



City of Grass Valley City Council Agenda Action Sheet

Title: Appeal of the Planning Commission’s denial of Use Permit applications for an exception to the multifamily covered parking requirement established in Section 17.36.040, Table 3-3 of the City of Grass Valley Municipal Code.

Recommendation: Based upon the evidence in the public record, and the Planning Commission’s 3:1 denial, staff recommends that the City Council take one of the following actions:

- 1) Uphold the Planning Commission’s denial of Use Permit applications 24PLN-0008, -0009, and -0010
 - a. Deny the appeal and uphold the Planning Commission’s denial of the Use Permit applications for a reduction in covered parking requirements;
 - b. Determine the proposed projects at 210 Sutton Way (24PLN-0008), 265 Sutton Way (24PLN-0009), and 228 Sutton Way (24PLN-0010) exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the attached June 18, 2024 Planning Commission Staff Report;
 - c. Uphold the Planning Commission’s finding for denial of the Use Permits, that “insufficient quantitative evidence was provided to document a need for a reduction of the covered parking standard;” and,
 - d. Deny the Use Permits as presented in this Staff Report.
- 2) Overturn the Planning Commission’s denial of Use Permit applications 24PLN-0008, -0009, and -0010
 - a. Uphold the appeal and overturn the Planning Commission’s denial of the Use Permit applications for a reduction in covered parking requirements;
 - b. Determine the proposed projects at 210 Sutton Way (24PLN-0008), 265 Sutton Way (24PLN-0009), and 228 Sutton Way (24PLN-0010) exempt pursuant to Sections 15061(b)(3) and 15301 of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the attached June 18, 2024 Planning Commission Staff Report
 - c. Adopt Findings of Fact as detailed in the June 18, 2024 Planning Commission Staff Report for approval of the Use Permits as presented in the Staff Report; and,
 - d. Approve the Use Permits as presented in this Staff Report.
- 3) Refer Use Permit applications 24PLN-0008, -0009, and -0010 to the Planning Commission for further consideration based on new or different evidence presented.

Prepared by: Lucy Rollins, Senior Planner

Council Meeting Date: September 10, 2024
2024

Date Prepared: September 3,

Background Information: At the August 13, 2024 meeting, the City Council held a public hearing to consider the appeal of the Planning Commission’s decision to deny Use Permit applications 24PLN-0008, 24PLN-0009, and 24PLN-0010 for a reduction in multifamily covered parking standards at 210 Sutton Way (Cedar Park Apartments), 228 Sutton Way (Oak Ridge Apartments), and 265 Sutton Way (Glenbrook Apartments). The Council continued the hearing to their regular meeting on September 24, 2024, requesting that the applicant/appellant provide additional information.

At the request of the appellant, received on August 22, 2024, the hearing was rescheduled for the regular City Council meeting on September 10, 2024 due to scheduling conflicts. In response to the change in hearing date, staff provided notice of the hearing as required by Section 17.92.020 of the Grass Valley Municipal Code.

New Information:

The appellant provided the following documents in response to the requests made by City Council. The full 316-page packet submitted by the appellant is available on the City’s website at the following link: https://www.cityofgrassvalley.com/sites/main/files/file-attachments/council-rollins_enclosure_letter_4888-0510-4862_v.5.pdf?1725465998

A condensed packet, including only new materials / exhibits that directly address City Council requests are included in **Attachment 1** of this staff report.

Council Request	Document Provided	Exhibit(s)
Recoverable Depreciation/Write-offs	August 2024 email exchange with Iron Creek Tax & Consulting	Exhibit A
Lease Agreements (parking agreement)	Oak Ridge Apartments Lease Cedar Park Apartments Lease Glenbrook Apartments Lease Parking/Carport Agreement	Exhibit B Exhibit C Exhibit D Exhibit AA
Snow Management Plan	Current and future snow management practices	Exhibit E
Average Median Income	2024 Income Limits and Maximum Rents	Exhibit F
Typical Rents	Cedar Park Marketing Flyer Glenbrook Marketing Flyer Oak Ridge Marketing Flyer Cedar Park Tax Credit Worksheet Glenbrook Tax Credit Worksheet Oak Ridge Tax Credit Worksheet	Exhibit G Exhibit H Exhibit I Exhibit J Exhibit K Exhibit L

Loan Insurance Requirements	Cedar Park CalHFA Regulatory Agreement / Insurance Requirements Glenbrook CalHFA Regulatory Agreement / Insurance Requirements Oak Ridge Multifamily Loan and Security Agreement Email exchange with CalHFA	Exhibit M Exhibit N Exhibit O Exhibit P
New Construction Proposal	Construction Proposal from RCD Contracting, Inc Construction Proposal from Jackson Construction, Inc.	Exhibit Q Exhibit R
Number of Carports Damaged/Destroyed	Degenkolb Glenbrook Carport Condition Assessment Farmers Insurance Oak Ridge Property Inspection Report Farmers Insurance Cedar Park Property Inspection Report	Exhibit S Exhibit T Exhibit U
Lender Inspection Reports	Glenbrook CalHFA Inspection Report Cedar Park CalHFA Inspection Report Oak Ridge CTCAC Inspection Report	Exhibit V Exhibit W Exhibit X
Additional Information	Photos of collapsed carports [included in previous submittals]	Exhibit Y Exhibit Z
Annual income statements	To be provided directly to Andy Heath, Finance Director for a report to City Council	Report to be made at September 10, 2024 meeting

Staff Response:

Since the August 13, 2024 meeting, staff has received 3 public comments, one via email and two via voicemail. One voicemail and the email were submitted by the same individual. The comments are from tenants of the apartment complexes, expressing concerns surrounding the loss of carports and comments regarding operation of the complexes in general. The full text of the comments are included in **Attachment 2**.

Pursuant to Section 17.91.030.1 of the Grass Valley Municipal Code, the City Council may take any of the following actions in response to an appeal of a decision made by the Planning Commission:

- Affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non-compliance of the subject of the appeal with this development code;
- Approve the planning permit denied by the previous review authority;
- Adopt conditions of approval that may address issues or concerns other than the subject of the appeal; and/or

- Refer the appeal to Planning Commission for further consideration if new or different evidence is presented on appeal to determine if the new or different evidence would alter the action of the original review authority.

The full staff reports and attachments for previous hearings on this item can be found at the links below:

- May 21, 2024 Planning Commission, Agenda Item #3:
<https://mccmeetings.blob.core.usgovcloudapi.net/grassvalca-pubu/MEET-Packet-edd3ab84a30b438f87cf906332640ec9.pdf>
- June 18, 2024 Planning Commission, Agenda Item # 2:
<https://mccmeetings.blob.core.usgovcloudapi.net/grassvalca-pubu/MEET-Packet-94697a538c7941a9860fd6236c652a.pdf>
- August 13, 2024 City Council, Agenda Item #6:
<https://mccmeetings.blob.core.usgovcloudapi.net/grassvalca-pubu/MEET-Packet-e6bc0d37c6704c3488e0b1996a74a74c.pdf>

Council Goals/Objectives: A City Council decision on an appeal of a Planning Commission decision supports the 2022 Strategic Plan Update, Goal #5: The City of Grass Valley strives to exemplify an innovative, efficient, effective, open and collaborative city government.

Fiscal Impact: none

Funds Available: not applicable

Reviewed by: Amy Wolfson, City Planner

Attachments:

- 1) Additional Documentation from Appellant
- 2) Public Comments Received Prior to September 5, 2024