau told city commissioners.

<https://sonomasun.com/2015/10/15/glen-ellen-group-vacation-rentals-are-ruining-our-town/>

“Our specific complaints, for which we have documentation, include a dangerous increase in traffic. In addition to the cars associated with the renters themselves, we see additional traffic from renters’ guests, limos and busses transporting them to events, and people scouting the rentals.

The number of guests frequently exceeds the advertised guest limit Extra cars park in front of or in the driveways of neighboring properties. Renters frequently host parties, with music/outdoor speakers etc. extending past 10 p.m. The noise is extremely disruptive.”

<https://medium.com/s/story/heres-what-it-s-like-to-have-an-entire-house-airbnb-rental-as-a-neighbor-1c2ffa0f5d45>

“Despite it being outlawed in the house’s rules, tonight’s Airbnb guests have rented the place for a party. Sitting in our living room, we can hear the thump of the bass from their music. When it started, we stepped outside to assess the scene. Partygoers on the patio, a line of Ubers clogging the street, and two cars flippantly parked in our neighbor’s driveway — leaving nowhere for her own car when she returned home.

This weekend will no doubt end like all others have since our neighbor turned his spare house into a fully functioning hotel: The guests will leave, but the mounds of trash they produce will stay behind.”

[https://www.keepneighborhoodsfirst.org/share\\_your\\_story](https://www.keepneighborhoodsfirst.org/share_your_story)

“I have lived next to a short term rental for 3 years. My house was nearly broken into by an out of control party guest. The police are here every couple months, The pot, the music, the ubers, the parties are constant.”

<https://travelonthehouse.com/hate-short-term-rentals/>

“At the least, residents feel uncomfortable with waves of strangers coming and going in their neighborhood or building. A [San Diego resident](#) put it this way: “Uneasy questions abound: How will these strangers conduct themselves? Will they maintain and respect the tranquility of our neighborhoods, or are they just here for a good time ...?”

“Those neighbors have good reason to be upset. Far too many short-term rentals are run by remote hosts and managers who don’t know or care who they rent to or how the guests use the property. In the worst cases, “guests” turn their short-term rental into a money-maker by renting to other “guests” or even using the home as a party pad.”

“Many homeowners express concern that too many short-term rentals will reduce the value of their homes.

According to an opinion piece in [the Voice of San Diego](#), “If sellers are now required to disclose to buyers even barking dogs and antagonistic neighbors, surely they will have to disclose the existence of commercial rental activity in the neighborhood.”

In fact, a 2015 article in REALTOR Magazine stated that “A single-family home or condo unit next door to a short-term rental — where the occupants change every few days — will take longer to sell and bring in lower offers.”

<https://sfist.com/2020/09/22/party-house-rental-in-sonoma-became-scene-of/>

“A vacation rental just outside the city limits of Sonoma played host to a Friday night party with dozens of guests from outside the county, and the party ended with at least 30 shots fired.”

<https://www.oregonlive.com/crime/2020/12/four-shot-at-party-in-happy-valley-authorities-say.html>

“Four young people ages 17 to 20 were shot during a party early Thursday at a vacation rental home in Happy Valley, according to the Clackamas County Sheriff’s Office.”

[https://www.islander.org/5-24-06/hb\\_porn\\_debate.php](https://www.islander.org/5-24-06/hb_porn_debate.php)

“Holmes Beach Mayor Carol Whitmore wants to keep Holmes Beach from being known as a “swingers location,” following the discovery two weeks ago that a local vacation rental house was being used by an adult entertainment club for sex parties (*The islander*, May 17).”

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/06/21/wild-airbnb-parties-bring-calls-for-crackdown>

“I’m concerned about the welfare of our families on Grove [Street], especially after what happened over the weekend. What’s the plan?” she asked. “Can we have something stricter? I know it’s an Airbnb and people have their right to make money, but is there something we can do to make the environment a little more regulated? My family’s home is directly across the street from the Airbnb. We’re a little concerned.”

Patterson was referring to the fracas in the wee hours of the morning, in which two people were shot and the alleged perpetrators sped off in a car, only to make an abrupt U-turn and fire more shots at the home on the way back, [according to](#) the *Sacramento Bee*.”