

MEMORANDUM

TO: City Council

FROM: Patrick Holub, Associate Planner
Jessica Matson, City Clerk

SUBJECT: Supplemental Information
8.I. - September 13, 2022 City Council Meeting
Consideration of Resolution Authorizing Refund of Planning
Commission Appeal Fees to Appellants of Vacation Rental Permits
Approved for 263-D Spruce Street and 1170 Linda Drive

DATE: September 13, 2022

The Agenda Packet included an incorrect version of the Resolution. Attached is the revised proposed Resolution for agenda item 8.I.

cc: City Manager
City Clerk
Community Development Director
City Website or Public Review Binder

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE REFUND OF APPEAL FEES FOR THE APPEALS OF THE SHORT- TERM RENTALS AT 263-D SPRUCE STREET AND 1170 LINDA DRIVE

WHEREAS, On June 10, 2014, the City Council adopted Ordinance No. 663, adding Sections 16.52.230 and 16.52.240 which provide that vacation rentals and homestays (collectively known as short-term rentals, or “STR”s) are permitted land uses in the City’s residential zoning districts, subject to the approval of a Minor Use Permit-Plot Plan Review; and

WHEREAS, when an STR application is submitted for a Minor Use Permit – Plot Plan Review, it is reviewed by staff, with approval by the Community Development Director. Notification of the Director’s approval is mailed to all property owners within 300 feet of the STR, is posted on the Planning Commission’s agenda, and is appealable to the Planning Commission, subject to payment of an appeal fee; and

WHEREAS, in accordance with Arroyo Grande Municipal Code Section 16.12.155, a notice of administrative decision for Minor Use Permits, including any approvals, denials or referrals by the Community Development Director, is to be reported on the Planning Commission agenda; and

WHEREAS, as a result of infrequent Planning Commission meetings during the Covid-19 Pandemic, approvals began to be reported along with the cancellation notice for the cancelled Planning Commission meetings, rather than on scheduled meeting agendas. As a result of concerns about this practice, City staff has subsequently made a procedural change and is now requiring all notices of administrative approval to be placed on Planning Commission agendas for meetings that are held; and

WHEREAS, prior to this change the appeals for STRs for 263-D Spruce Street and 1170 Linda Drive were originally reported on the Planning Commission cancellation notices for meetings of November 2, 2021 and July 20, 2021, respectively; and

WHEREAS, the City Council has determined that based upon the foregoing circumstances, it is fair and equitable to refund the appeal fees of \$491 each paid for the appeals of the STRs 263-D Spruce Street and 1170 Linda Drive that were paid prior to the change in procedures, and where the appellant did not have the ability to make public comment regarding the STR approvals at Planning Commission due to the cancelled meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. The City Council hereby finds and determines that the foregoing recitals are

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true and correct and are incorporated herein by this reference.

SECTION 2. City Staff is hereby directed to refund the appeal fees of \$491 each paid for the appeals of the STRs at 263-D Spruce Street and 1170 Linda Drive.

SECTION 3. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

SECTION 4. This Resolution shall be effective immediately upon its adoption.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this day of _____, 2022.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY