



**PLANNING COMMISSION
STAFF REPORT
June 21, 2022**

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Reviewed by: Thomas Last, Community Development Director

DATA SUMMARY:

Application Number: 22PLN-22
Subject: Development Code Amendments
Location: Citywide
Applicant: City of Grass Valley
Zoning/General Plan: Various
Entitlements: Development Code Amendments
Environmental Status: Statutory Exemption

RECOMMENDATION:

That the Planning Commission recommend that the City Council approve the Development Code Amendments, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Determine the project Statutorily Exempt, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt an Ordinance Approving the Development Code Amendments as presented; and,
3. Adopt Findings of Fact for the Development Code Amendments as presented.

BACKGROUND:

The Development Code was adopted by the City Council on April 11, 2007 and has been amended multiple times since adoption.

PROJECT DESCRIPTION:

The amendments being proposed through application 22PLN-22 include, but are not limited to: consideration of limiting the quantity of Short Term Rentals (e.g. Airbnb, VRBOs, etc.) allowed in residential zones; amending monument and mural sign permit approval processes; adding a definition and use for beekeeping; expanding Limited Term Permits to include Mobile Food Facilities (food trucks); increasing the height of carriage houses; approval of uses in the Recreation and Public Zones; allowing open type fencing in the Creek and Riparian Zones; updating the City's Affordable Housing Density Bonus section and section that deals with appeals related to Tentative Maps to ensure consistency with State law.

ANALYSIS

Staff offers the following for Planning Commission and City Council consideration regarding the proposed Development Code amendments (more details about the following proposed amendments is included in the attachments):

Short Term Rentals (STRs) – There are currently 23 Hosted Short-Term Rentals (owner/manager lives in home and rents room(s)), 21 Vacation Home Short Term Rentals (whole house is rented), and 9 Bed & Breakfasts (owner/manager lives in home and rents room(s)). In total, there are 54 permitted short-term rentals in City Limits and two pending Minor Use Permit applications for Vacation Home Rentals.

In addition to providing direction to staff regarding the four amendments to short term rental regulations proposed: 1) limiting quantity of STRs per lot, 2) disallowing STRs in Accessory Dwelling Units (ADUs), 3) amending parking requirements, and 4) clarifying legally non-conforming status; staff is requesting the Planning Commission and City Council advise if the City should continue to allow unlimited STR permits and business licenses, or if a cap or other restriction should be considered to ensure the permanent rental stock is not continuously diminished. This was a policy discussion/concern at both the Planning Commission and City Council and staff thought it prudent to raise once again considering the number of applications submitted in the last several years.

Signs – Staff is proposing to amend the approval process for Monument and Mural Sign applications to help expedite the application and approval process and make it more cost effective for applicants.

Animal Keeping – The proposed amendment is to provide a definition of “Beekeeping” to support any commercial agricultural operations wanting to utilize a pollinator apiary in the City. Pollination apiaries are temporary in nature, and their longevity is determined by the specific crop to be pollinated.

Second Units/Accessory Dwelling Units – The amendments related to second units proposed are meant to: allow owners/residents of Legally Non-Conforming (LNC) Single Family Dwellings (SFDs) in non-residential zones to create second unit/ADU opportunities where they are not currently permitted; help provide clarification as there is no definition of “permanent dwelling” in the Development Code and the current height limitation for carriage houses (e.g. living area over garage) is inadequate; and to update the terminology from “Second Units” to “Accessory Dwelling Units” throughout the Development Code so it aligns with current State law verbiage.

Public Zone – There are currently several uses listed as not permitted in Public Zones that currently take place in various City parks. The proposed amendment to this section would be a cleanup item to ensure the Development Code is consistent with current land uses taking place in the City’s parks.

To help expedite park projects and considering that park projects require City financing, the proposed amendment is to have park projects approved by City Council only (all City projects are required to get City Council approval prior to the design phase and commitment of funding). Therefore, as proposed, City Park projects would no longer be reviewed by Planning Commission.

Fence and Structure Height Measurement and Placement – Staff is proposing to make a couple edits to fence and structure height measurement to help provide clarification. Also, to help separate bank and reduce encroachment into creek/water areas of Creek and Riparian Resource Protection Section of the Development Code, the proposed amendment would allow installation of decorative, open design fencing in the open space areas within watercourse setbacks.

Density Bonuses | Planned Development Permits | Tentative Maps - To ensure City code is consistent with State law, there are multiple amendments being proposed to the City's code related to Density Bonuses and Tentative Maps. Additionally, to help further support the purpose of Planned Development Permits: "flexibility in the application of development code standards," staff is proposing to add language that "Planned Development permit application requirements are subject to the review and approval of the Community Development Director."

Lastly, there are multiple miscellaneous cleanup amendments being proposed to help provide clarification and further compliance with State law.

ENVIRONMENTAL DETERMINATION:

In accordance with CEQA Section 15261 (b)(3), updating the Development Code is covered by the CEQA common sense exemption. In summary, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FINDINGS:

The Planning Commission, and City Council, are required to confirm the following findings for the approval of Development Code amendments.

1. Findings Required for All Development Code Amendments:
 - a. The proposed amendment is consistent with the general plan and any applicable specific plan; and
 - b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.
2. Additional Finding for Development Code Amendments: The proposed amendment is internally consistent with other applicable provisions of this development code.

ATTACHMENTS:

Attachment 1 – Matrix of proposed amendments

Attachment 2 – Proposed section revisions