

Planning Commission  
City of Grass Valley

Formal Request for Interpretation  
of Municipal Code 17.44.205, Section A, C  
“Purpose,” & “Standards for Vacation Rental Homes”

Requested by  
Evan Glasco & Joy Garner  
Foothill Management Services  
352 Marshall Street  
Grass Valley, CA 95945  
APN: 029-150-026

### JUSTIFICATION STATEMENT FOR INTERPRETATION OF MUNICIPAL CODE

17.44.205 A., C., “Purpose,” & “Standards for Vacation Rental Homes”

August 19, 2022

Planning Commission:

We are formally requesting the interpretation of Municipal Code 17.44.205, Section A, C “Purpose,” & “Standards for Vacation Rental Homes.” (EXHIBIT A)

### DISCUSSION

- The purpose for our request is to clarify that existing code does not prohibit additional vacation rentals on a single property. This interpretation is necessary for the granting of our Second Application for Minor Use Permit (22PLN-32) located at our duplex in NG-2 zoning at 352 Marshall Street, Grass Valley, CA 95945, APN# 029-150-026. We have attached the documents to this letter that we brought in support of granting our application. (EXHIBIT B)
- The Community Development Director suggested we ask for the planning commission's official interpretation as he did not feel comfortable making the interpretation that the law permits a second Vacation Rental on a single property. We are writing this letter in support of the interpretation that the code *does not prohibit an additional Vacation Rental on a single property*. The Community Development Director and planning staff made the suggestion recently to amend the code to say that there should only be *one* Vacation Rental allowed per property. This is an admission that the code does not currently prohibit more than one.
- Generally speaking, the higher courts have favored the idea that land uses that have not been expressly prohibited should be permitted. Unless the law, i.e. municipal code, expressly prohibits it, it should be permitted. Therefore, if the law does not say that only one per property is allowed, *then more than one is allowed*.
- The Community Development Director asserts that existing municipal code implies in a singular tense that only one Vacation Rental home is allowed per property. Even if it was implied in a singular “tense” according to Grass Valley’s municipal code 17.10.050 B - Rules of interpretation (EXHIBIT C), “The singular number includes the plural number, and the plural the singular,

unless the natural construction of the word indicates otherwise,” e.g. the word “one.” For example, if we were to interpret the law literally in only its singular form, only one property owner would be permitted. Clearly, we are meant to interpret the law to mean property owner(s) not just the singular, *property owner*. If we were to interpret the law literally in its singular form, we also would not be permitted to have more than one property or more than one permit at another location.

- Amending the code to specify that only “one” Short Term Rental is allowed per property is a concession that in fact, it is not already in the law, nor was it at the time of our application.

Given the above facts (that the law is meant to be interpreted in a plural form) and that the Community Development Director is in the process of asking the Planning Commission and the City Council to amend the code to only allow “one” short term Vacation Rental home per property, (which is an admission that the law does not currently prohibit more than one in a residential neighborhood), and the fact that legally that which is not forbidden *must be permitted*, we hope you support us in our interpretation of the code that it does allow for more than one Vacation Rental home per property at this time.

We understand the need to clarify this law, and we support the Community Development Director in his desire to amend it. However, you cannot preemptively forbid someone from using their property in a manner which is not *currently* prohibited by the law. Every day that we are forbidden to run our additional vacation rental, we are suffering financial damages. We are fully compliant Vacation Rental owners that take great pride in what we do, and provide a necessary service to the Community. We encourage you to review our supporting documents in full so you can understand the scope of our request and all our supporting arguments.

### CONCLUSION

At the time of this letter, there are no published city regulations prohibiting the interpretation thereof. The Applicant requests approval, and thanks you for your consideration.

Most Sincerely,

---

Evan Glasco & Joy Garner

Date: \_\_\_\_\_

## **EXHIBIT A**

### **Standards for Specific Land Uses**

**17.44.200**

#### **17.44.205 – Short Term Rentals**

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.
- B. Standards for hosted short term rental units.**
1. No more than two (2) rooms per property shall be rented at the same time;
  2. A hosted short term rental unit shall require a business license;
  3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
  4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
  5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
  6. Food services provided to renters shall comply with County Environmental Health requirements;
  7. No exterior signs advertising the business shall be allowed on the property;
  8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
  9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
  10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.
- C. Standards for vacation rental homes.**
1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
  2. A vacation rental home shall require a business license;
  3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
  4. The owner or manager must live within 30 miles of the vacation rental home. The owner shall provide to the City as part of the Minor Use Permit, the name and telephone number of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a 24-hour basis at all times the vacation rental home is rented or occupied;

## **EXHIBIT A (CONT.)**

### **Standards for Specific Land Uses**

17.44.200

5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
  6. No exterior signs advertising the business shall be allowed on the property;
  7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;
  8. A vacation rental home with five or more guest rooms, or capacity for 10 or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;
  9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
  10. The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.
- D. **Violations; Revocation of Permit; Penalties.** The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this Section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the City's residents that are created when persons fail to abide by the rules, requirements, and regulations of their Minor Use Permit and the Municipal Code. To the extent the provisions of this Section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Section shall control and take precedence.
1. **Violations and noncompliance.** Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.
  2. **Notice of Violation.** Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.
  3. **Right to Appeal.** The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
  4. **Appeal Hearing and Rules of Evidence -**
    - a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

## **EXHIBIT B**

Public Hearing Aug 10, 2022 9:00 am  
City of Grass Valley  
Application for Minor Use Permit (22PLN-32)

Foothill Management Services  
352 Marshall Street  
Grass Valley, CA 95945  
APN: 029-150-026

### **Evidence in Support of Granting Second Permit**

#### **Summary of Evidence**

We are here today to support the granting of our second minor use permit. We want to start by first acknowledging that you have been tasked with maintaining a delicate balance between deciding what's best for economic growth, the residents, and the environment. We know that your decision is based on what you believe is *best* for our community. We appreciate your efforts in all of this, as we may not agree ideologically, we will do our best to persuade you.

Below you will find a list of exhibits with brief descriptions in support of our application.

#### **Exhibit A (pg. 6):**

Standards for Specific Land Use  
Municipal Code 17.44.205

Please read and review the highlighted area of the exhibit.

Existing law and municipal code does not say (or imply in a singular tense) only one Vacation Rental home is allowed per property. Even if it was implied in a singular "tense" according to Grass Valley's municipal code 17.10.050 B - Rules of interpretation, *The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise,* e.g. the word "one." Adding a clause to the municipal code specifying that only "one" Short Term Rental is allowed per property through clarifying amendment is a concession that in fact, it is not already in the law, *nor was it at the time of our application*. This should allow us to be "grandfathered" in.

#### **Exhibit B (pg. 8):**

Email correspondence with Abigail Walker  
Community Services Analyst at Community Development Department  
July 13, 2022

Please read and review the highlighted area of the exhibit.

In this email, planning staff admitted that there is nothing expressly written in the law stating that a property owner is only allowed one Short Term Rental per property, it also stated that the planning commission had recently passed an amendment to the existing law to clarify

that they only allow one per property. Which was untrue. The amendment had been suggested, but had not passed by the planning committee until the following business day, and it still hasn't been passed by city council and amended into the municipal code as of today, August 10, 2022).

This Exhibit also shows the number of Short Term Rentals in the city as of July 2022, there was a total of only 23 hosted (home share) and 21 non-hosted (whole house) rentals.

**Exhibit C (pg. 9):**

NG-2 Zoning Information  
Municipal Code 17.21.080

Please read and review the highlighted area of the exhibit.

NG-2 Zoning can allow for multifamily housing, no additional strain on the property beyond usual capacity. We only allow a maximum of 4 guests per unit.

**Exhibit D (pg. 10-14):**

Photos of Property and adjacent parcels

**Exhibit D (1) pg. 10:** Google Maps view of cross street Park Ave. w/ Marshall St.; view of project address, adjacent vacant lots, and large highschool

**Exhibit D (2) pg. 11:** Google Maps view of cross street Park Ave. w/ descriptions

**Exhibit D (3) pg. 12:** Photo of project address and 6 available parking spaces

**Exhibit D (4) pg. 13:** S/W facing view of project address; project address on right, highschool on left

**Exhibit D (5) pg. 14:** Aerial Google Maps view of project address w/ descriptions of surroundings

**Exhibit D (6) pg. 14:** Aerial view of parcel project address w/ descriptions of surrounding parcels

The purpose of these photo exhibits is to show the neighborhood and surrounding parcels so you can understand the level of activity and limited residential impact of running another Short Term Rental; including the fact that we are sandwiched between Highway 49 and Silver Springs Highschool on both sides of our property. We are surrounded by loud noises and constant disturbances that actually impact our ability to even run a successful Short Term Rental. Despite this, we've managed to do okay by adding significant sound dampening improvements to the home. We are also next to a great deal of vacant lots, so there is a large buffer between us and any residential homes. In fact, the only home directly near us is on the N/E side. On all other sides of our home we are surrounded by vacant lots, a highschool, and a highway!

*We are not located in a quiet, single family residential area. This area is already loud, high use, and overrun by highschoolers and freeway noise. There is no reason to believe that adding an additional Short Term Rental would in any way cause a nuisance*

or disturb the character or integrity of the area, as there is very little “character” to begin with and the area is already a nuisance to the residents due to the highway noise and highschool.

In these photos we also demonstrate how many available parking spaces we have on our property. We only allow a maximum of 4 guests per unit, and we have 6 available on site parking spaces, with lots of available street parking.

**Exhibit E pg. 15:**

The Union

*“Grass Valley homes to be demolished, making way for hotel”*

December 16, 2020

John Orona

As you are aware, the city has already approved the demolition of many single-family rental homes in Brunswick in favor of developing the West Olympia hotel in close proximity to, (in the center of) other residential neighborhoods. The Community Development Director said that the zoning of this parcel, (office professional zoning) justifies tearing down 11 single family homes, displacing 23 residents, because “it’s a long time coming.” There are dozens of other single family homes that are also surrounding the future West Olympia Hotel in the same zoning, are we to argue in favor of demolishing them for even more professional office space, displacing dozens of more residents? In our opinion, the Planning Department and Community Development Department should not be in the business of using “zoning” as an excuse to restrict small, local Short Term Rentals to advance their interests in maintaining a healthy housing supply, while simultaneously using “zoning” as an excuse to diminish it. If the community is concerned about housing, then favoring the development of more hotels by destroying numerous homes seems at the very least, hypocritical. The mitigated impact report (as cited in the article), said the impact of displacing 23 residents was minimal considering there are over 7000 housing units in Grass Valley. We could easily argue this means our second Short Term Rental would have minimal impact on the housing supply.

**Exhibit F (pg. 16):**

The Union

*“Grass Valley city council OKs regulating vacation, Short Term Rentals”*

April 11, 2018

Liz Kellar

In this article, dated in April 2018, the Community Development Director was quoted directly saying that “city staff estimated the number of current vacation rentals in the city at between 50 and 60” If you refer back to **Exhibit E**, the city clearly said there is only a total of 44 hosted and non hosted vacation rentals. That means that within 4 years, there has actually been a reduction in the number of Short Term Rentals.

Hearing this you may think “could it be that not every landlord wants to run a Short Term Rental?—does it take a great deal of effort?—After all the taxes and management fees, the homeowners may barely make a profit?” The truth is, all of the above is correct. It takes a special kind of property owner to run their home as a Short Term Rental. It takes dedication, effort, and money—unless you plan to run and clean the place yourself (which is often what we do!). Vacation rentals naturally regulate themselves because of cost.

Since there has been an obvious *decline* in the amount of Short Term Rentals in the area in the past 4 years, not an increase, our additional Short Term Rental poses no threat.

**Exhibit G (pg. 17-18):**

Screenshots of recent reviews, our listing and superhost status, and our house rules

**Exhibit G (1) pg. 17:** Example of some of our most recent reviews

**Exhibit G (2) pg. 18:** Image of our listing and our Superhost Status, 47 reviews and 4.96 overall rating!

**Exhibit G (3) pg. 18:** House Rules (posted inside our home and on our listing)

As you can see in our reviews—we are great managers! We take pride in our ability to keep our guests happy by maintaining our property, cleaning our units well, and providing excellent hospitality. We love to keep our community happy by following all rules and regulations by getting an honest permit and paying our taxes on time. We live less than five miles away from our Short Term Rental and are very responsive hosts. Providing this great environment for our guests leaves them wanting to return. Our city benefits greatly from us providing this service to tourists. Hotels do not provide many amenities like the ones found in our home. Many guests want to have the option of a kitchen, washer and dryer, and extra bedrooms. We also provide temporary housing in local crises, we have housed people displaced from snow storms when their homes were destroyed, and we’ve helped locals that have been evacuated as a result of the fire season. We can even provide longer-term/short-term housing to traveling nurses.

In Exhibit G (3) we show an example of our house rules, which are posted inside our unit as well. We do not allow parties and only allow a maximum of 4 guests. We are very strict, and charge fees and ask guests to leave if the rules are violated. We’ve never had an issue with house parties or noise disturbances. We’ve not had any complaints from our neighbors either—in fact, they’ve thanked us for taking such good care of the landscaping! We even go as far as blowing off their walkways and the leaves from the public road.

**Exhibit H (pg. 19-20):**

**Exhibit H (1) pg. 19:** Email correspondence w/ Abigail Walker, Community Services Analyst at Community Development Department, October 4, 2022 about building two ADU's



**Exhibit H (2) pg. 20:** Email correspondence w/ Lance Lowe, Principal Planner for the City of Grass Valley, March 9, 2022 about building two ADU's

These exhibits of our recent e-mail correspondence with the city and planning staff serve as proof that we do intend to build additional dwelling units on our property. As you may already know, ADU's approved under the new California state laws are restricted from being used as Short Term Rentals. We would happily run them as long-term rentals replacing any potential long-term housing lost as a result of approving our Short Term Rental application. We are in the process of applying for the CalHFA grant and qualifying with a lender so that we can build two additional long-term housing units on our lot. This will provide additional housing to this community. The revenue we would generate from running another Short Term Rental was going to qualify us for financing to develop these additional dwelling units.

**Exhibit I (pg. 21-22):**

Justification Statement for Minor Use Permit Application; Submitted July 18, 2022 by Evan Glasco

**Additional Points and Conclusion:**

- We love this city and want to keep reinvesting back into it. We have even bigger goals and development plans for the future. We are passionate about building and renovating homes in this area. Supporting us in our small Short Term Rental business supports the city in their goals to improve the community and increase the housing supply.
- We have 3 different helpers/maids/and handymen that we help keep partially employed by regularly contracting work with them.
- Airbnbs are good for the city. They bring tourists, money and taxes!
- There aren't "too many" of them yet. There is no reason to panic right now and halt the growth.
- The new amendment to only allow one Short Term Rental per property isn't law yet—you can still conditionally approve this application without making special exceptions under existing code. You can conditionally approve our application with reasonable limits or demands, and we are willing to discuss or negotiate whatever terms of approval you see fit and we promise to strictly adhere to them.

## Exhibit A

### Standards for Specific Land Uses

17.44.200

#### 17.44.205 – Short Term Rentals

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.
- B. Standards for hosted short term rental units.**
1. No more than two (2) rooms per property shall be rented at the same time;
  2. A hosted short term rental unit shall require a business license;
  3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
  4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
  5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
  6. Food services provided to renters shall comply with County Environmental Health requirements;
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  8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
  9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
  10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.
- C. Standards for vacation rental homes.**
1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
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## Exhibit A (continued)

### Standards for Specific Land Uses

17.44.200

5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
  6. No exterior signs advertising the business shall be allowed on the property;
  7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;
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1. **Violations and noncompliance.** Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.
  2. **Notice of Violation.** Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.
  3. **Right to Appeal.** The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
  4. **Appeal Hearing and Rules of Evidence -**
    - a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

## Exhibit B

**From:** Abigail Walker [abigailw@cityofgrassvalley.com](mailto:abigailw@cityofgrassvalley.com)  
**Subject:** RE: 354/352 Marshall Street  
**Date:** July 13, 2022 at 9:24 AM  
**To:** Elisse Garner [elisse@foothillmanagement.com](mailto:elisse@foothillmanagement.com)

Hey Elisse,

It does not explicitly state it in the current municipal code (it is implied in the singular tense...), which is why Planning Commission recently approved staff's recommendation to add a statement to the ordinance regarding the limitation of one STR per property:

### 2022 Development Code Amendments

Section	Current Text	Proposed Text	Purpose of Amendment
<b>SHORT TERM RENTALS (STRs)</b>			
Staff requests direction on whether Planning Commission/City Council would like to put a cap on the total number of allowed STRs in City. Currently, 40% of STRs (Hosted & Home) owners do not live in City limits. There are 23 Hosted STRs, 21 Vacation Home STRs, and 9 BRBs			
17.44.205 Short Term Rentals	A. Purpose. This section provides standards for vacation rental homes and hosted short-term rental units...	ADD Each property is limited to one short term rental, and short-term rental units are not permitted in ADUs/Second Units.	To limit short term rentals in residential neighborhoods; to comply with State law, and to ensure the intent of this section (to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods) is maintained.
17.44.205 Short Term Rentals	B. Standards for Hosted Short-Term Rental Units. C. Standards for Vacation Rental Homes.	ADD Pursuant to the intent of Government Code Section 65852.150, second units are prohibited from being used for short term rentals.	To clarify that short term rentals are only allowed from primary dwelling units. The intent is to reserve second units/ADUs for long term rental stock.
Table 3-3	<u>Lodging</u> Bed and breakfast inn; hosted short term rental units; vacation rental home 1 space for each guest room, plus 2 spaces for the manager or owner. For vacation rental home, - if owner or manager do not occupy home - 1 space per each guest room.	ADD May be accommodated through on-site tandem parking - managed by owner or operator.	Because most properties within the City can accommodate the off-street parking requirements for STRs via tandem parking, and tandem parking is unlikely to cause an issue as guests are likely renting STR together.
Table 2-7	Hosted Short Term Rental Vacation Home Rental	Hosted Short Term Rental Permitted in R-2 & R-3 if existing Legally Non-Conforming (LNC) Single Family Dwelling (SFD) Vacation Home Rental Permitted in R-2 & R-3 with approval of MUP and existing LNC SFD *STR use would be void if single family dwelling is replaced with multifamily use.	To allow for an exception to the restriction of STRs in multifamily zones where there is an existing single-family dwelling. The City has received multiple requests for STRs from SFDs in multifamily zones, this would address their desire to have access to the same use as SFDs in single family zones.

Best,



**Abigail Walker** | Community Services Analyst II  
 Community Development Department  
 (P): (530) 274-4714 | (F): (530) 274-4399  
 City of Grass Valley | 125 E Main St, Grass Valley, CA 95945  
[www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

**From:** Elisse Garner <[elisse@foothillmanagement.com](mailto:elisse@foothillmanagement.com)>  
**Sent:** Wednesday, July 13, 2022 9:09 AM  
**To:** Abigail Walker <[abigailw@cityofgrassvalley.com](mailto:abigailw@cityofgrassvalley.com)>  
**Subject:** Re: 354/352 Marshall Street

## Exhibit C

### Neighborhood General-2 (NG-2) Standards

17.21.080

**Table 2.5: Neighborhood General 2 (NG-2) Zone Allowed Land Uses and Permit Requirements**

Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations	Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
<b>Recreation, Education &amp; Public Assembly</b>			<b>Retail</b>		
Library, museum	P		Neighborhood market	UP	
Park, playground	P		<b>Services: Business, Financial, Professional</b>		
Meeting facility, public or private	UP		Medical services: Extended care	UP	
<b>Residential</b>			<b>Services: General</b>		
Dwelling: Multi-family - Duplex	P	17.44.160	Day care home: Large family	MUP	17.44.060
Dwelling: Single family	P	17.44.210	Day care home: Small family	P	
Home occupation	P	17.44.100	Lodging: Bed & breakfast inn (B&B)	MUP	17.44.040
Residential accessory use or structure	P	17.44.020	Lodging: Hosted short term rental units	P	17.44.205 B
Residential care, 6 or fewer clients, in a home	P		Lodging: Vacation rental home	MUP	17.44.205 C
Residential care, 7 or more clients	UP		Public safety facility	UP	
Second unit or carriage house	P	17.44.190			
Transitional and Supportive Housing	P				

Key	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Use Permit Required
NA	Use Not Allowed
<b>End Notes</b>	

<sup>1</sup> A definition of each listed use type is in Article 10 (Glossary).

**Exhibit D (1)**





Exhibit D (2)



**Exhibit D (3)**

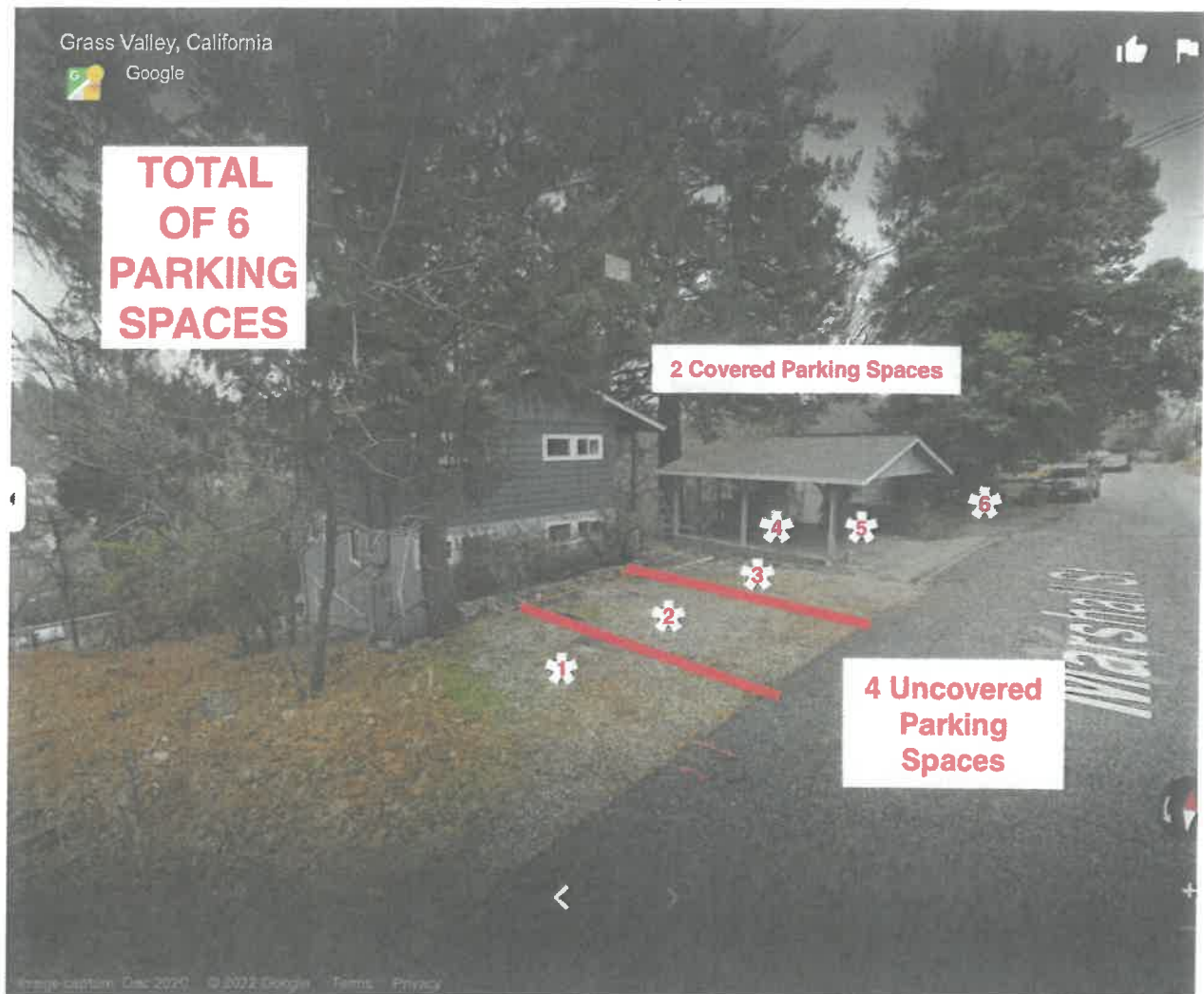
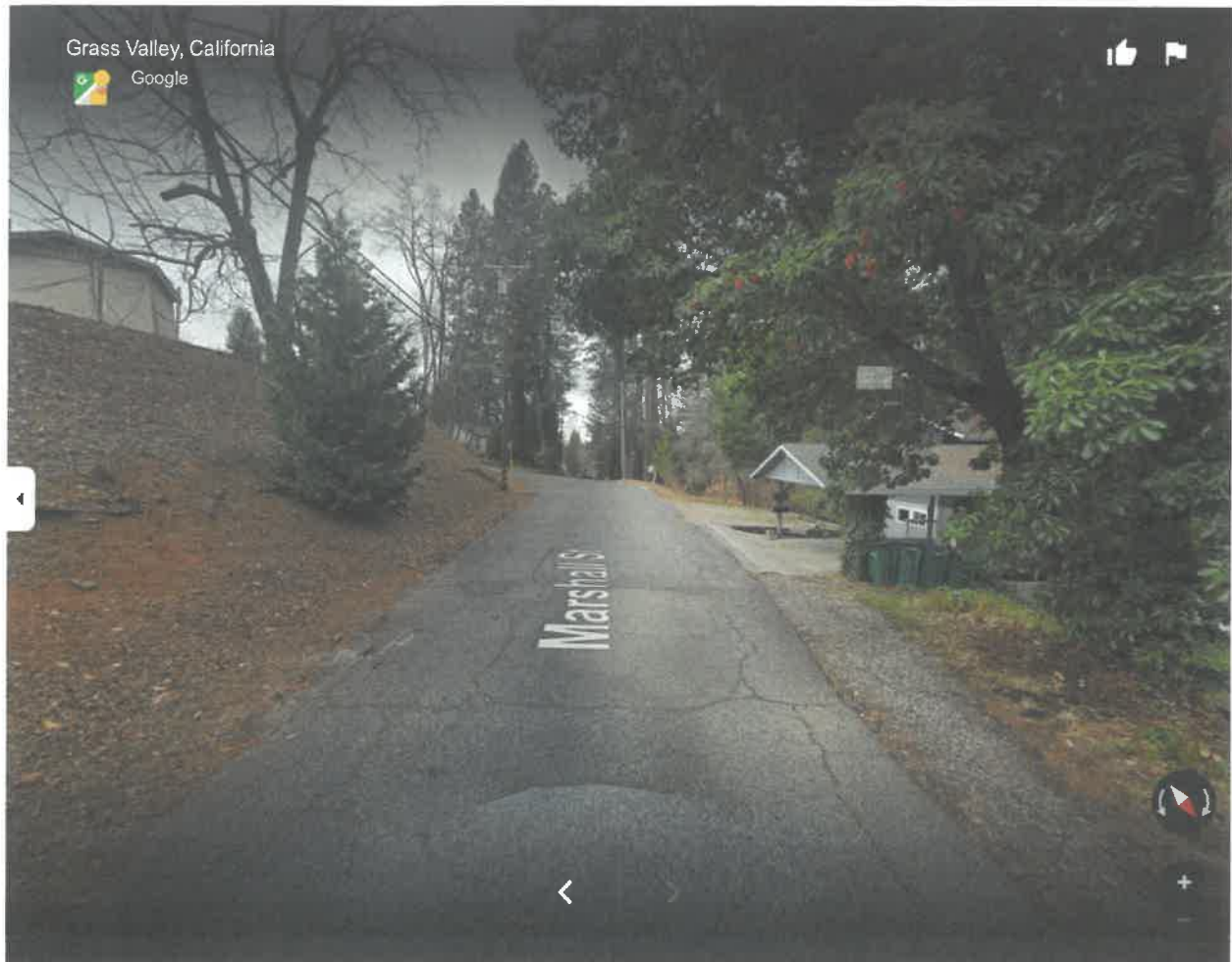




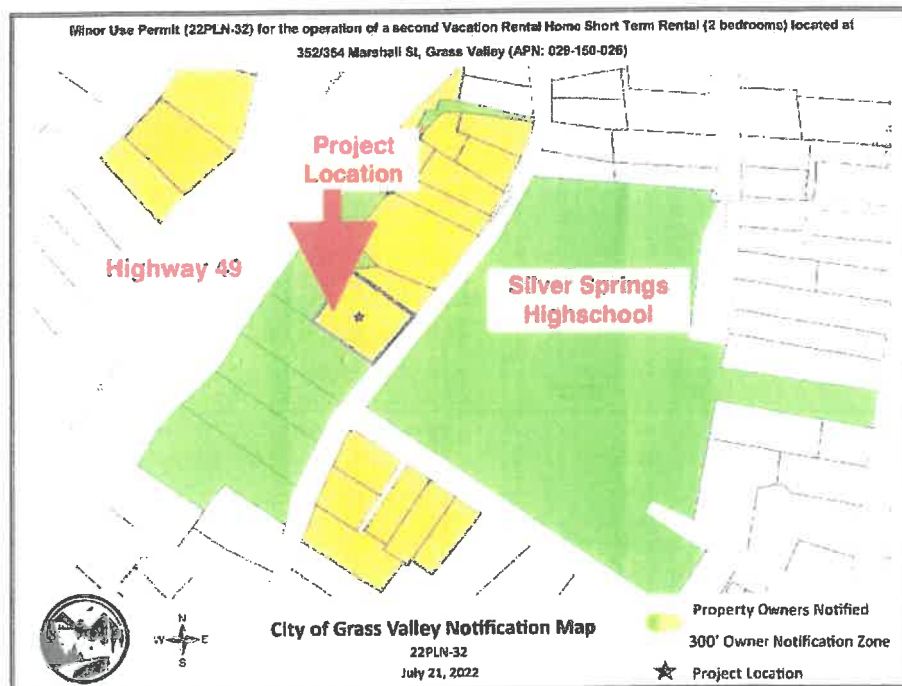
Exhibit D (4)



**Exhibit D (5)**



**Exhibit D (6)**



## Exhibit E

8/8/22, 5:19 PM

Grass Valley homes to be demolished, making way for hotel | TheUnion.com

THE UNION

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### Grass Valley homes to be demolished, making way for hotel

News [FOLLOW NEWS](#) | December 10, 2020

John Orona [FOLLOW](#)  
jorona@theunion.com

A two-story, 74-room hotel is in the works for Grass Valley, but not before 11 homes are demolished in the process.

On Tuesday the Grass Valley Planning Commission approved the development of the West Olympia Hotel project slated for East Main Street and West Olympia Drive in a 3-to-zero vote.

According to project engineer Sean O'Neill, work is not likely to be done over the next summer due to the pandemic, meaning demolition would not begin until 2022. The 39,500-square-foot project will include a fitness center, pool and would target mid-tier customers.

"I understand that they would like to stay where they are," Commissioner Elizabeth Coots said of the tenants. "But this has been a long time coming and still will be."

As part of the conditions of approval, the developer will give six months' advance notice before eviction and the demolition permit would not be issued before a building permit, giving tenants more time before they are forced to move.

#### Trending Articles



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Jerry Easli

49 comments

Road and sidewalk improvements to both streets are also required by the conditions of approval.

According to the project's mitigated negative declaration report, the displacement of tenants was not deemed "substantial," because an estimated 23 people would be displaced compared to the nearly 7,000 housing units in Grass Valley.

The report also found the homes had no historical significance, despite claims from some public commenters who felt the cottage or cabin-style homes were a representation of early miner dwellings. It also noted the area is zoned Office Professional, meaning the residential use would be phased out eventually.

The Department of Toxic Substances Control found that because Highway 49 used to run through the area, soil could have been exposed to aerially deposited lead from car gasoline. Soil samplings will be taken.

According to resident Kathy Tillett, in anticipation of the project — which came before the city as a 99-room hotel in 2018 — maintenance on the properties has declined. She asked the commission not to allow the demolition if COVID-19 is still a significant factor in 2022.

"If COVID is still present, I don't think it would be right to kick us all out," Tillett said.

To contact Staff Writer John Orona, email [jorona@theunion.com](mailto:jorona@theunion.com) or call 530-477-4229.

## Exhibit F

YOUR AD HERE

# Grass Valley city council OKs regulating vacation, short-term rentals

Local News [FOLLOW LOCAL NEWS](#) | April 11, 2018



Liz Keller [FOLLOW](#)  
l.keller@theunion.com

Grass Valley officials backed away from a proposal to limit the number of vacation rentals in town. But during a meeting Tuesday, council members voted to approve an ordinance that will regulate short-term rentals of rooms within homes as well as whole-house rentals.

Short-term rentals have been a hotly debated topic, with some saying such vacation homes are exacerbating a growing housing crisis by taking long-term rentals off the market.

The issue first came before the city council in June 2017. In September, the council agreed Grass Valley should establish regulation for such rentals. During Planning Commission hearings on the proposed ordinance in January and February, many locals came out to speak, mostly on the topic of vacation rental homes.

The new ordinance creates a new section to allow short-term rentals, which are categorized as hosted short-term rental units (with no more than two rooms to be rented in a home), and vacation rental homes (the whole home can be rented). A swift process will be created to address violations of the operating standards.

Among other requirements, homeowners or property managers must live within 30 miles of the vacation rental and be readily available in the event the city needs to make contact.

Both rental categories would be required to pay transient occupancy taxes and obtain business licenses.

The draft ordinance also proposes scaling back requirements for traditional bed and breakfast inns in order to level the playing field for those businesses, which compete with online rentals through websites like AirBnB, VRBO and HomeAway.

One proposed portion of the ordinance, to limit the number of permits for vacation rental houses to 20, proved controversial.

**Community Development Director Tom Last said city staff estimated the number of current vacation rentals in the city at between 50 and 60, leading to questions about the selection process to whittle down that number.**

"Are we stripping people of their rights?" said council member Jason Fouyer.

Last pointed out that vacation rentals are not permitted and are in violation of the city's zoning code.

"This would legitimize them," he said.

"We have granted permission by not enforcing the rules on the books," Fouyer said. "I'm not necessarily interested in taking that away."

Council member Lisa Swarthout agreed, saying, "You're on a very slippery slope when you tell people what they can or cannot do with their homes."

According to Swarthout the ordinance was initiated by one complaint from a neighbor, as well as the desire by one council member to collect transient occupancy tax on the rentals.

"I hate the fact that we are being put in the position of mediating issues between neighbors," she said. "This is not really within our purview."

The ordinance, minus any limit on permits, was approved by the council on a 3-1 vote with Swarthout voting against it and Mayor

<https://www.theunion.com/news/local-news/grass-valley-city-council-oks-regulating-vacation-short-term-rentals/>

Page 2 of 3



## Exhibit G (1)



Leah, July 2022

This was an incredible stay. Perfectly clean, well appointed, detail oriented and designed with a lot of care. The location was just minutes away from DT Grass Valley and right off the freeway. Covered parking spot kept the car cool in the 100 degree weather. And the A/C worked super well. Can't wait to go back!



Richard, July 2022

Very nice place with woods on two sides. Clean and well located. Quite close to the center of Grass Valley.



Stephen, July 2022

Very clean and comfortable. Nice quiet place to stay. Host was accommodating for my reservation.



Whitney, July 2022

Such a beautiful space! Located in the beautiful area of Grass Valley, you are in the beauty of nature but just minutes from some of the best coffee shops, restaurants, and stores! We had the most amazing time and can not wait to come back! Thank you Joy & Evan!



Megan, July 2022

We loved our stay here! Perfect location and very well done home!



April, July 2022

The Ivy is a beautiful and cozy space. The space is very clean and comfortable. We only stayed one day but would definitely return.



Gabrielle, July 2022

This place was perfect for going to the world fest music festival and the magnificent Yuba River. Spacious and working A/C! Comfy beds... would definitely return.



Windy, July 2022

The Ivy is the best little location in Grass Valley! Walk to shops, food and activities! Super clean, attentive hosts and covered parking! I highly recommend staying here!



Nicole, July 2022

So much thought is put into The Ivy and it's a great, relaxing place to stay. My partner and I worked from home from this spot and had comfortable places to work, plenty of space, and fast, reliable internet. The place is clean and comfortable with nice modern design. Just a really nice place to stay with a communicative and responsive host. Also, bonus points for the beautiful old growth trees on either side of the house.

## Exhibit G (2)

### The Ivy

★ 4.96 · 47 reviews · Superhost · Grass Valley, California, United States

Share Save

Get listing data

[Learn more about AirReview & Rankbreeze](#)



#### Entire home hosted by Joy

4 guests · 2 bedrooms · 2 beds · 1 bath



\$122 night

★ 4.96 · 47 reviews



#### Self check-in

Check yourself in with the smart lock.



#### Joy is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

CHECK-IN  
Add date

CHECKOUT  
Add date

GUESTS  
1 guest

Check availability

## Exhibit G (3)

#### Additional rules

- \*There is absolutely no smoking allowed anywhere on the grounds inside or outside. There will be a \$250 cleaning fee for violations and we may ask you to leave.
- \*No parties allowed
- \*Be respectful of our neighbors
- \*Quiet hours are from 10pm-8am
- \*Please remove your shoes upon entry
- \*Please do not use any heavy fragrances in the home like scented candles, incense or perfumed sprays as we have many guests with scent sensitivities and allergies
- \*Please leave the place like you found it
- \*Please only park in the designated spots for this unit
- \*No pets
- \*No moving or rearranging large furniture or there may be a \$100 fee
- \*No unregistered guests
- \*Late check-outs that were not previously approved by host (please ask ahead of time) will be charged a \$50 fee immediately following 11:00 am check-out time.
- \*Your reservation at the Ivy means you accept all house rules and have read the description of the home and accept any potential drawbacks of the property. Any negative review of our place based on traffic noise or other properly disclosed drawbacks will be disputed on the platform as you were well informed of the location and potential drawbacks prior to accepting the reservation in numerous sections of the description. The property is as described and presented.

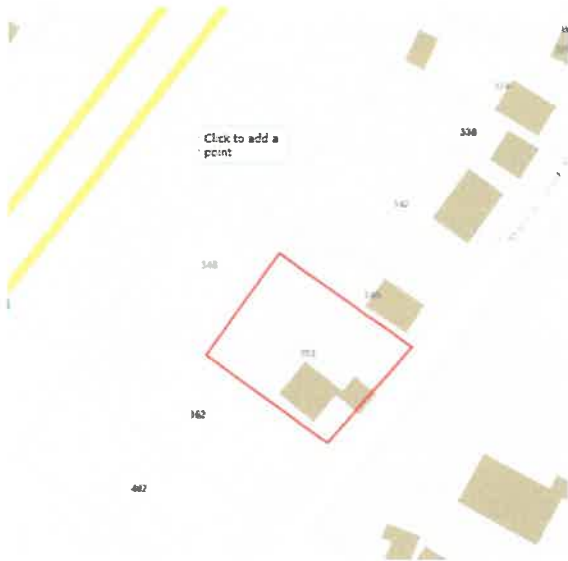
## Exhibit H (1)

From: Abigail Walker [abigailw@cityofgrassvalley.com](mailto:abigailw@cityofgrassvalley.com)  
Subject: RE: ADU service 352/354 Marshall st  
Date: October 4, 2021 at 8:51 AM  
To: Elisse Garner [elisse@foothillmanagement.com](mailto:elisse@foothillmanagement.com)  
Cc: Evan Glasco [evan@foothillmanagement.com](mailto:evan@foothillmanagement.com)

Hi Elisse,

Can you confirm if you are referring to one of the surrounding parcels (362, 348, 346 Marshall?) - or are you talking about adding an ADU to the 352 parcel?

I don't see any record of 352 Marshall being split...



Anyway, if you are interested in adding an ADU to the existing lot at 352 Marshall that has your duplex on it, you would be able to add 1 ADU, but because you recently elected to make one of your duplex units a short term rental, you would be required to retain the added ADU as a permanent rental (more than 30 days).

Let me know if this is the lot you are referring to...if it is, you should be able to hook up to the existing water and sewer (you would contact PG&E to learn more about additional electrical hook ups).

additional electrical hook ups...

Best,



Abigail Walker | Community Services Analyst II  
Community Development Department  
(P): (530) 274-4714 | (F): (530) 274-4399  
City of Grass Valley | 125 E Main St, Grass Valley, CA 95945  
[www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

From: Elisse Garner <[elisse@foothillmanagement.com](mailto:elisse@foothillmanagement.com)>  
Sent: Friday, October 1, 2021 3:49 PM  
To: Abigail Walker <[abigailw@cityofgrassvalley.com](mailto:abigailw@cityofgrassvalley.com)>  
Cc: Evan Glasco <[evan@foothillmanagement.com](mailto:evan@foothillmanagement.com)>  
Subject: ADU service 352/354 Marshall st

Hey Abby!

We are looking to get water/sewer/electric service to the parcel that is attached to our duplex (352 Marshall St. Grass Valley, CA 95945) and set up maybe one or two ADU's (additional dwelling units) and wondering where/how we start this process to get service? There was once a granny unit on the parcel that must've burned down or been demolished because original records show that there was a unit there in the 60's but now all that is left is a concrete foundation.

We had some guys from the city go out and check the place out today but they said there is no record of there ever being service there, not sure if they actually checked for lines to make sure. Regardless, we do want to put a separate meter and have separate sewer/water/electric since we may sell the parcel separately one day.

If you could guide us in the right direction on how to get the property evaluated for existing lines and how to figure out the costs, etc. we'd super appreciate it!

Thank you again!!

Elisse



Elisse Garner  
Owner/Manager, Foothill Management Services, LLC  
(530) 428-5515 | [www.foothillmanagement.com](http://www.foothillmanagement.com)  
[elisse@foothillmanagement.com](mailto:elisse@foothillmanagement.com)

## Exhibit H (2)

**From:** Joy Garner <joy.elisse@foothillmanagement.com>  
**Subject:** Fwd: Following up on this guys, never got a reply Fwd: More questions about new development laws...  
**Date:** March 9, 2022 at 3:35 PM  
**To:** Evan Glasco <evan@foothillmanagement.com>, Elisse Garner <ELISSE@foothillmanagement.com>

Sent from my iPhone

Begin forwarded message:

**From:** Lance Lowe <lancel@cityofgrassvalley.com>  
**Date:** March 9, 2022 at 2:23:52 PM PST  
**To:** Joy Garner <joy.elisse@foothillmanagement.com>  
**Cc:** Tom Last <toml@cityofgrassvalley.com>, Alena Loomis <alena@cityofgrassvalley.com>, Zac Quentmeyer <zacq@cityofgrassvalley.com>, Abigail Walker <abigailw@cityofgrassvalley.com>  
**Subject:** FW: Following up on this guys, never got a reply Fwd: More questions about new development laws...

Joy,

Good afternoon and I sincerely apologize for our belated reply to your email. Regarding the below inquiry and have the following response for your consideration:

The property at 352 Marshall Street is in the NG-2 Zone and 0.32-acre (13,939 sq. ft.) in size. According to the City's building records, the property contains an existing duplex with associated parking.

In accordance with SB 9, you may apply for an urban lot split of 40% of the existing lot or 5,575 square feet. This would require a City Tentative Parcel Map application and preparation of a Tentative Parcel Map by a licensed survey. The TMP application shall be approved ministerially, without notice and public hearing by the City.

On the newly created 5,575 square foot lot you may construct a duplex in compliance with NG-2 setbacks; however, the setbacks shall allow units at least 800 square feet in size. Each of the units shall require one parking space per unit, 9 feet by 18 feet in size; not located in the front yard setback of 20 feet. Note that parking may not be required if within ½ mile of a transit stop.

The City may impose a condition of the urban lot split that the rental unit be rented for periods longer than 30 days and that you sign an affidavit stating that you intend to occupy one of the housing units as your principal residence for a minimum of 3 years from date of approval.

Regarding the conversion of the basement to a JADU for the existing duplex, this may be done via a building permit provided the square footages and other aspects comply with the City's ADU standards in Section 17.44.190:  
[https://www.cityofgrassvalley.com/sites/main/files/file\\_attachments/development\\_code\\_2020\\_website.pdf?1601573922](https://www.cityofgrassvalley.com/sites/main/files/file_attachments/development_code_2020_website.pdf?1601573922)

If you have any further questions, please let me know at your convenience.

Thanks,

**Lance E. Lowe, AICP | Principal Planner**



## Exhibit I

### JUSTIFICATION STATEMENT

July 18<sup>th</sup>, 2022

RE: Minor Use Permit for Short Term Rental located at 352 Marshall Street, Grass Valley, CA 95945

1. The proposed use of the property is consistent with the General Plan and any applicable specific plan.
2. The proposed use of this unit as a Short Term Rental is allowed within the NG-2 Zoning and complies with the current Development Code and the current published Municipal Code as of 7/18/2022.
3. The design, location size and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and, the site is physically suitable in terms of design, location, shape, size & operating characteristics, and the provision of public emergency.

### DISCUSSION

#### ***Compelling Government Interest***

It is currently a fact that, within city limits, there are only 21 Vacation Home Short Term Rentals and over 16,000 housing units. Additionally, there are numerous multifamily housing developments in the county almost to completion this year; Including the Lone Oak Senior Apartments, Loma Rica Ranch Development, Timberwoods Estates, Berriman Ranch and Brunswick Commons. The amount of development may soon outpace demand. It is axiomatic that Vacation Rental homes pose no threat the community and available housing. These facts, and others which clearly document an attempt to create and maintain a monopoly over short term housing, (see below) constitute a prima-fascia case that any additional related restrictions on the number of short term vacation rentals by the city government cannot be justified of defended under the legal requisite of a "compelling interest".

#### ***Locally-Owned Small Business***

The proposed vacation rental will help our local community. We are active and engaged local managers who live only 5 miles away from the proposed Short Term Rental. We currently employ 4 local residents to maintain, clean and help manage our property. We presently bring significant revenue to the city by regularly paying our transient occupancy taxes. Airbnbs help advance the city's interest in tourism by providing unique housing that isn't otherwise available in conventional hotels, and it employs local residents that also reinvest back into our communities.

#### ***No Legitimate Government Interest in Exclusively Limiting Small Businesses***

## Exhibit I (Cont.)

The city has already approved the demolition of many single-family rental homes in Brunswick in favor of developing the West Olympia hotel in close proximity to, (in the center of) *other* residential neighborhoods. This gives a competitive advantage to large corporations and huge commercial investors. When combined with regulations which *further* limit locally-owned vacation rentals, this produces a monopoly, which is unlawful as in violation of California's Unfair Competition Law, i.e., Cal. BP Code, § 17200, seq. Proposed regulations which *further* limit temporary vacation housing, and which exclusively place these limits *only* upon small, locally-owned business, *and* doing so while approving the destruction of numerous single family dwellings *in favor of* large hotels to be located inside of, and in close proximity to, residential areas, is likely to produce legal challenges in the very near future. These would obviously include the largest vacation rental competitors who work for, and with, small local businesses in this and many other California counties, i.e., Airbnb, Booking.com, VRBO, and a dozen others with valuations above \$1 billion.

### *The Beginning of a Trend in Law*

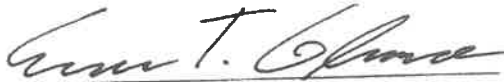
So far, when challenged, similar planning commission attempts to create a monopoly over local vacation rentals and hand it to large hotel corporations, have resulted in the holding in *Kracke v. City of Santa Barbara*, 63 Cal. App. 5th 1089 (2021) which found the planning commission could not violate other state laws in its efforts to shut down almost all *local* competition in the short-term rental business.

The various cities and counties who are further squeezing out local small business *in favor of* granting large hotel chains a monopoly over the majority of short-term rentals in the area, are very close to facing a flurry of new lawsuit, as they continue unfairly, and unjustifiably, preventing small local businesses from competing in the short-term rental business.

## CONCLUSION

At the time of this particular application, there are no published city regulations prohibiting the granting thereof. The Applicant requests approval, and thanks you for your consideration.

Most Sincerely,



Evan Glasco, A Local Small Business Owner, Foothill Management Services LLC.

Date: July 18, 2022

## EXHIBIT C

8/20/22, 12:53 PM

Grass Valley, CA Code of Ordinances

### 17.10.050 - Rules of interpretation.

- A. Authority. The director has the authority to interpret any provision of this development code. Whenever the director determines that the meaning or applicability of any development code requirement is subject to interpretation, the director may issue an official interpretation. The director may also refer any issue of interpretation to the commission for their determination.
- B. Language. When used in this development code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including, but not limited to . . .".
- C. Time Limits. Whenever a number of days is specified in this development code, or in any permit, condition of approval, or notice provided in compliance with this development code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Zoning Map Boundaries. See Section 17.12.020 (zoning map and zones).
- E. Allowable Uses of Land. See Section 17.20.030 (allowable land uses and planning permit requirements).
- F. State Law Requirements. Where this development code references applicable provisions of state law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.
- G. Conflicting Requirements. See Section 17.10.040.D (conflicting requirements).