



## City of Grass Valley City Council Agenda Action Sheet

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**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 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. 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) Continue the appeal of Use Permit applications 24PLN-0008, -0009, and -0010 for additional information to be provided

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**Prepared by:** Lucy Rollins, Senior Planner

**Council Meeting Date:** August 13, 2024

**Date Prepared:** August 5, 2024

**Agenda:** XXX

**Background Information:** At the June 18, 2024 meeting, the Planning Commission held a public hearing to consider three Use Permit applications for a reduction in the multifamily covered parking

standard at 210 Sutton Way (Cedar Park Apartments, 24PLN-0008), 265 Sutton Way (Glenbrook Apartments, 24PLN-0009), and 228 Sutton Way (Oak Ridge Apartments, 24PLN-0010). The request was to reduce the covered parking requirement to zero. This hearing had been continued from the Planning Commission's May 21, 2024 meeting. The three applications were heard as one item as they were submitted by the same applicant for the same request based on the same justification for three neighboring apartment complexes.

The applicant, Cascade Housing Association, operates 100 percent affordable housing at these complexes, originally approved in the late 1990's and early 2000's. At the time of original construction, carports were installed to meet the requirements of the approved projects. In the winter of 2023, several carports were damaged or destroyed by snow, and subsequently all carports were removed by the owner. Retroactive demolition permits were issued for the removals in March 2024, after the owner applied for a building permit for new exterior lighting, that alerted City staff to the removal of the carports.

There were two members of the public who provided public comment on this item at the June 18, 2024 hearing. The primary issues raised included tenant concerns about vehicle exposure to sun and snow with no where to shovel snow that builds up on vehicles, a request to apply standards consistently, and a note that the structures were demolished without a permit and the possibility of overlooked emergency funding support at the time of collapse.

There were four Planning Commissioners present for the item: Vice Chair Brouillette, Commissioner Coats, Commissioner Gross, and Commissioner McDonald. Chair Robins was absent. The Planning Commission deliberated extensively on the applications, discussing the cost of covered parking installation, alternatives to traditional carports to provide covered parking, covered parking as an amenity for residents, financial constraints on affordable housing, and more. At their June meeting, the Planning Commission denied the Use Permit applications with a 3:1 vote, based on the finding that insufficient quantitative evidence was provided to document a need for a reduction of the covered parking standard. The June 18<sup>th</sup>, 2024 Planning Commission staff report is attached and the full discussion can be viewed at the following link, beginning at the 15:50 time marker: [https://www.youtube.com/watch?v=FhtD\\_r2MxRU](https://www.youtube.com/watch?v=FhtD_r2MxRU).

On July 1, 2024, Staff received an appeal from Denni Ragsdale on behalf of Cascade Housing Association challenging the Planning Commission's denial of the Use Permit applications. The appeal was timely filed within the 15-day appeal period following the Planning Commission decision.

**Appeal Description:**

The applicant is appealing the Planning Commission decision to deny the Use Permits based on insufficient evidence. The appeal makes the following points:

- 1) Reiterates that the cost of installing carports exceeds the insurance claim payout received for the removal of the damaged structures, and sites the potential future cost should the carports fail again as an additional barrier to financial feasibility to construct and maintain carports.
- 2) Asserts that all requirements of the Use Permit were met and the Planning Commission did not have sufficient evidence to deny the permit.
- 3) Expresses the need to apply Density Bonus Law incentives that apply to housing developments seeking a density bonus for affordable housing in order to preserve existing affordable housing, siting requirements of California Government Code Section 8899.50(b)(1).

**Staff Response:**

To support the applications for the Use Permits, the applicant provided the following documentation of the need for a reduction in covered parking standards:

- Images of carport damage and failures at each of the three properties
- A proposal by Element 26 Construction to replace the carports like-for-like for a total of \$261,600 at Glenbrook Apartments, \$348,800 at Oak Ridge Apartments, and \$436,000 at Cedar Park Apartments
- Evidence of the insurance claims and payouts for each property. After a \$25,000 deductible for each property, the applicant received \$128,103.03 for Glenbrook Apartments, \$177,449.76 for Oak Ridge Apartments, and \$178,149.91 for Cedar Park Apartments
- Invoices for the demolition of all carports at each of the three properties totaling \$39,000 for Glenbrook Apartments, \$48,000 for Oak Ridge Apartments, and \$60,000 for Cedar Park Apartments,
- Site plans of the original approval of each property showing 56 carports at Glenbrook Apartments, 67 at Oak Ridge Apartments, and 81 at Cedar Park Apartments.
- CalHFA and CTCAC regulatory agreements demonstrating affordability restrictions on each property
- Operating cost details

Following the May 21, 2024 Planning Commission meeting, the applicant researched potential cost savings for installation of solar carports, at the request of the Planning Commissioner. In response to this, the following information was provided for the June 18, 2024 meeting:

- Updated operating cost details
- A narrative of preliminary results based on research into solar carport financial feasibility

Section 17.36.080 of the Grass Valley Municipal Code states that the burden of proof to demonstrate a need for a reduction in parking requirements is on the applicant to provide sufficient quantitative evidence for the review authority to make a determination. The Planning Commission acknowledged the hardship of installing and maintaining carports, while also noting the loss of an amenity advertised to residents.

**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

**Account #:** TBD

**Reviewed by:** Amy Wolfson, City Planner

**Attachments:**

- 1) Appeal Form
- 2) May 21, 2024 Planning Commission Staff Report
- 3) June 18, 2024 Planning Commission Staff Report