



**REGULAR CITY COUNCIL MEETING
MEETING AGENDA
WEDNESDAY, DECEMBER 9, 2015**

**Closed Session – 5:30 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Jennifer Ray, Mayor

Robert Bergman, Council Member

Evans Phelps, Vice Mayor

Terri Andersen, Council Member

Duane Strawser, Council Member

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION MEETING – 5:30 PM

- A. Pursuant to Government Code section 54957, a closed session will be held concerning public employee performance evaluation for the position of City Manager.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Andersen, Bergman, Strawser, Vice Mayor Phelps, & Mayor Ray

PLEDGE OF ALLEGIANCE

PROCLAMATION: Nevada County Food & Toy Run Day – December 12, 2015

PRESENTATION: Sierra Roots Cold Winter Shelter Preparation Overview

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

A. Subject: Purchase of New Radar Speed Displays
Recommendation: Approve the sole-source purchase of three All Traffic Solutions radar speed displays in an amount not to exceed \$10,686.90.

B. Subject: Employment Contract for a Part-Time City Engineer
Recommendation: Review and authorize the City Manager to sign the employment agreement for a part-time City Engineer.

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – November 18, 2015

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Update on Pioneer Park Projects (Oral Report)
Recommendation: Receive and file.

B. Subject: Pioneer Park Project Priority List Update
Recommendation: Approve the updated Project List for Pioneer Park.

C. Subject: Update of Policy for Placement of Items in City Parks and Open Space
Recommendation: Pass a Motion approving update to Policy for Placement of Items in City Parks and Open Space.

6. PUBLIC HEARINGS:

7. OLD BUSINESS:

A. Subject: A Resolution of the City Council of the City of Nevada City Amending the General Plan to Provide for Hosted Short-Term Rentals in Nevada City Residential Zones

Recommendation: Adopt the Resolution to implement the NC Hosts Initiative measure adopted without change pursuant to Resolution No. 2015-51.

B. Subject: An Ordinance of the City of Nevada City adding a New Section 17.72.080 to Chapter 17.72 of the Zoning Regulations in Title 17 of the Nevada City Municipal Code allowing Hosted Short-Term Rentals in Nevada City Residential Zones.

Recommendation: Adopt the Ordinance to implement the NC Hosts Initiative measure adopted without change pursuant to Resolution No. 2015-51.

C. Subject: Review of Commercial Street Boardwalk

Recommendation: Discuss and provide direction on whether additional review is desired and what information to include in report.

D. Subject: Transaction and Use Tax Options and Election Timing

Recommendation: Provide direction to the City Manager.

8. NEW BUSINESS:

A. Subject: Presentation of Petition Signature Verification Certificate on Initiative Measure to Enact Zoning Ordinance and General Plan Amendments to Permit and Restrict Home-Sharing Short-Term Rentals of Rooms in Single-Family Residences or Guest Houses by Owner Occupying Main Dwelling and Council Action Thereon

Recommendation: Review Committee to Support Measure to Protect Neighborhoods from Vacation Rental Impacts Initiative measure and take action to adopt without change, submit to voters at next election, or order a report.

B. Subject: Placement of Council-Requested Items on City Council Agendas

Review: Discuss and provide direction to the City Manager.

9. CORRESPONDENCE:

Letter from Pete's Pizza regarding Boardwalk

Letter from Nevada City Chamber of Commerce regarding Boardwalk

Letter from Adeline Harris

10. ANNOUNCEMENTS:

11. CITY MANAGER'S REPORT:

12. ADJOURNMENT

Certification of Posting of Agenda

I, Catrina Olson, Assistant City Manager for the City of Nevada City, declare that the foregoing agenda for the December 9, 2015 Regular Meeting of the Nevada City City Council was posted December 4, 2015 at the office of the City of Nevada City (City Hall). The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed this December 4, 2015 at Nevada City, California

_____, Catrina Olson, Assistant City Manager

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

December 25, 2015	Christmas
January 1, 2016	New Year’s Day
January 13, 2016	Regular City Council Meeting
January 27, 2016	Regular City Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

November 18, 2015

TITLE: Purchase of New Radar Speed Displays

RECOMMENDATION: Approve the sole-source purchase of three All Traffic Solutions radar speed displays in an amount not to exceed \$10,686.90.

CONTACT: Timothy A. Foley, Chief of Police

BACKGROUND / DISCUSSION: Currently the Nevada City Police Department (NCPD) has two older trailer mounted radar devices. Each has regularly been out of service for repairs. Due to the age of these devices, they are only capable of indicating speed and are limited for deployment locations due to their size.

The NCPD has researched several newer radar speed display products. The All Traffic Solutions radar speed display was selected for on-site testing due to its patented, web-based data collecting and reporting system which allows remote access to collected data enabling immediate timely access and easier report generation. Additionally, each device has a camera capable of capturing photos of suspected speed violators. Data and reports generated from this test were acceptable to the City Engineer for street speed surveys which will enhance the department's ability to enforce posted speed limits. All Traffic Solutions is the only manufacture able to provide this feature.

The NCPD recommends the purchase of three radar speed displays (listed below) from All Traffic Solutions, a sole source provider; Invoices attached and summarized below. The All Traffic Solution's Shield™ radar speed display, Speed Alert™ radar message sign is a proprietary product, solely engineered and manufactured by Intuitive Control Systems, LLC, the parent company of All Traffic Solutions.

One Shield 15 Speed Display with traffic suite app. (Quote #Q-19323)	\$ 4,485.00
One Shield 15 Speed Display base unit only (Quote #Q-20191)	3,274.90
One Shield 12B Speed Display with solar kit. (Quote #Q-19305)	<u>3,027.00</u>
TOTAL:	\$10,686.90

Funding for the purchase of these devices would be from the Mathivet Trust Account.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Because funds are already available within the Mathivet Trust Account, this purchase does not impact the City's General Fund.

ATTACHMENTS:

- ✓ All Traffic Solutions Quotes, #Q-19323, #Q-20191, and #19305
- ✓ All Traffic Solutions Sole Source Letter



All Traffic Solutions
 Div of Intuitive Control Systems, LLC
 3100 Research Drive
 State College, PA 16801
 Phone: 814-237-9005
 Fax: 814-237-9006

QUOTE Q-19323

DATE/TIME: 9/1/2015
 12:28:54 PM

PAGE
 NO: 1

Tax ID: 25-1887906

Questions contact:
MANUFACTURER:
All Traffic Solutions
 Heidi Traverso
 (866) 366-6602

Independent Sales Rep:

A sign of the future.™

BILL TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

SHIP TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

Attn: Ginger Gemignani

PAYMENT TERMS: Net 30
CUSTOMER: 210911
CONTACT: (530) 913-4852

ITEM NO:	DESCRIPTION:	QTY:	EACH:	EXT. PRICE:
4000566	Shield 15 Speed Display; base unit w/ mounting bracket	1.00	\$2,875.00	\$2,875.00
4000647	App, Traffic Suite (12mo); Equip Mgmt, Reporting, Image Mgmt, Alerts, Mapping and PremierCare	1.00	\$1,350.00	\$1,350.00
4000768	Base Model CREDIT, radar messaging; requires min 1 yr TrafficCloud Traffic Suite	1.00	(\$540.00)	(\$540.00)
4000874	All Options Activation: Bluetooth, Traffic Data, Violator Alert, Pictures, (\$3000 Value, requires Traffic or Message Suite)	1.00	\$0.00	\$0.00
4000744	LFP Power kit, 16Ah battery (2), internal power controller, charger w/connector	1.00	\$715.00	\$715.00
4000641	Shipping	1.00	\$85.00	\$85.00

Special Notes:

SALES AMOUNT: \$4,485.00
SHIPPING:
TOTAL: \$4,485.00

Duration: This quote is good for 60 days from date of issue.

Shipping Notes: Unless shipping charges are specifically indicated, prices are FOB factory. Shipping charges may apply
 Taxes: Taxes are not included in quote. Please provide a tax exempt certificate or sales tax will be applied.

Warranty: Unless otherwise indicated, all products have a one year warranty from date of sale. Warranty extensions are a component of some applications that are available at time of purchase. A Finance Charge of 1.5% per month will be applied to overdue balances. GSA GS-07F-6092R



All Traffic Solutions
 Div of Intuitive Control Systems, LLC
 3100 Research Drive
 State College, PA 16801
 Phone: 814-237-9005
 Fax: 814-237-9006

QUOTE Q-20191

DATE/TIME: 11/3/2015 **PAGE**
 9:47:30 AM **NO:** 1

Tax ID: 25-1887906

Questions contact:
MANUFACTURER:
All Traffic Solutions
 Heidi Traverso
 (866) 366-6602

Independent Sales Rep:

A sign of the future.™

BILL TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

SHIP TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

Attn: Ginger Gemignani

PAYMENT TERMS: Net 30 **CUSTOMER:** 210911 **CONTACT:** (530) 913-4852

ITEM NO:	DESCRIPTION:	QTY:	EACH:	EXT. PRICE:
4000872	Shield 15B Speed Display; base unit w/ mounting bracket, Can be Upgraded to TraffiCloud	1.00	\$2,225.00	\$2,225.00
4000744	LFP Power kit, 16Ah battery (2), internal power controller, charger w/connector	1.00	\$715.00	\$715.00
4000705	Sales Tax	1.00	\$249.90	\$249.90
4000641	Shipping	1.00	\$85.00	\$85.00

Special Notes:

SALES AMOUNT: \$3,274.90
SHIPPING:
TOTAL: **\$3,274.90**

Duration: This quote is good for 60 days from date of issue.

Shipping Notes: Unless shipping charges are specifically indicated, prices are FOB factory. Shipping charges may apply

Taxes: Taxes are not included in quote. Please provide a tax exempt certificate or sales tax will be applied.

Warranty: Unless otherwise indicated, all products have a one year warranty from date of sale. Warranty extensions are a component of some applications that are available at time of purchase. A Finance Charge of 1.5% per month will be applied to overdue balances. GSA GS-07F-6092R



All Traffic Solutions
 Div of Intuitive Control Systems, LLC
 3100 Research Drive
 State College, PA 16801
 Phone: 814-237-9005
 Fax: 814-237-9006

QUOTE Q-19305

DATE/TIME: 9/1/2015
 10:00:56 AM

PAGE
 NO: 1

Tax ID: 25-1887906

Questions contact:
MANUFACTURER:
All Traffic Solutions
 Heidi Traverso
 (866) 366-6602

Independent Sales Rep:

A sign of the future.™

BILL TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

SHIP TO:

Nevada City Police Department
 317 Broad Street
 Nevada City, CA 95959

Attn: Ginger Gemignani

PAYMENT TERMS: Net 30
CUSTOMER: 210911
CONTACT: (530) 913-4852

ITEM NO:	DESCRIPTION:	QTY:	EACH:	EXT. PRICE:
4000863	Shield 12B Speed Display; base unit w/ mounting bracket, Can be Upgraded to TraffiCloud	1.00	\$2,085.00	\$2,085.00
4000716	Solar battery kit, (Sh12,Sh15,SA18,iA18): 26Ah batt & enclosure, w/ solar controller (60Wmax)	1.00	\$260.00	\$260.00
4000659	Solar panel, 40W; includes bracket for pole and harness	1.00	\$427.00	\$427.00
4000548	YOUR SPEED wrap, 24" x 30" full size sign MUTCD, for Sh12	1.00	\$145.00	\$145.00
4000641	Shipping	1.00	\$110.00	\$110.00

Special Notes:

SALES AMOUNT: \$3,027.00
SHIPPING:
TOTAL: \$3,027.00

Duration: This quote is good for 60 days from date of issue.

Shipping Notes: Unless shipping charges are specifically indicated, prices are FOB factory. Shipping charges may apply

Taxes: Taxes are not included in quote. Please provide a tax exempt certificate or sales tax will be applied.

Warranty: Unless otherwise indicated, all products have a one year warranty from date of sale. Warranty extensions are a component of some applications that are available at time of purchase. A Finance Charge of 1.5% per month will be applied to overdue balances. GSA GS-07F-6092R



Friday, December 04, 2015

Re: Exclusively with All Traffic Solutions' products

The Shield™ radar speed display, SpeedAlert™ radar message sign and the instALERT® variable message sign are proprietary products solely engineered and manufactured by Intuitive Control Systems, LLC, the parent company of All Traffic Solutions. All Traffic Solutions products are manufactured within the United States using domestic labor and components.

In 2013, All Traffic Solutions was awarded US Patent 8,417,442 for the web-based data reporting which allows users to access data collected remotely and generate reports.

Our unique product features include:

- • Connectivity (standard): Only our radar speed and message signs include wireless communication capability as a standard feature maximizing reliability.
- • Cloud-Synchronized (standard): No charge web access to our basic hosted service allows you to manage your traffic data in a consolidated database and synchronize your messages across authorized handheld devices. Requires no IT setup or local installation.
- • Web-based Apps (standard): Browser-based software interface automatically updates to the most current, feature-rich version at no charge.
- • Mounting (standard): Our 12", 15" and 18" signs all utilize a standardized mounting configuration that allows the sign to be unlocked and removed in less than 10 seconds.
- • Lightweight (standard): Our 12", 15", and 18" signs weigh 12, 18, and 29 lbs. respectively. The 24" signs weigh only 43 lbs. and fold in half for easy storage and transport.
- • Extended battery life (standard): Internal Lithium-based batteries will add as little as 2.5 lbs. with one 12Ah or 8 lbs. with two 16Ah batteries. All batteries are uniquely sized to fit the interior compartments of the signs and include connections required to power All Traffic Solutions equipment.
- • SmartApps™ services (optional): Complement our equipment with centralized, remote management of all sign functions and data including GPS mapping, remote diagnostics and alerts. Our patent-pending automated speed reports make data collection and analysis as simple as it can get.
- • Perpetual Warranty: Standard warranty remains in effect as long as SmartApp services are active.

We appreciate your interest in our solutions and look forward to helping address your needs. Please direct further inquiries to my attention (Toll Free) +1 (866) 366-6602, ext. 230 or by e mail at htraverso@alltrafficsolutions.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Traverso', with a horizontal line underneath.

Heidi Traverso
Western Territory Sales Manager

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Employment Contract for a Part-Time City Engineer

RECOMMENDATION: Review and authorize the City Manager to sign the employment agreement for a part-time City Engineer.

CONTACT: Catrina Olson, Assistant City Manager

BACKGROUND / DISCUSSION:

The City regularly has the opportunity to receive and expend state and federal grant and transportation funding for citywide infrastructure capital projects and improvements. It has been determined that due to the nature of some of the special funding requirements the City should hire a part-time City Engineer to be on staff.

A recruitment was initiated in October 2015. There were three applications submitted and two interviews conducted. Bryan McAlister, who is currently an engineering consultant for the City, was the candidate that possessed the experience and background that the City was seeking.

The agreement outlines the terms and conditions of the City Engineer's employment with the City which includes the following;

- ✓ \$40/ hour (20-40/hours per week depending on projects)
- ✓ 100% employee covered health insurance, 75% dependent coverage
- ✓ CalPERS, PEPR 2% @62, with employee contributing 50% of the normal cost
- ✓ Leave time equivalent to that of the City management employees accrued based on hours worked
- ✓ Cell phone stipend of \$40/month, \$325 annually towards professional licenses, and \$375 annually towards subscriptions, training and conferences as it relates to City employment

FISCAL IMPACT:

The overall salary and benefits package will be approximately \$65,000/year but may vary depending on the City's capital and infrastructure needs, commitments and available funding. The City Engineer's salary and benefits will be charged out 100% to projects and associated special funding and will not impact the General Fund.

ATTACHMENTS:

- ✓ Employment Agreement for City Engineer Bryan McAlister

**EMPLOYMENT AGREEMENT FOR CITY ENGINEER
BETWEEN THE CITY OF NEVADA CITY AND BRYAN K. McALISTER**

THIS AGREEMENT is made and entered into this ____ day of December, 2015, by and between the City of Nevada City, a Municipal Corporation, (“City”) and Bryan K. McAlister, PE, PLS, individually, (“Engineer”).

WITNESSETH

WHEREAS, City desires to employ the services of Bryan K. McAlister, a principal in Sierra Land Solutions, Inc., individually for a part-time position as City Engineer and provide him inducement to remain in such employment; and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment, and to set working conditions of said employee; and

NOW THEREFORE, it is mutually agreed by and between the parties as follows:

1. **TERM.** Employment of Engineer shall be “at will”, commencing his part-time employment pursuant to this Agreement on December 9, 2015, and continuing until termination or resignation as provided in Paragraph 8.
2. **STATUS.** Each party acknowledges that the rights and obligations of public employees pursuant to Government Code Sections 1000 et seq. remain fully applicable to Bryan K. McAlister as Engineer under this Agreement.
3. **INDEMNIFICATION.** To the maximum extent permitted by law, City shall defend, save harmless and indemnify Engineer against any tort, professional liability claim or demand, or any other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the course and scope of performance of his functions and duties as City Engineer undertaken pursuant to this Agreement. City shall hold Engineer harmless against any claims, damages and expenses, including reasonable attorney’s fees, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceeding arising from the course and scope of employment to the same extent as City would be required by law to do for any City Engineer employed by the City. City may compromise and settle any such claim or suit, and pay the amount of all settlements or judgments rendered thereon, when, in the judgment of City such is the most advisable course of action, but in any event, City will defend and indemnify Engineer. This provision shall survive any termination or resignation of Engineer or expiration of this Agreement.

4. **DUTIES.** The City Engineer shall devote such time as needed (approximately 20-40 hours per week), to performing the functions and duties necessary for the part-time position of Engineer for the City. The scheduling of these hours is flexible and may be modified as necessary to accommodate the needs of the City and the Public Works Department. Engineer shall perform all duties, responsibilities, and functions specified in the City's job description for City Engineer and such other proper duties as assigned by, and subject to review and evaluation of, the City Manager. Notwithstanding provisions to the contrary in the City job description for City Engineer, Engineer shall be under the general limited supervisory control of the City Manager with relative independence and latitude for exercising independent judgment and initiative within the scope of oral and written instructions and established policies, guidelines, and procedures consistent with professional engineering practice and in accordance with all applicable requirements of federal, state, and local law and current codes and criteria. This may include duties performed at the City governmental offices or other location on City business.
5. **COMPENSATION.** The monetary compensation payable to the Engineer for his services hereunder shall be Forty Dollars (\$40.00) per hour, subject to cost of living increases per the standard annual agreement with other City management employees. Said payments shall be paid in installments according to current City practice. City will deduct and pay from Engineer's compensation all Federal, State, and Social Security taxes required by law. City will also provide Engineer with health insurance (100% coverage for Engineer, 75% coverage for dependants) per the City annual plan for all employees, subject to 50/50 sharing on any annual premium increases. Engineer shall also be entitled to paid time off for holidays, vacation and administrative leave available to City management employees, to be accrued at a percentage of the full-time equivalent using a mutually agreeable method based upon either average estimated hours with periodic adjustments or actual hours. City shall not provide any other benefits not expressly provided in this Agreement.
6. **OTHER BENEFITS.** City will provide Engineer Worker's Compensation coverage as would be provided a City Engineer regularly employed by the City. City shall also pay for the following City Engineer employment related expenses, subject to any stated limitations:
 - a. cell phone (not to exceed \$40.00/month);
 - b. annual professional licenses (currently \$325.00 bi-annually, limited to half);

- c. AutoCAD and civil/survey software subscriptions (owned by Sierra Land Solutions, annual cost to renew of \$750.00, limited to half);
 - d. Training or conferences related to employment as City Engineer as approved in advance by the City Manager for partial reimbursement (e.g. Caltrans local assistance, limited to half) payable by reimbursement from receipts or by stipend at City's discretion; and
 - e. Contributions for CalPERS retirement benefit for 2% @ 62 with employee contributions being 50% of normal cost which may change annually.
7. VEHICLE. In lieu of providing Engineer with use of a City vehicle, City shall pay a mileage reimbursement to Engineer for use of his personal vehicle for City business, based on the standard City travel policy. Such reimbursement shall fully compensate Engineer for use of his personal vehicle on City business and Engineer shall be responsible for providing fuel, liability, property damage, and comprehensive insurance, and for the maintenance, repair and regular replacement for his personal vehicle out of said mileage reimbursement.
8. TERMINATION. Employment of Engineer is at will and subject to termination at the discretion of City Manager or resignation by Engineer, provided that any termination or resignation shall be upon advance written notice of Sixty (60) days, or such longer period as City may request.
9. SEVERABILITY. Should any part, term or provision of this Agreement be declared invalid, void or unenforceable, all remaining parts, term and provisions hereof shall remain in full force and shall in no way be invalidated, impaired, or effected thereby.
10. NOTICES. Notices to be given under this contract may be mailed or delivered to the City at 317 Broad Street, Nevada City, CA 95959 and to Engineer at City Hall or his business at Sierra Land Solutions, Inc., 350 Crown Point Circle, Ste. 260, Grass Valley, CA 95945.

IN WITNESS WHEREOF, the parties have executed this contract this ____ day of December, 2015 at Nevada City, California.

CITY OF NEVADA CITY

ENGINEER

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF NOVEMBER 18, 2015**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. For website assistance, please contact Corey Shaver, Deputy City Clerk at (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Andersen, Bergman, Strawser, Vice Mayor Phelps, & Mayor Ray

PLEDGE OF ALLEGIANCE

- Council Member Bergman asked to reorder the New Business Item E and to hear before Item C.

- City Manager Prestwich requested Old Business Item A be removed from the agenda and placed on a future agenda.

- Vice Mayor Phelps requested to remove New Business Item D from the agenda.

Action: Motion by Vice Mayor Phelps, seconded by Bergman to remove New Business Item D from the agenda.

(Approved – Ayes 3 – 0, Phelps, Bergman, Strawser – Noes 2 – 0, Ray, Andersen)

PROCLAMATION: Proclaiming November 16-22, 2015 Global Entrepreneurship Week

PRESENTATION: 2016 Wild and Scenic Film Festival Update

1. BUSINESS FROM THE FLOOR-PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevdacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Please refer to the meeting video on the City's website at www.nevdacityca.gov

3. CONSENT ITEMS:

A. Subject: Accounts Payable Reports – September and October 2015

Recommendation: Receive and File

Action: Motion by Strawser, seconded by Phelps to Receive and File

(Approved 5 – 0)

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – October 28, 2015

Action: Motion by Bergman, seconded by Strawser to approve the October 28, 2015 minutes as presented.

(Approved 5 – 0)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: County of Nevada AB1600 Recreation Mitigation Funding Request for Proposal

Action: Motion by Strawser, seconded by Andersen to authorize submittal of an application for County of Nevada Recreation Mitigation Funding for upgrades to the picnic area in Pioneer Park for individuals with disabilities.

(Approved 5 – 0)

B. Subject: Environmental Protection Agency (EPA) Brownfields Cleanup Grant Application

Action: Motion by Strawser, seconded by Phelps to adopt Resolution 2015-50 Authorizing: 1) the Mayor to sign and 2) the City Manager to submit the EPA Brownfields Grant Application and Execute all Necessary Documents to Facilitate Implementation of the Grant.

(Approved 5 – 0)

6. PUBLIC HEARINGS: None

7. OLD BUSINESS:

A. Subject: An Ordinance of the City of Nevada City amending Chapter 3.52 to Title 3 of the Nevada City Municipal Code Extending the 3/8 of 1% Transactions and Use Tax for General Purposes (First Reading/Requires 4/5th Vote)

- City Manager Prestwich requested this item be removed from the agenda.

8. NEW BUSINESS:

A. Subject: Wild and Scenic Film Festival Street Closure Request

Action: Motion by Phelps, seconded by Bergman to authorize the Wild and Scenic Film Festival street closure request as submitted.

(Approved 5 – 0)

B. Subject: Wild and Scenic Film Festival Economic Development Fund Request

Action: Motion by Bergman, seconded by Strawser to approve funding in the amount of \$10,000 to the Wild and Scenic Film Festival from the Economic Development Fund.

(Approved 5 – 0)

C. Subject: Presentation of Petition Signature Verification Certificate on Initiative Measure to Enact Zoning Ordinance and General Plan Amendments to allow Short-Term Rentals in Nevada City and Council Action Thereon (Submitted by “Nevada City Hosts”)

Action: Motion by Bergman, seconded by Phelps to adopt the Resolution 2015-51 Council adopted Resolution No. 2015-51 Adopting the Initiative Measure without change to the ordinance amendment promoted therein and directed preparation of implementing ordinances.

(Approved 3 – 2 – Ayes, Phelps, Bergman, Strawser – Noes, Ray, Andersen)

D. Subject: Update on Initiative Measure Submitted by Committee to Support Measure to Protect Neighborhoods from Vacation Rental Impacts

Action: At the beginning of the meeting a Motion by Vice Mayor Phelps, seconded by Bergman was made to remove New Business Item D from the agenda.

(Approved – Ayes 3 – 0, Phelps, Bergman, Strawser – Noes 2 – 0, Ray, Andersen)

E. Subject: Summary of the State's Medical Marijuana Regulation & Safety Act and Its Applicability to City's Authority to Regulate Marijuana Cultivation and Distribution within the City.

Action: Motion by Phelps, seconded by Bergman to consider options for regulating medical marijuana cultivation within the City limits and refer to the Planning Commission for their review and recommendation of draft ordinance.

(Approved 4 – 1 – Ayes, Phelps, Bergman, Strawser, Andersen – Noes, Ray)

7. CORRESPONDENCE:

8. ANNOUNCEMENTS:

9. CITY MANAGER'S REPORT:

10. ADJOURNMENT

Action: Motion by Strawser, seconded by Phelps to adjourn at 10:09 PM

(Approved 5 – 0)

Jennifer Ray, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Pioneer Park Project Priority List Update

RECOMMENDATION: Approve the updated Project List for Pioneer Park

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION: The Pioneer Park Master Plan was adopted December 12, 2012 and includes a Project Priority List. The Plan states the following about that Project List:

“Appendix E is the Project List for Pioneer Park. The list is updated and approved annually by the City Council. Projects will be completed when needed and/or when funding is available. Items on the list that have an asterisk () will have further explanation attached. It is understood that the projects on the Pioneer Park Project List would need sufficient funding, completion of detailed environmental impact studies and public review before proceeding with construction or development. Appendix E also includes projects that have been completed at Pioneer Park during the last 5 years. The City updates its Capital Improvement Plan (CIP) every 5 years. Projects from the Pioneer Park Project List will be included on the City’s CIP as appropriate.”*

The list was last updated January 2014. A copy of that approved list and the proposed updated list are attached to this staff report. On the 2014 list, numbers 1, 2 & 18 have been moved to the Completed Projects List. Number 7 was changed to two items on the updated list. These two projects could be completed at the same time, but can also be completed at separate times. On the Updated List, numbers 8 & 24-29 are new projects. Several projects on the current list are “in process” meaning the City has funding or plans to accomplish those within the next year. Items that are not currently in process may be vague as there are not specific plans for that item. For example: #17: Remove decorative fountain - It states in the Pioneer Park Master Plan that the fountain will only be removed when there is a plan and funding for what the City wants to do with that space.

ENVIRONMENTAL CONSIDERATIONS: The appropriate environment studies will be completed on each project when funding is available and the opportunity to make these improvements to the park become available.

FISCAL IMPACT: No fiscal impact is caused by the creation of this list. No projects will move forward without appropriate funding and approval from City Council.

ATTACHMENTS:

- ✓ Pioneer Park Project List – updated January 2014
- ✓ Pioneer Park – Project List: proposed: December 2015

**Pioneer Park
Project List
updated: January 2014**

Items with an asterisk (*) have further explanation attached.

	PROJECT	NOTES	EST. COST
1	Playground Upgrades - ADA compliant surfacing	County AB1600 funding has been awarded	\$76,000
2	Playground Upgrades - new slide	Lions Club is raising funds	
3	Bike Racks - near playground/pool		
4	Renovation of Seaman's Lodge - roof	Measure L funding designated	\$75,000
5	Renovation of Seaman's Lodge - bathrooms	Measure L funding designated	
6	Renovation of Seaman's Lodge - windows		
7	Renovation of Seaman's Lodge - upgraded fire system on stove hood and upgrade kitchen to commercial standards		
8	Walk/bike path around perimeter of park *	see attached explanation	
9	Expansion of swimming pool area - move back fence *	see attached explanation	\$42,000
10	Expansion of park *	see attached explanation	
11	Slide or other feature for the swimming pool		
12	Upgrade field at Pioneer Park for better drainage	Drainage Study is on Measure L	\$25,000
13	Carriage House at Pioneer Park (move Carriages to Museum, create usable space in current building)		\$80,000
14	Renovation of bathrooms at tennis courts & picnic area in Pioneer Park	Measure L funding designated	\$50,000
15	Cottage at Pioneer Park - new roof (before completion of this project review the benefits of having the cottage in the park... is it beneficially to invest in the building?)		
16	remove fountain		
17	Updated map of Pioneer Park - based on Record of Survey		\$1,500
18	New stall doors in bathrooms at Swimming Pool	Measure L funding designated	\$7,000

**Pioneer Park
Project List
updated: January 2014**

	PROJECT	NOTES	EST. COST
19	internet access at Seaman's Lodge/park		
20	lights at tennis courts	requested to have this added to Measure L funding list	
21	More parking (map 1974 - picnic right, Silva, Park Ave)		
22	Remove non-functioning sink in Picnic-Right; possibly replace with table/permanent structure		
23	Install a permanent table/structure near BBQ's in Picnic-right		

The following are explanations of the noted items on the Pioneer Park Project List.

#8: Walk/bike path around perimeter of park

51% of the respondents on the Pioneer Park Survey say that they come through the park on their walks.

41% of respondents would like to see a bike/walk path added to the park.

#9: Expansion of swimming pool area - move back fence

By moving the fence on the south side of the swimming pool up towards Memorial Grove, seating spaces for patrons could be added and the immediate deck space by the swimming pool could be kept clear for safety.

#10: Expansion of park

- a. There is a private residence in the center of the park. The current homeowners have been good neighbors of the park, but it is not ideal to have this private property in the middle of a public park. The City has had the purchase of the house on their priority list for many years. If able to purchase this property, the City plans to add a recreational amenity in this location. However, currently the .26 acres is zoned R1 and would need to undergo the planning review process to allow public use.
- b. The property located on the corner of Nimrod and Silva Avenue would complete the corner of the park and would be an ideal location for additional parking.
- c. As properties are developed along Little Deer Creek, the City should request that spaces along the creek be deeded to the City as open space or an easement should be provided, so that the City can expand the non-designated trail that currently runs along the creek.
- d. The property owner at 10313 Park Ave. is interested in donating some land to the City and annexing into the City. City Staff are working with the property owner.

Pioneer Park - Project List

Proposed: December 2015

Items with an asterisk (*) have further explanation attached.

	PROJECT	NOTES	EST. COST
1	Bike Racks - near playground/pool	in progress w/ donations from the Kiwanis Club	
2	Renovation of Seaman's Lodge - roof*	Measure L funding designated	\$75,000
3	Renovation of Seaman's Lodge - bathrooms	Measure L funding designated	
4	Renovation of Seaman's Lodge - windows		
5	Renovation of Seaman's Lodge - upgraded fire system on stove hood		
6	Renovation of Seaman's Lodge - upgrade kitchen (possibly to commercial standards)		
7	Renovation of Seaman's Lodge - fireplace		
8	Renovation of Seaman's Lodge - baffling or some other material to assist with absorbing sound waves		
9	Seaman's Lodge - paint outside and repair shutters		
10	Walk/bike path around perimeter of park *	see attached explanation	
11	Expansion of swimming pool area - move back fence *	see attached explanation	\$42,000
12	Expansion of park *	see attached explanation	
13	Slide or other feature for the swimming pool		
14	Upgrade field for better drainage	in progress - on Measure L funding list	\$25,000
15	Carriage House (move Carriages to Railroad Museum, create usable space in current building)		\$80,000
16	Renovation of bathrooms at tennis courts & picnic area	in process w/ Measure L and CDBG funding	\$50,000
17	Cottage - new roof (before completion of this project review the benefits of having the cottage in the park...is it beneficial to invest in the building?)		

Pioneer Park - Project List
Proposed: December 2015

	PROJECT	NOTES	EST. COST
18	remove decorative fountain		
19	Updated map of Pioneer Park - based on Record of Survey		\$1,500
20	internet access at Seaman's Lodge/park		
21	lights at tennis courts	Measure L funding designated	
22	More parking (map 1974 - picnic right, Silva, Park Ave)		
23	Remove non-functioning sink in Picnic-Right; replace with a permanent structure similar to Picnic-Left	in process	
24	Swimming Pool shell rehabilitation	in process	\$210,000
25	Upgrades to picnic area designed for people who have disabilities - improved pathway, new BBQ with counter, shade structure	have \$500 from Gold Country Lions Club	
26	Picnic-right: remove old stone BBQ pits; put in a small playground; possibly exercise equipment		
27	Picnic area at bottom of stairs by playground: Make it function better; possible shade structure; and clean up hillside		
28	Upper Picnic Area: "counter" by BBQ		
29	Develop area behind Seaman's Lodge		
30	Stairs/improve walkway behind mower shed		
31	Portable fencing for lower ball field		

The following are explanations of the noted items on the Pioneer Park Project List.

#2: Seaman's Lodge Roof

It is recommended that the fire system on the stove hood be completed at the same time as the roof. If this is completed at a later time, there is a small risk of causing new issues with the roof. Also, if any changes are being made to the fireplace, this would be the appropriate time to make those changes as well for the same reason.

#10: Walk/bike path around perimeter of park

51% of the respondents on the Pioneer Park Survey say that they come through the park on their walks.

41% of respondents would like to see a bike/walk path added to the park.

#11: Expansion of swimming pool area - move back fence

By moving the fence on the south side of the swimming pool up towards Memorial Grove, seating spaces for patrons could be added and the immediate deck space by the swimming pool could be kept clear for safety.

#12: Expansion of park

- a. There is a private residence in the center of the park. The current homeowners have been good neighbors of the park, but it is not ideal to have this private property in the middle of a public park. The City has had the purchase of the house on their priority list for many years. If able to purchase this property, the City plans to add a recreational amenity in this location. However, currently the .26 acres is zoned R1 and would need to undergo the planning review process to allow public use.
- b. The property located on the corner of Nimrod and Silva Avenue would complete the corner of the park and would be an ideal location for additional parking.
- c. As properties are developed along Little Deer Creek, the City should request that spaces along the creek be deeded to the City as open space or an easement should be provided, so that the City can expand the non-designated trail that currently runs along the creek.

Nevada City Parks and Recreation Completed Projects

Completed Projects

PROJECT	Completion Date
Tennis Courts - resurfacing	spring 2009
Solar Panels at Swimming Pool	spring 2009
New signs (rules) at Pioneer Park	spring 2009
Volleyball Court converted to a picnic area	spring 2010
Chairlift for Swimming Pool	spring 2012
Bocce Ball	fall 2011
Playground Upgrades - ADA compliant surfacing	summer 2014
New slide on playground	2015
New stall doors in bathrooms at swimming pool	2015

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Update of Policy for Placement of Items in City Parks and Open Space

RECOMMENDATION: Pass a Motion approving update to Policy for Placement of Items in City Parks and Open Space.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION: The Policy for Placement of Items in City Parks and Open Space was adopted September 23, 2013. The policy has been a helpful tool to guide the City's decision in regards to new amenities and memorials in our parks and open space. City staff have developed recommended updates to the policy to clarify and provide additional direction.

The proposed updates are primarily driven by the fact that no memorials for Pioneer Park were recommended in the original presentation of this policy. However, there have been requests for memorial benches to be placed there. Staff has reviewed possible bench locations and agrees there are locations that make sense within the park. Recommendations have been made and added to the policy.

ENVIRONMENTAL CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENTS:

- ✓ Proposed Updated Policy for Placement of Items in City Parks & Open Space (with Track Changes)
- ✓ Proposed Updated Policy for Placement of Items in City Parks & Open Space (without Track Changes)

City of Nevada City
Parks & Recreation Department
Policy for Placement of Items in City Parks and Open Space
Adopted September 25, 2013
Updated October 2015

This policy was created to insure that the parks and open space areas owned by the City of Nevada City are preserved in such a way that they remain well maintained, open and usable for our current and future residents and visitors.

While memorials and new amenities may enrich a park experience for park users, public open space is also a very precious commodity, and new memorials, amenities and facilities should be carefully reviewed to balance these two public benefits to protect the greater good. Any new structures should represent community values, and be mindful of future generations.

Maintenance concerns should be a primary consideration, with adequate provision made for continued future maintenance. Durable materials should be used to stand up over time. The City also wants to insure that no one park or space reaches a saturation point. Therefore, within this policy, placement of memorials has been limited to specific locations.

Improvements made in public spaces become the property of the public.

The policies and processes provided herein should be followed prior to any new structure, play equipment, benches, facility, etc. being placed in a Nevada City park or open space owned and operated by the City.

Any person or organization requesting to place, fund or construct a new amenity in a City park or open space property should be directed to the Parks & Recreation Supervisor. It is assumed in the following policy and procedures that all projects are fully funded by an individual, organization or has been included in the City's budget.

Memorials:

Memorials are smaller or common items that are requested for placement in City Parks to honor a family member or friend. Examples: bench, plaque, tree, etc. Any items not fitting this description shall follow the procedures for "New or Re-constructed Facility".

Any individual or family requesting to place a memorial should complete a Memorial Placement Request Form (Appendix A). A list of options for placement of memorials has been provided in Appendix B. To take advantage of one of these memorial placements, the individual making the request will need to cover all costs for materials ~~and installation~~, installation and maintenance. Bench and plaque styles will be chosen by the City.

If the individual would like to request a memorial that is not included on the pre-approved list, their project request will need to be presented to the ~~Recreation Committee~~City Council for approval. In addition, any requests for a tree will need to be approved by the Public Works ~~Director~~Superintendent to insure that the type of tree will grow in this area, match the current landscaping and be located near watering lines to avoid extra maintenance needs or costs.

Placement of benches along Hirschman and the Environs Trail is managed by the Bear Yuba Land Trust (BYLT) within the guidelines provided by the Memorandum of Understanding (MOU) between BYLT and the City (Appendix C). There are a limited number of bench locations along the trails. A diagram of the potential bench locations can be found in Appendix C along with the agreement.

Memorial plaques shall be no larger than 12" x 12" with lettering no larger than 1". Wording for all plaques must be approved by City Council.

Memorials Placed Prior to the 2015 Updated Adoption of this Policy

Items that were placed prior to the adoption of this updated policy will be maintained in the following manner:

If a bench, tree or plaque is in a state of disrepair, has been destroyed by Mother Nature or vandalism, or goes missing the following steps will be taken:

1. The person or group who donated that item will be contacted to see if they would like to fund the replacement of the item. If they would, staff will re-install the replaced item.
2. If the person or group does not want to replace the item: trees and plaques will not be replaced. Bench locations will be added to our list of available bench locations to be memorialized by another person or group.

Playground Equipment:

There is only one playground owned and operated by the City of Nevada City. It is located in Pioneer Park. Most of the playground equipment has been funded by the Nevada City Lions Club. When equipment for the playground needs to be replaced or additional equipment is desired, ~~the following~~ steps must be followed will be taken:

1. The Parks & Recreation Supervisor will first approve the desired equipment to insure that based on installation regulations, the equipment can be placed within the boundaries of the existing playground to meet safety and ADA requirements.
2. The Public Works ~~Director~~Superintendent will then approve the use of Public Works employees for the installation of the equipment or recommend that the equipment be installed by a professional.
3. New equipment can then be installed.

New or Re-constructed Facility:

New or re-constructed facilities include monuments, historical artifacts, eEagle sScout projects, recreational amenities, etc.

The following steps will be taken for any proposed projects on City properties.

1. A Project Proposal Submission Form (Appendix D) shall be completed.
2. The project will be presented to the Parks & Recreation Supervisor.
3. The Parks & Recreation Supervisor will then request written comments from other appropriate staff members on the project.
4. Staff comments should be addressed and then the project will be presented to the **Recreation Committee-City Council** for direction.
5. ~~If the Recreation Committee recommends that the project proceed, it will then be presented to the City Council for direction and final approval.~~
~~If the Recreation Committee does not recommend the project, the project will be shared with the City Council at a regularly scheduled City Council meeting for informational purposes only.~~

Recognition Signs:

Recognition signs have historically been placed next to Eagle Scout projects and new facilities. Any signs or plaques placed next to a facility or structure that has been donated shall fit within the following parameters:

- Signs/plaques shall be no larger than 20" x 20"
- Lettering shall be no larger than 1"
- All signs/plaques will be approved by the Recreation Committee

Wording and Language:

The wording/language that is proposed for any recognition sign, Eagle Scout project, memorial, etc. shall be approved by the **Recreation Committee and** City Council.

City of Nevada City
Parks & Recreation Department
Policy for Placement of Items in City Parks and Open Space
Adopted September 25, 2013
Updated October 2015

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Maintenance concerns should be a primary consideration, with adequate provision made for continued future maintenance. Durable materials should be used to stand up over time. The City also wants to insure that no one park or space reaches a saturation point. Therefore, within this policy, placement of memorials has been limited to specific locations.

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If the individual would like to request a memorial that is not included on the pre-approved list, their project request will need to be presented to the City Council for approval. In addition, any requests for a tree will need to be approved by the Public Works Superintendent to insure that the type of tree will grow in this area, match the current landscaping and be located near watering lines to avoid extra maintenance needs or costs.

Placement of benches along Hirschman and the Environs Trail is managed by the Bear Yuba Land Trust (BYLT) within the guidelines provided by the Memorandum of Understanding (MOU) between BYLT and the City (Appendix C). There are a limited number of bench locations along the trails. A diagram of the potential bench locations can be found in Appendix C along with the agreement.

Memorial plaques shall be no larger than 12" x 12" with lettering no larger than 1". Wording for all plaques must be approved by City Council.

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2. If the person or group does not want to replace the item: trees and plaques will not be replaced. Bench locations will be added to our list of available bench locations to be memorialized by another person or group.

Playground Equipment:

There is only one playground owned and operated by the City of Nevada City. It is located in Pioneer Park. Most of the playground equipment has been funded by the Nevada City Lions Club. When equipment for the playground needs to be replaced or additional equipment is desired—the following steps will be taken:

1. The Parks & Recreation Supervisor will first approve the desired equipment to insure that based on installation regulations, the equipment can be placed within the boundaries of the existing playground to meet safety and ADA requirements.
2. The Public Works Superintendent will then approve the use of Public Works employees for the installation of the equipment or recommend that the equipment be installed by a professional.
3. New equipment can then be installed.

New or Re-constructed Facility:

New or re-constructed facilities include monuments, historical artifacts, Eagle Scout projects, recreational amenities, etc.

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4. Staff comments should be addressed and then the project will be presented to the City Council for direction.

Recognition Signs:

Recognition signs have historically been placed next to Eagle Scout projects and new facilities. Any signs or plaques placed next to a facility or structure that has been donated shall fit within the following parameters:

- Signs/plaques shall be no larger than 20" x 20"
- Lettering shall be no larger than 1"
- All signs/plaques will be approved by the Recreation Committee

Wording and Language:

The wording/language that is proposed for any recognition sign, Eagle Scout project, memorial, etc. shall be approved by the City Council.

City of Nevada City Memorial Placement Request

This form is intended to collect all necessary information from an individual, family or organization who would like to place an item on City owned property as a memorial. All memorials, materials needed and labor must be funded by the person, family or organization making the request. The information on page one may be viewed by the public if presented at a public meeting. The information on page two will only be viewed by City staff.

Contact Name: _____

Phone #: _____ Alternate Phone #: _____

Full Address: _____

Email: _____

Item that you would like to have placed on City property (ie: bench, tree): _____

Location where you would like the item placed: _____

Person being honored by memorial: _____

Significance of this location: _____

Amount of funding you have available for this project: _____

I am requesting to place a plaque with my memorial

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Wording that will go on the plaque: _____

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Details of plaque (ie: size, color, etc): _____

Other related information: _____

Contact Information

Contact Name: _____

Phone #: _____ Alternate Phone #: _____

Mailing Address: _____

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Email Address: _____

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For Office Use

- Memorial Placement Request Form completed
- Memorial meets Appendix B approvals
- Tree – approved by Public Works Superintendent
- Plaque wording provided

Formatted: Underline

MEMORIAL PLACEMENT OPTIONSUPDATED: ~~JULY 2013~~ October 2015Calanan Park

~~At this time, there are no suggested locations for memorials within the boundaries of Calanan Park and staff recommends not approving any memorials until a plan for this property is adopted by City Council. The park does not have open space for any benches and has plenty of seating at this time. If changes are considered for the park, this could be re-visited.~~

Environs/Tribute Trail

~~As noted within this document, the Environs Trail has bench locations available. The Bear Yuba Land Trust will work with individuals interested in these locations. Memorial benches will only be placed as noted in Appendix C.~~

~~2-3 bench locations would be appropriate along the Trail that connects from Jordan St. to Providence Mine Rd. A map is attached to show the approved bench locations for this section of trail.~~

No memorial locations are recommended for the section of trail from Champion Mine Rd. to the NID ditch.

Hirschman Pond Property/Trail

As noted within this document, Hirschman's Pond has bench locations available. The Bear Yuba Land Trust will work with individuals interested in these locations. Memorial benches will only be placed as noted in Appendix C.

Miners Trail

No memorials recommended.

Nevada Mine/Stiles Mill

Due to the Brownfield's Clean-up grant that is in process at this time, no memorials are suggested for this property.

Old Airport

Due to the un-developed nature of this property, ~~staff does not recommend no~~ memorials are recommended at this location.

Penzance Park

No memorials recommended.

Pioneer Park

~~At this time, there are no suggested locations for memorials within the boundaries of Pioneer Park. A map of Pioneer Park is attached with recommended bench locations. These benches can be memorials or donations from an individual or organization.~~

Robinson Plaza

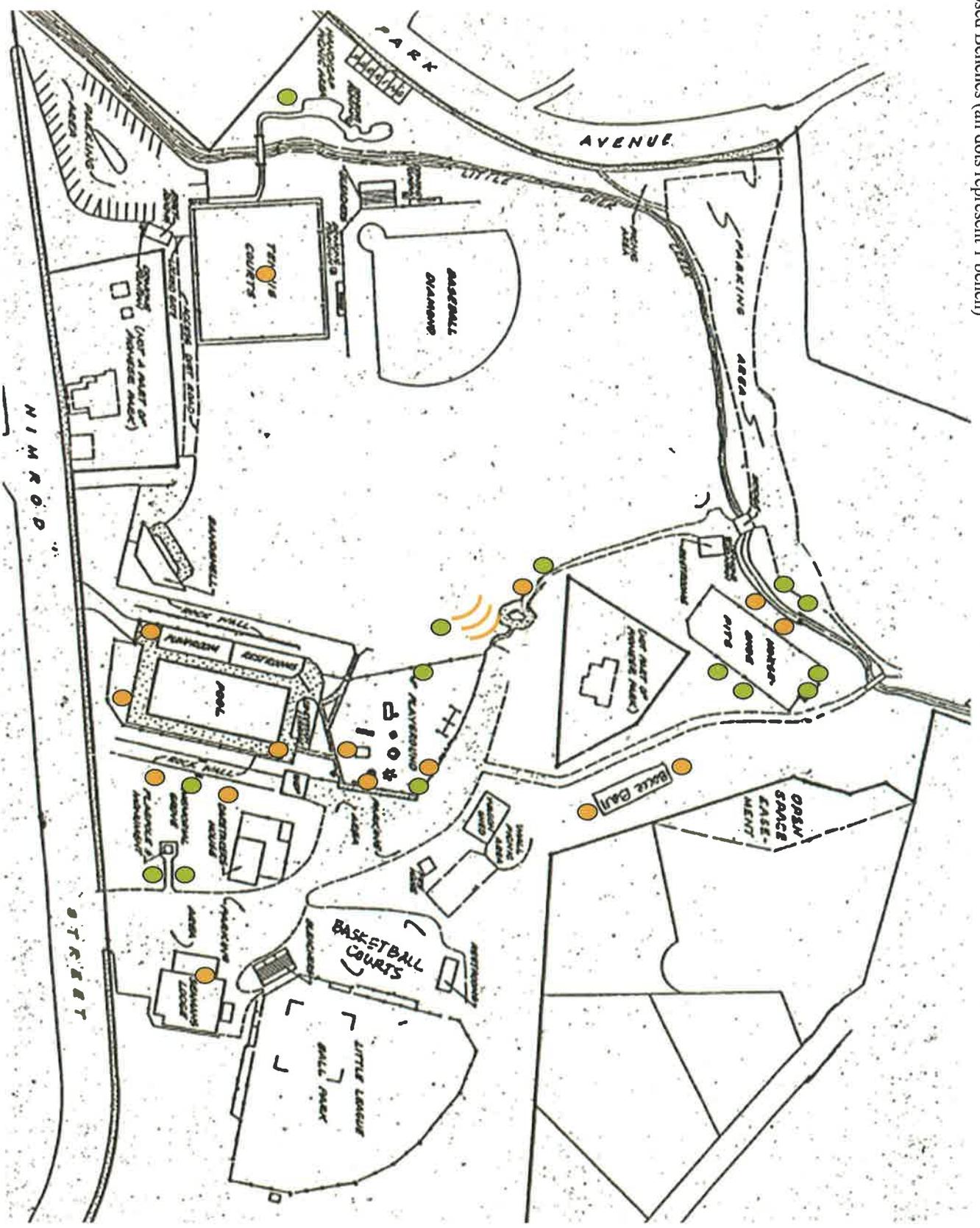
~~At this time, there are no suggested locations for memorials within the boundaries of Robinson Plaza and staff recommends not approving any memorials until a plan for this property is adopted by City Council.~~No memorials recommended.

Sugarloaf Mountain

~~Although specific locations have not been chosen, placement of up to 3 benches is possible.~~ Three bench locations have been approved for this location and have already been approved for installation.

- Existing Benches (some dots may represent 2 benches)
- Existing Benches (amphitheater)
- Proposed Benches (all dots represent 1 bench)

Pioneer Park Bench Locations



MEMORANDUM OF UNDERSTANDING
CITY OF NEVADA CITY, CALIFORNIA
AND
NEVADA COUNTY LAND TRUST
FOR
TRAIL CONSTRUCTION AND MAINTENANCE

Introduction

This Memorandum of Understanding (MOU) describes the relationship between the City of Nevada City, a public entity, hereinafter referred to as "City", and the Bear Yuba Land Trust, a private, non-profit group, hereinafter referred to as "BYLT", in their joint efforts to provide non-motorized public trails within the sphere of influence of the City.

WITNESSETH

WHEREAS, the BYLT has been operating since 1991 and is a member supported group promoting voluntary conservation of Nevada County's natural, historical, and agricultural resources through protection and enhancement of trails, parks, and open spaces to provide a lasting community heritage; and

WHEREAS, the goals of BYLT are accomplished by acquiring land, conservation easements, and development rights by donation, purchase and other means through voluntary, private action; and

WHEREAS, BYLT was the lead agency responsible for the construction of several trails in western Nevada County; and

WHEREAS, the City recognizes that one of the essential elements of enhancing the quality of life in the City is the construction of parks, recreation programs and facilities, open space and trails; and

WHEREAS, the City has or will obtain public land where trails are proposed and/or planned; and

WHEREAS, the City supports trail development that links park facilities, neighborhoods, schools and other community facilities; and

WHEREAS, it is mutually beneficial for the City and BYLT to collaborate in the development, operation, and maintenance of non-motorized trails,

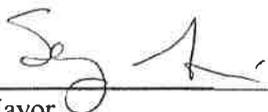
NOW, THEREFORE, in consideration of the above recitals, the parties agree as follows:

1. To establish the procedure and responsibility for accomplishing the location, design, construction, operation and maintenance of trails on land owned by the City of Nevada City.
2. In concept BYLT agrees to:
 - A. Provide assistance to the designated City representative to plan trail alignments on City property.
 - B. Prepare project descriptions suitable for CEQA review.

- C. Secure easements from private landowners for trail segments to be built over private land that provides connections to City property.
 - D. Secure grants and private funding to purchase service of contractors to construct the trail(s).
 - E. Organize and supervise volunteers to assist in the construction of trails.
 - F. Manage a trail adoption program for trails as agreed to by the City.
3. In concept the City agrees to:
- A. Insure that each project complies with CEQA, the City's General Plan, Parks and Recreation Master Plans and any other applicable laws, regulations, and permitting requirements.
 - B. Provide BYLT with written approval and assist with obtaining encroachment permits for trails constructed on city property.
 - C. Provide assistance in the construction of the trail using the City's equipment, personnel, and funds to the extent they are available and agreed upon through the budget process.
 - D. Reimburse BYLT for services provided in accordance with terms of contract or purchase agreements executed by both parties.
4. Both Parties agree to:
- A. Only proceed with a project when a letter of agreement has been received and signed by both parties describing the details of a specific project.
 - B. Carry out all of their responsibilities under this agreement in a timely fashion, and to the extent possible, will do nothing to jeopardize the cooperation and goodwill of any willing donors, grantors, volunteers or other members of the public.
 - C. Consult with the other party before preparing any information about the trail project for public distribution.
 - D. Provide a designated representative to carry out the terms of this MOU. The designated representative for the City shall be Dawn Zydonis, Nevada City Parks & Recreation Supervisor; and the designated representative for BYLT shall be Bill Haire, Trails Coordinator.
 - E. Termination of this agreement may be initiated by either party and will be effective upon delivery of written notice the other party by the signer of this agreement.
 - F. Two originals signed this 14th day of August, 2013 in Nevada City, CA.

CITY OF NEVADA CITY

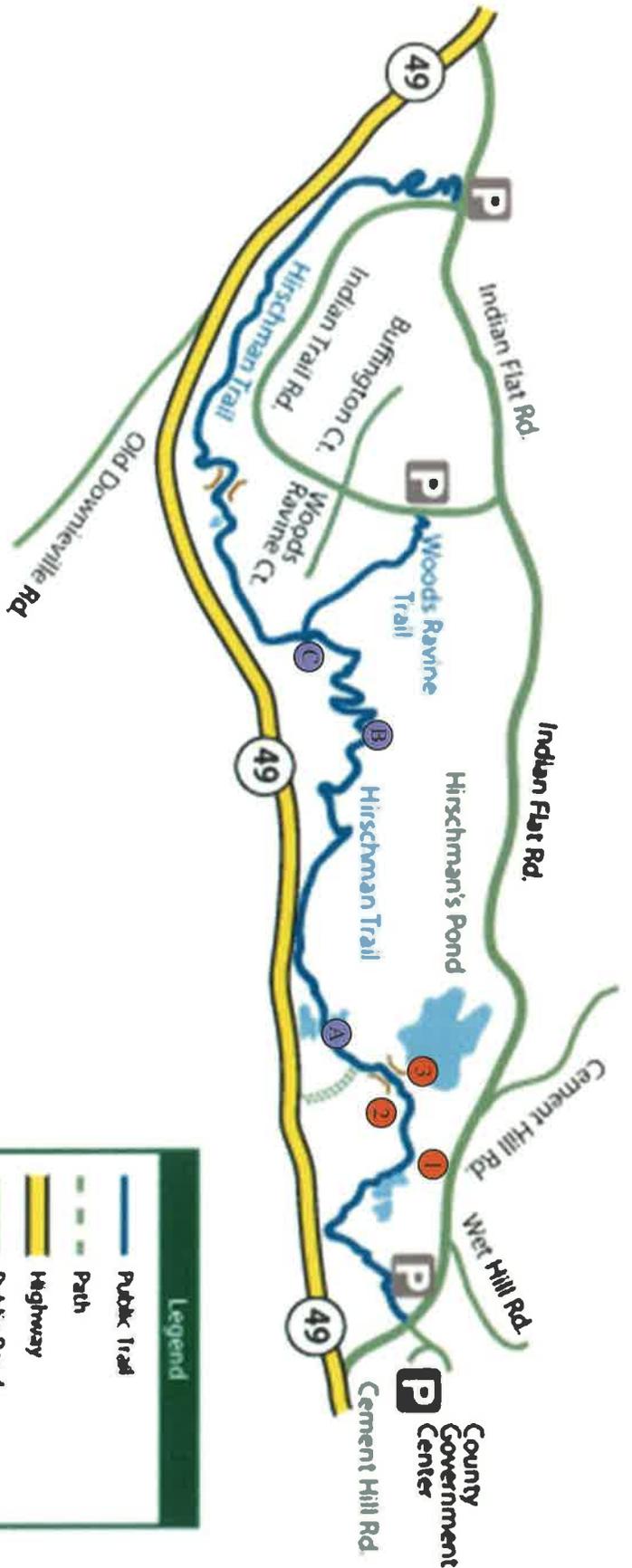
BEAR YUBA LAND TRUST



 Mayor
 Sally Harris



 President
 Joe Byrne

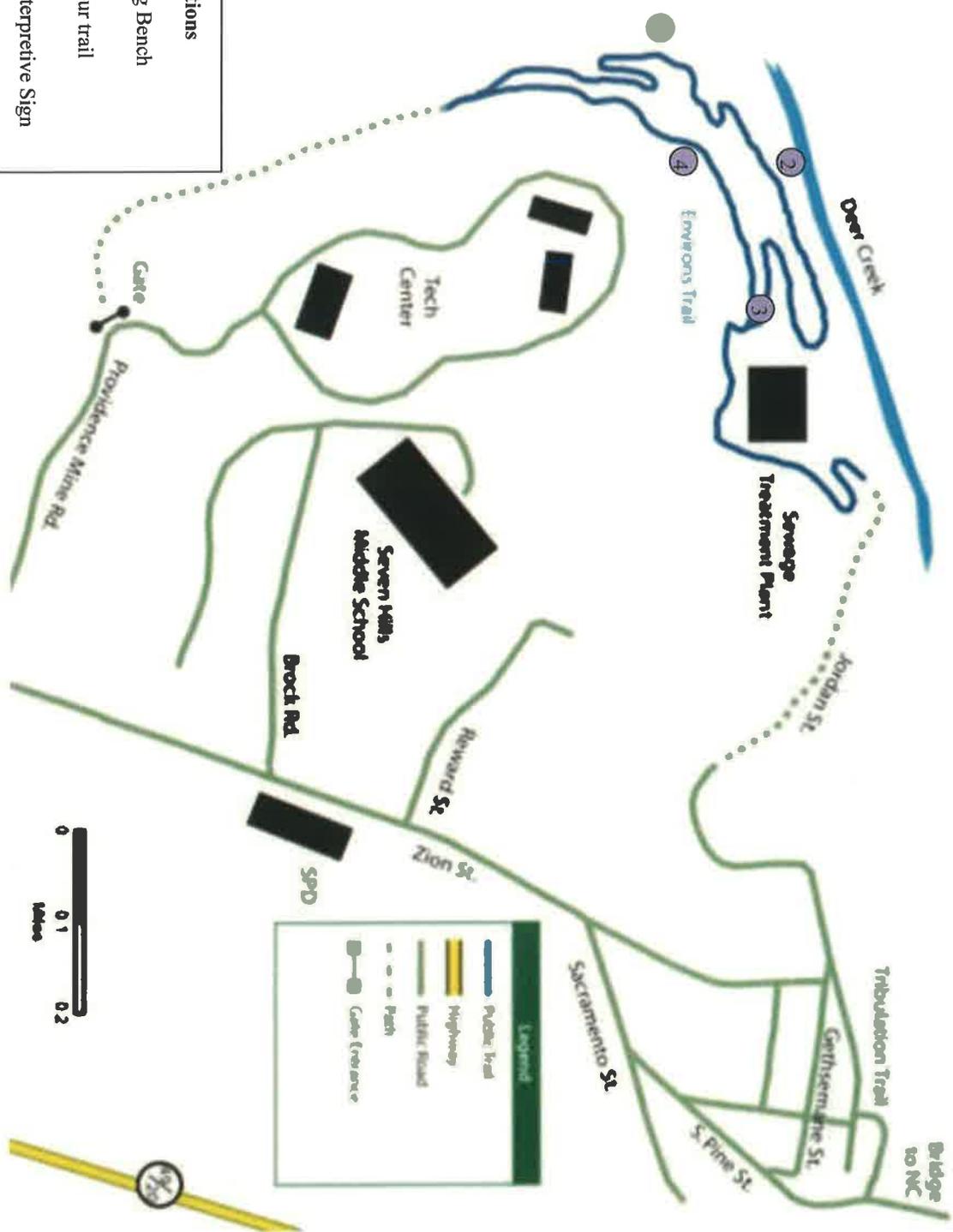


- Current Bench Locations**
- ① Memorial Bench
 - ② Memorial Bench
 - ③ Next to the Pond
- Available Bench Locations**
- After hiking out of Woods Ravine
 - Near the first bridge past the pond
 - At the Woods Ravine Trail

Legend

- Public Trail
- Path
- Highway
- Public Road
- Parking
- Bridge
- Pond

- Bench Locations**
- Existing Bench
 - Near spur trail
 - Near Interpretive Sign
 - Near Interpretive Sign





**City of Nevada City
Proposed Project Submission**

The purpose of this form is to communicate with the City about a project that is being proposed on City property, needs City administration or requests City partnership. The City Manager will review and provide direction about how to proceed with the project proposal. A list of City processes and timelines is included at the bottom of this form. This form is to be submitted to the City Manager (City Hall, 317 Broad St, Nevada City, CA 95959). Allow at least 2 weeks for the City Manager to respond.

Applicant/Organization Information

Applicant/Organization: _____

Contact person: _____

Phone #: _____ email: _____

List any other parties/organizations involved in the project: _____

Project Information

Project Title: _____

Briefly describe the project (A more detailed description of the project may be required at a later date.):

Describe how the project needs City involvement (ie: on City property, need the City to be the fiscal lead, etc). _____

Describe how the project will benefit the City, its residents and/or the community? _____

List efforts undertaken to gather public opinion and community support: _____

Type of Support Needed from the City:

1. Letter of Support YES NO
2. # of staff hours per month _____
 Dates/duration of project that this staff time is needed: _____
3. Other: _____
4. Other: _____

Funding Sources:

- a. Total cost of the project: _____
- b. Amount provided by organization: _____
- c. Amount requested from City: _____

(OVER)

- d. Amount provided by Grant funds: _____
 What grant is the organization planning to apply for? _____

 Attach a copy of the Grant Application Packet or a website address to the information: _____

- e. What maintenance is required once the project is complete? _____

 Is there future funding available for maintenance of the project? Explain: _____

City Process:

Once your form is submitted to the City Manager, the following steps may occur.

- a. A staff member may be assigned as the Project Manager.
- b. The information distributed to City Staff for comments. This process can take 2-3 weeks for staff to return comments and/or conditions. In addition, if it is determined that the project requires environmental review, that process can take up to 3 months.
- c. Presentation to City Council for direction/approval of the project. The City Council only meets the 2nd and 4th Wednesday of each month. Agenda items must be prepared and turned in to City Hall in advance. Placement on any council agenda is determined by the City Manager.
- d. The City may require deposits or fees be paid for staff time in reviewing and implementing projects or grants.
- e. Projects may need to be presented to the Recreation Committee or Planning Commission. These bodies meet once each month.
- f. Some projects may require a signed Agreement or Memorandum of Understanding (MOU) between the City and the Organization.
- g. A monthly written status report from the organization may be required during the planning and implementation process.

FOR CITY HALL USE		
Is the project a priority for the City?	YES	NO
Explain: _____ _____		
Is the project on the City's...		
<input type="radio"/> Capital Improvement Project List (CIP) <input type="radio"/> General Plan <input type="radio"/> A Master Plan (Pioneer Park, Hirschman's, etc): _____ <input type="radio"/> Strategic Plan <input type="radio"/> Other: _____		
Does the project match the City's Mission/Vision?	YES	NO
Explain: _____ _____		
Would the project interfere with another project that is on the CIP?	YES	NO
Explain: _____ _____		
Staff member assigned as Project Manager: _____		

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: A Resolution of the City Council of the City of Nevada City Amending the General Plan to Provide for Hosted Short-Term Rentals in Nevada City Residential Zones.

RECOMMENDATION: Adopt the Resolution to implement the NC Hosts Initiative measure adopted without change pursuant to Resolution No. 2015-51.

CONTACT: Hal DeGraw, Consulting City Attorney

BACKGROUND / DISCUSSION: When presented with certification of an adequate number of sufficient signatures on the NC Hosts initiative at its regular meeting on November 18th, the City Council adopted the Initiative without change pursuant to California Elections Code §§9214 and 9215 by Resolution No. 2015-51. Prior to the adoption, proponents of the initiative measure indicated to the Council that their initiative was intended to allow and regulate a new sharing use and was not intended to repeal or amend any prior voter initiatives.

Resolution No. 2015-51 provides “[t]hat implementing ordinances, resolutions, guidelines, rules, and regulations be prepared and submitted to the Council for approval as necessary to further the purposes of the Initiative.” The approved Initiative contains an amendment to the Zoning Regulations and two General Plan amendments. Zoning Regulations amendments are accomplished by ordinance and General Plan amendments are accomplished by resolution. While it could be argued that the General Plan amendments in the NC Hosts Initiative have already been adopted by Resolution No. 2015-51, for clarification and ease of tracking amendments, staff has prepared the attached Resolution addressing only the General Plan amendments for adoption by the City Council. The amendments would take effect immediately upon adoption.

FISCAL IMPACT: Hosted Short-Term Rentals become subject to paying TOT when ordinance becomes effective.

ATTACHMENTS:

- Resolution adopting General Plan amendments per approved Initiative.

ENVIRONMENTAL IMPACT: California courts have held that CEQA does not apply to voter-sponsored (petition) initiatives and CEQA Guidelines §15378(b)(3) now provides such initiatives are not “projects” subject to environmental review.

RESOLUTION NO. 2015-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY
AMENDING THE GENERAL PLAN TO PROVIDE FOR
HOSTED SHORT-TERM RENTALS IN NEVADA CITY RESIDENTIAL ZONES**

WHEREAS, an Initiative petition to enact zoning ordinance and general plan amendments to allow hosted short-term rentals in residential areas was duly circulated by proponents and certified by the county elections official as containing the verified signatures of an adequate number of voters; and

WHEREAS, at its regular meeting on November 18, 2015, when presented with the certification, the City Council decided adopt the Initiative without change pursuant to California Elections Code § 9215 ; and

WHEREAS, at said regular meeting, the content of the general plan amendments were introduced as part of the Initiative and the City Council adopted Resolution No. 2015-51 adopting the Initiative measure without change to the general plan amendments it promoted and directed preparation of implementing resolutions:

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

SECTION I:

As provided in Section 3 of the approved Initiative, Section 2, Table 2.00-5 of the Housing Element within the City of Nevada City General Plan is amended to replace the fifth column of Number (42) related to Policy 4-1-1 with the following:

“Retain but modify program to include limited hosted short-term rentals.”

SECTION II:

As provided in Section 4 of the approved Initiative, Section 6, Table 6.15 of the Housing Element within the City of Nevada City General Plan is amended replace the first column of Number (28) related to Policy 4-1-1 with the following:

“Limited partial use of housing units at a single family residence for hosted short-term rentals is permitted as allowed under voter-approved initiatives.”

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 9th day of December, 2015, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

ATTEST:

Jennifer Ray, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: An Ordinance of the City of Nevada City adding a New Section 17.72.080 to Chapter 17.72 of the Zoning Regulations in Title 17 of the Nevada city Municipal Code allowing Hosted Short-Term Rentals in Nevada City Residential Zones.

RECOMMENDATION: Adopt the Ordinance to implement the NC Hosts Initiative measure adopted without change pursuant to Resolution No. 2015-51.

CONTACT: Hal DeGraw, Consulting City Attorney

BACKGROUND / DISCUSSION: When presented with certification of an adequate number of sufficient signatures on the NC Hosts initiative at its regular meeting on November 18th, the City Council adopted the Initiative without change pursuant to California Elections Code §§9214 and 9215 by Resolution No. 2015-51. Prior to the adoption, proponents of the initiative measure indicated to the Council that their initiative was intended to allow and regulate a new sharing use and was not intended to repeal or amend any prior voter initiatives.

Resolution No. 2015-51 provides “[t]hat implementing ordinances, resolutions, guidelines, rules, and regulations be prepared and submitted to the Council for approval as necessary to further the purposes of the Initiative.” The approved Initiative contains an amendment to the Zoning Regulations and two General Plan amendments. Zoning Regulations amendments are accomplished by ordinance and General Plan amendments are accomplished by resolution. Section 2 of the approved Initiative requires amending the Zoning Regulations in Title 17 of the Nevada City Municipal Code to add a new Section 17.72.080 of Chapter 17.72 allowing for Hosted Short-Term Rentals in Nevada City Residential zones. That portion of the Initiative requires an ordinance. Staff has prepared such an ordinance which is presented here with. As long as these amendments were presented and approved at the last regular meeting and incorporated without change in the attached ordinance, this may be treated as a second reading and the ordinance when approved would become effective 30 days later.

FISCAL IMPACT: Hosted Short-Term Rentals become subject to paying TOT when ordinance becomes effective.

ATTACHMENTS:

- Ordinance amending Zoning Regulations per approved Initiative.

ENVIRONMENTAL IMPACT: California courts have held that CEQA does not apply to voter-sponsored (petition) initiatives and CEQA Guidelines §15378(b)(3) now provides such initiatives are not “projects” subject to environmental review.

ORDINANCE NO. 2015-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY ADDING
A NEW SECTION 17.72.080 TO CHAPTER 17.72 OF THE ZONING
REGULATIONS IN TITLE 17 OF THE NEVADA CITY MUNICIPAL CODE
ALLOWING HOSTED SHORT-TERM RENTALS IN NEVADA CITY
RESIDENTIAL ZONES**

WHEREAS, an Initiative petition to enact zoning ordinance and general plan amendments to allow hosted short term rentals was duly circulated and certified by the county elections official as containing the verified signatures of an adequate number of voters; and

WHEREAS, at its regular meeting on November 18, 2015, when presented with the certification, the City Council decided adopt the Initiative, a copy of which is attached hereto and incorporated by such reference, without change pursuant to California Elections Code §9215; and

WHEREAS, at said regular meeting, the content of the zoning regulation amendment was introduced and the City Council adopted Resolution No. 2015-51 adopting the Initiative measure without change to the ordinance amendment promoted therein and directed preparation of implementing ordinances:

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

SECTION I:

As provided in Section 2 of the approved Initiative, there is hereby added to the Nevada County Municipal Code, a new Section 17.72.080 of Chapter 17.72 which is to read as set forth in Exhibit "A", attached hereto and incorporated by such reference.

SECTION II:

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of the passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this 9th day of December, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jenifer Ray, Mayor

ATTEST:

Niel Locke, City Clerk

“Section 17.72.080 Hosted short-term rentals.

A. Definitions. The following terms shall have the following definitions in this section.

1. “Manager” shall mean the Owner or an agent of the Owner responsible for managing the Hosted short-term rental of a Unit(s) under this section.
2. “Property” shall mean a single-family residential.
3. “Owner” shall mean the record owner of the Property.
4. “Hosted short-term rental” shall mean the rental of all or a portion of a Unit for less than thirty (30) days.
5. “Unit” shall mean a room or dwelling unit on a Property used for sleeping or living quarters, including a guest house located on the Property.

B. Hosted short-term rentals. Notwithstanding anything to the contrary in this code, including Sections 17.72.038 and 17.72.120, the Hosted short-term rental of Units within a Property by the Owner is permitted within all residential zones and uses subject to the following terms and conditions:

1. The Owner shall register the Property annually with the City prior to offering any Unit for Hosted short-term rental. The Owner and Manager shall affirm in such registration that he, she or it shall comply with all requirements of this Section. The City may adopt and modify procedures for the registration of Properties consistent with the requirements of this Section. However, the issuance of a registration shall be processed ministerially upon the filing of a full and complete application by the Owner.
2. No more than two (2) Units within a Property may be rented or offered for rent at the same time.
3. The Owner or Manager shall reside at the Property or in Nevada County to ensure adequate and timely response to any police, code enforcement or other City action related to the Property. The Owner or Manager shall provide emergency contact information to the City with its annual registration.
4. Units shall comply with all applicable building and similar codes, including providing all required sanitation facilities.
5. No more than one (1) vehicle per Unit shall be allowed during each Hosted short-term rental.
6. The Owner or Manager shall comply with the requirements of Chapter 3.24 of this Code, including paying all applicable transient occupancy tax.
7. This Section does not and is not intended to permit an Owner to

use his or her Property solely for Hosted short-term rentals.

8. The Owner and Manager shall comply with all applicable provisions of this Code and other applicable law. This Section does not authorize any activity otherwise prohibited by applicable law. Without limiting the foregoing, commercial meetings such as luncheons, parties, weddings, charitable fundraising, or other gathering for direct or indirect compensation are not allowed. In addition to any other applicable remedies, any violation of this section shall constitute a public nuisance.

9. Owner or Manager, prior to the initial hosted short-term rental, will distribute a courtesy neighborhood notice of their intent to provide hosted short-term rental(s) and how short-term renters will be accessing the residence.

10. Conduct Guidelines set forth by the City of Nevada City shall be presented to hosted short-term renters prior to or upon their occupancy of the unit.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Review of Commercial Street Boardwalk

RECOMMENDATION: Discuss and provide direction on whether additional review is desired and what information to include in report.

CONTACT: Amy Wolfson, City Planner

BACKGROUND/DISCUSSION: At the City Council's August 12, 2015 meeting, Council Member Duane Strawser and Vice Mayor Evans Phelps requested a discussion about the Commercial Street Boardwalk be placed on a future City Council agenda.

Staff has compiled the attached Boardwalk Timeline (2011-2015) summarizing the history of the Boardwalk. As noted in the timeline, the Boardwalk began as a pilot project to allow for review and determine any environmental impacts. In October 2012, the City Council voted to move forward with formal environmental review. A formal Negative Declaration was approved February 4, 2014.

A previous City Council request to circulate a boardwalk survey to businesses and property owners in fall 2014 was not initiated. Staff is seeking direction on when to review and what information to include in a future report if it is desired by the City Council.

ENVIRONMENTAL CONSIDERATIONS: The City Council approved a Negative Declaration on February 5, 2014 finding the project was exempt from the California Environmental Quality Act (CEQA).

FINANCIAL CONSIDERATIONS: Not applicable.

ATTACHMENTS:

- ✓ Boardwalk Timeline (2011-2015)

BOARDWALK TIMELINE

2011 - 2015

March, 2011, the Planning Commission reviewed the pilot project and architecture of the Boardwalk and adopted a Notice of Exemption pursuant to CEQA, to allow for a six-month review period to determine any significant environmental impacts. The boardwalk was installed in August of 2011, to be reviewed over a six month period (September 2011 to March of 2012).

March of 2012, Council approved the extension of the first 6-month review period be extended for another six months (April to September 2012) to allow the boardwalk use to undergo a full year of use, events and weather.

October 2012, the City Council voted to allow the boardwalk to continue for another year and to move forward with the environmental review of the project. This environmental review is the result of the monitoring of the Boardwalk by City staff since October, 2012.

Fall of 2013 staff completed the environmental review and has completed a draft Negative Declaration for the Boardwalk project. CEQA requires a 30-day notice for interested agencies to review the document and respond with any comments.

Advisory Review Committee met on January 7, 2013 to review the environmental document and made a recommendation of adoption to the Planning Commission.

Planning Commission held a public hearing on January 16, 2014 to consider the environmental document and obtain public comments. A copy of the draft meeting minutes are attached which include written comments submitted at the meeting.

The Commission directed staff to obtain confirmation from the Fire Chief that the boardwalk was installed compliant with any fire codes. The Fire Chief provided his written confirmation stating the boardwalk complies with Fire Codes.

After hearing from the public, the Planning Commission voted unanimously (5-0) to recommend to the Council adoption of the negative declaration prepared for the Boardwalk project.

February 5, 2014 – City Council Meeting

The Council reviewed the environmental document and the project.

- 1. Environmental document: Action:** Motion by Bergman, seconded by Strawser to approve Negative Declaration A-G as presented. **(Approved 4 – 0, Absent Ray)**

- 2. Boardwalk Project: Action:** Motion by Bergman, seconded by Harris for the boardwalk to continue for a one year period and to direct staff to circulate a boardwalk survey study to businesses and property owners in the Fall to bring back to Council along with the City Manager and Police Chief to report to Council.
(Approved 3 – 1 – 0, Harris, Strawser, Bergman - Noes Andersen – Absent Ray)

Each review by the Commission or Council included surveys conducted by the public and/or the Sustainability Team (Reinette Senum, contact). Each meeting was well attended and meeting minutes are available.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Transaction and Use Tax Options and Election Timing

RECOMMENDATION: Provide direction to the City Manager.

CONTACT: Mark Prestwich, City Manager

BACKGROUND: On January 22, 2015, the City Council unanimously adopted a long-term funding strategy to place a transactions and use tax (sales tax) measure on the June 7, 2016 ballot. This decision was made after the City received notice from the Nevada County Consolidated Fire District that they were ending an 11-year co-staffing relationship. Consolidated Fire District's subsequent removal of three firefighters from Nevada City's Fire Station 54 on Providence Mine Road on April 19, 2015 added a new annual operational cost of \$275,000 to the City's General Fund.

DISCUSSION: On October 28, 2015, the City Council provided direction to Staff to prepare an Ordinance, subject to voter approval, extending the existing 3/8 cent Transactions and Use Tax for general purposes. The annual projected revenue of \$432,000 would provide the City the availability to continue addressing its citywide operational, capital and maintenance needs, and prevent a deterioration in service levels. The proposed ordinance requires a 4/5 vote in order to be placed on the ballot and majority voter support. A copy of the draft Ordinance is attached to this report.

Since this direction, City staff has received some citizen feedback that the City should alternatively consider a Special Tax and that such a tax should also include resources for the Police Department. A 3/8 cent Transaction and Use Special Tax for fire and police would provide the needed sustainable funding for three replacement firefighters as well as a new dedicated 40-hour per week walking "foot-beat" Police Officer in the downtown. It is recommended any special tax measure also include strict rules prohibiting supplanting of revenues so voters could be assured new funds would not be used to replace existing revenue sources or existing staffing.

While the City's sales tax rate would increase temporarily by 3/8 cent for less than two years (from 8.5% to 8.875%), the rate would be reduced by a corresponding 3/8 cent when the City's temporary Measure L tax expired March 31, 2018. Special tax measures require 2/3 voter approval and a 4/5 City Council vote to be placed on an election ballot.

Election Timing

There are several issues to consider regarding a June vs. November 2016 election date:

- Both the June and November elections will likely include large voter turnout. For example, the June 2016 election is the City's Municipal Election involving three

City Council seats, a Presidential Primary involving no incumbent President, and will include a Business License Tax Simplification Measure and a possible short-term rental initiative. The November election is a Presidential Election which historically draws large voter turnout.

- Passage of a Special Tax measure in June (vs. November) provides the resources to restore an administrative position in City Hall earlier that has been vacant since the Consolidated Fire District removed their three firefighters (the vacant position is paying for one of the three limited-term firefighter positions currently). The vacancy has resulted in significant workload impacts on the Administrative/Finance Department which provides human resources, risk management, finance and customer service functions with only three staff currently.
- The City was fortunate to hire three limited-term firefighters through June 2016 that tested at the top of their class. Council action will be necessary to extend the limited-term positions to November 2016 at a cost of approximately \$65,000 if that is the preferred election date.

Should the City Council opt for a special tax measure, staff recommends bringing forward the first reading of the ordinance, regardless of preferred election date, on January 13, 2016.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FINANCIAL CONSIDERATIONS: California state law authorizes cities to seek voter approval of transaction and use taxes in multiples of 0.125 percent so long as the combined transaction and use taxes do not exceed two percent. Special tax revenues must be used for purposes specified in an ordinance. General Purpose sales tax revenues may be used for any General Fund purpose including Fire, Police, Parks and general maintenance requirements. An extension of the City's existing 3/8 cent General Purpose sales tax would provide approximately \$432,000 annually. It is estimated that non-City residents generate more than 60% of Nevada City sales tax revenues.

ATTACHMENT:

- ✓ Draft Ordinance Modifying Chapter 3.52 of the Nevada City Municipal Code

ORDINANCE NO. 2015-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY EXTENDING THE 3/8 OF 1% TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES TO CONTINUE TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

WHEREAS, pursuant to California Revenue and Taxation Code Sections 7285.9, the City of Nevada City (the "City") has the authority to levy a Transactions and Use Tax for general purposes;

WHEREAS, a majority of the voters of the City approved a three-eighths cent per one dollar (0.375%) Transactions and Use Tax at an election held on November 6, 2012;

WHEREAS, the City's Transactions and Use Tax Ordinance is found in Chapter 3.52 of Title 3 of the City's Municipal Code;

WHEREAS, Section 3.52.160 of Chapter 3.52 sets forth a "Termination Date" of five (5) years after its operative date, at which time Chapter 3.52 will be repealed unless an amendment is approved by the voters of the City at an election called for that purpose; and

WHEREAS, an amendment of the City's Transactions and Use Tax will be submitted to the voters to delete the sunset provision of Section 3.52.160 and thus extend the "Termination Date" of Chapter 3.52 indefinitely.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 3.52.160 of Chapter 3.52 of Title 3 of the City's Municipal Code providing that the tax shall expire five (5) years after its operative date is hereby repealed.

Section 2. Approval by the Voters. This Ordinance shall be submitted to the voters at the general municipal election to be held on June 7, 2016. Upon approval by a majority of the voters of the City voting on this Ordinance, the Transactions and Use Tax set forth in Chapter 3.26 of the City's Municipal Code shall be re-authorized and extended indefinitely.

PASSED AND ADOPTED at a regularly scheduled meeting by the City Council of the City of Nevada City this _____ day of _____, 2015, by a two-thirds vote of the City Council, by the following vote:

AYES:

NOES:

ABSTAIN/ABSENT:

Jennifer Ray, Mayor

Attest: _____
Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Presentation of Petition Signature Verification Certificate on Initiative Measure to Enact Zoning Ordinance and General Plan Amendments to Permit and Restrict Home-Sharing Short-Term Rentals of Rooms in Single-Family Residences or Guest Houses by Owner Occupying Main Dwelling and Council Action Thereon

RECOMMENDATION: Review Committee to Support Measure to Protect Neighborhoods from Vacation Rental Impacts Initiative measure and take action to adopt without change, submit to voters at next election, or order a report.

CONTACT: Hal DeGraw, Consulting City Attorney

BACKGROUND / DISCUSSION: On October 9, 2015, proponents Gary Johnson, Howard Hamer and Sharon Tobiassen on behalf of a group known as the Committee to Support Measure to Protect Neighborhoods from Vacation Rental Impacts submitted their notice of intent to circulate a voter initiative petition to allow home sharing short-term rentals in Nevada City residential zones. As provided by State law, as City Attorney I prepared a ballot Title and Summary and, after publishing the Notice of Intent to Circulate Petition, proponents circulated the Initiative petitions for signatures that were forwarded to the county elections official for verification. On November 24th the City received a Signature Verification Certificate dated November 23rd indicating that of the 306 signatures filed by proponents, 264 were found sufficient. This was more than the required number of 211 (10% of 2,107 registered voters within Nevada City as of the last report of registration from the county elections office). [Note: This is the second Initiative petition on hosted/home sharing short-term rentals, the first one having been adopted without change on November 18, 2015.]

REQUIRED COUNCIL ACTION: Pursuant to California Elections Code §§9214(a), (b), and 1405(a), when presented with a certification of an adequate number of sufficient signatures on an initiative petition, the Council must take one of three actions:

1. Adopt the initiative measure without change, or
2. Submit the initiative measure to the voters at the next election, or
3. Order a report to be completed within 30 days followed by either adoption or submission of the initiative measure to the voters.

These are the same options the Council had with regard to the first initiative. I have prepared and attached similar draft resolutions that the Council can adopt to take either of the first two actions regarding this Initiative. Should the Council select the report option, it could approve a motion to that effect, indicating in the motion the aspects or

effects of the initiative measure on which it desires more information. If the Council chooses to adopt this initiative measure, it would supersede adoption of the prior measure. If the Council chooses to put the measure on the ballot, it would supersede adoption of the prior measure only if it passes at election.

FISCAL IMPACT: Nominal. The next election on June 7, 2016 is the specified date for the general municipal election that will contain City measures for voter approval.

ATTACHMENTS:

- Resolution adopting Initiative measure
- Resolution submitting Initiative measure to voters
- Ballot Title and Summary prepared by City Attorney
- Notice of Intent to Circulate Petition
- Text of Initiative Measure
- Signature Verification Certificate

ENVIRONMENTAL IMPACT: California courts have held that CEQA does not apply to voter-sponsored (petition) initiatives and CEQA Guidelines §15378(b)(3) now provides such initiatives are not “projects” subject to environmental review.

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY OF NEVADA CITY ADOPTING AN INITIATIVE MEASURE TO ENACT ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS TO PERMIT AND RESTRICT HOME-SHARING SHORT-TERM RENTALS OF ROOMS IN SINGLE-FAMILY RESIDENCES OR GUEST HOUSES BY OWNER OCCUPYING MAIN DWELLING TO VOTERS AT THE GENERAL MUNICIPAL ELECTION ON JUNE 7, 2016

WHEREAS, an Initiative petition to enact zoning ordinance and general plan amendments to permit and restrict home-sharing short-term rentals in Nevada City residential zones has been certified by the county elections official as containing verified signatures of more than ten percent (10%) of the voters of the City according to the last report of registration by the county elections official to the Secretary of State pursuant to Elections Code Section 2187; and

WHEREAS, under Elections Code Section 9215(a) the Council is authorized to adopt the initiative measure as an ordinance, without alteration, at the regular meeting at which the certification is presented to the Council; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to adopt this Initiative measure without change as an alternative to and superseding the rival Initiative adopted on November 18, 2015, rather than ordering a special election to submit the matter to the vote of the people:

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Nevada City as follows:

1. That the Initiative measure attached hereto as Exhibit "A", incorporated herein by such reference, is hereby adopted.
2. That the reading of the entire ordinance is hereby waived and shall be adopted by title only, namely: " Initiative Measure to Enact Zoning Ordinance and General Plan Amendments to Permit and Restrict Home-Sharing Short-Term Rentals of Rooms in Single-Family Residences or Guest Houses by Owner Occupying main Dwelling."
3. That implementing ordinances, resolutions, guidelines, rules, and regulations be prepared and submitted to the Council for approval as necessary to further the purposes of the Initiative.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council held on this 9th day of December, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Ray, Mayor

ATTEST:

Niel Locke, City Clerk

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY OF NEVADA CITY SUBMITTING AN INITIATIVE MEASURE TO ENACT ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS TO PERMIT AND RESTRICT HOME-SHARING SHORT-TERM RENTALS OF ROOMS IN SINGLE-FAMILY RESIDENCES OR GUEST HOUSES BY OWNER OCCUPYING MAIN DWELLING AND COUNCIL ACTION THEREON TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION ON JUNE 7, 2016

WHEREAS, an Initiative petition to enact zoning ordinance and general plan amendments to permit and restrict home-sharing short-term rentals of rooms in single-family residences or guest houses by owner occupying main dwelling has been certified by the county elections official as containing verified signatures of more than ten percent (10%) of the voters of the City according to the last report of registration by the county elections official to the Secretary of State pursuant to Elections Code Section 2187; and

WHEREAS, the signed Initiative petitions contain a request that the initiative measure be submitted to a vote of the people; and

WHEREAS, under Elections Code Sections 9215(a), (b), and 1405(a), in circumstances where the above-stated facts exist, the Council must either adopt the Initiative measure at the meeting where the regular meeting at which the certification is presented to the Council or order that the Initiative measure be submitted to the voters at the next election; and

WHEREAS, the Council has determined it is in the best interest of the City and its citizens to submit the Initiative measure to the City's voters to determine whether the Initiative measure should or should not be adopted:

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Nevada City the Initiative measure titled "Initiative Measure to Enact Zoning Ordinance and General Plan Amendments to Permit and Restrict Home-Sharing Short-Term Rentals of Rooms in Single-Family Residences or Guest Houses by Owner Occupying Main Dwelling", attached hereto as Exhibit "A" and incorporated herein by such reference, shall be submitted to the voters at the general municipal election on June 7, 2016 and staff shall prepare and submit for approval such resolutions and orders as are necessary to implement this Resolution.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council held on this 9th day of December, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Ray, Mayor

ATTEST:

TITLE: INITIATIVE MEASURE TO ENACT ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS TO PERMIT AND RESTRICT HOME SHARING SHORT-TERM RENTALS OF ROOMS IN SINGLE-FAMILY RESIDENCES OR GUEST HOUSES BY OWNER OCCUPYING MAIN DWELLING

SUMMARY: Since 1994, when voters approved initiative Measure F repealing City zoning regulations that allowed short-term rental facilities and amending General Plan provisions to prohibit the use of housing units for recreational rentals, there have been no provisions allowing new on-line type rentals like Airbnbs and VRBOs in Nevada City. This is the second initiative measure proposing legislation to amend Nevada City Municipal Code zoning regulations and Nevada City General Plan provisions to define, permit, and regulate such uses. This initiative would permit short-term rentals not to exceed 30 days of up to two sleeping rooms (that may include bathrooms) in a single-family dwelling or guest house, designated “home sharing short-term rentals”, as principal permitted uses in all single-family residential zones in the City and in other zones where single-family dwellings and their associated guest houses are located through a ministerial permit and annual registration process, subject to certain stated restrictions. As contrasted with the other hosted short-term rental initiative, this initiative would prohibit short-term rental of an entire residence or second unit; limit occupancy to no more than two persons per room; and require at least one owner to reside on the property in the main part of the dwelling throughout the rental, also precluding use of the property solely for hosted short-term rentals. Both initiatives would require units to be rented to comply with all building and similar codes, including sanitation requirements; limit vehicles to one per sleeping room rented; and disallow commercial meetings or special events or gatherings for direct or indirect compensation. The City would receive transient occupancy tax, currently assessed at 10% of the rent charged. This initiative requires a review and enforcement fee to be developed by the City; authorizes adoption and modification of procedures for registration of rental properties; and provides for conduct guidelines and revocation of permits for failure to comply with adopted standards. This initiative contains more extensive General Plan amendments to the Housing element, including definitions related to the proposed home sharing short-term rentals and language allowing such rentals, distinguishing them from entire house or whole house short-term rentals, recreational and vacation rentals, and bed & breakfast inns.

would gain the right to turn entire houses into rental businesses, but their neighbors would lose the right to quiet enjoyment of their homes which is the main reason many of us moved to Nevada City. The right to enjoy our residential neighborhoods should not be sacrificed for commercial endeavors.

/s/ Sharon Tobiassen Former Nevada City Council Member	/s/ Gary Johnson Drummond Street resident	/s/ Howard Hamer Concerned neighbor
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TITLE: INITIATIVE MEASURE TO ENACT ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS TO PERMIT AND RESTRICT HOME SHARING SHORT-TERM RENTALS OF ROOMS IN SINGLE-FAMILY RESIDENCES OR GUEST HOUSES BY OWNER OCCUPYING MAIN DWELLING

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Howard Hamer
439 Washington St
Nevada City CA 95959

AFFIDAVIT FOR POSTING

Let it be known that the following **Notice of Intent to Circulate Petition** was posted in the following four (4) locations in the City of Nevada City on October 28, 2015:

- Nevada City Courthouse, 201 Church St., Nevada City, CA 95959
- Eric Rood Administrative Center, 959 Maidu Ave., Nevada City, CA 95959
- Nevada City City Hall, 317 Broad St., Nevada City, CA 95959
- South Yuba Club, 555 Searls Ave., Nevada City, CA 95959

The **Notice** reads as follows:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Nevada City to enact an ordinance for the purpose of allowing and regulating home sharing short-term rentals of up to two bedrooms within single family zones and in single family residences in other zones and in their associated guest houses when the owner is in residence. This measure would also continue to prohibit short-term rentals of entire single family homes in residential zones as is currently required by the Nevada City General Plan.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

LIMITING SHORT-TERM VACATION RENTALS IS STILL A GOOD IDEA

In 1994 Nevada City voters prohibited short-term rental lodging in residences because this conserves housing for long-term owners and long-term renters in our neighborhoods. Nevada City continues to be a real community, and a great place to live and visit. We are not just a tourist town.

A NEW PROPOSAL SPONSORED BY SHORT-TERM RENTAL OWNERS GOES TOO FAR- IT WILL HARM OUR NEIGHBORHOODS

Recently, a ballot initiative has been proposed by a group called "Nevada City Hosts" which includes operators of some of these vacation rentals. Their proposal would commercialize our residential neighborhoods. It would:

- Allow partial and entire house short-term rentals with no owner or manager in residence as a host
- Allow on street neighborhood parking by the paying lodgers
- Not provide adequate regulation or enforcement

WE WILL LOSE HOMES FOR RESIDENTS: FAMILIES, OWNERS, RENTERS IF THE OTHER INITIATIVE IS PASSED

The other initiative allows short-term rentals of entire houses. Rents and home prices in Nevada City are already being driven up by investors willing to pay over the appraised value for houses to use as commercial lodging ventures. If the "Nevada City Hosts" initiative passes, long-term residents will suffer the loss of housing.

ENFORCEMENT OF REGULATIONS IS IMPORTANT

Our measure includes effective regulations on parking, owner occupancy and special events and allows a fee to fund enforcement and a system to ensure that neighborhood complaints will be followed up on.

SUMMARY- THIS INITIATIVE PROPOSES A FAIR COMPROMISE ALTERNATIVE

We think it is fine to allow our neighbors to share their homes by renting bedrooms to short-term lodgers. However, short-term rentals of whole houses are prohibited in our measure and by the Nevada City General Plan due to their impact on housing supply. In addition, under the other initiative, the owners

To the City Clerk of the City of Nevada City:

We, the undersigned and qualified voters of the City of Nevada City, hereby propose an initiative measure to amend the City of Nevada City General Plan and the City of Nevada City Municipal Code to permit and regulate home sharing short-term rentals within single family zones and in single family dwellings in other zones and in their associated guest houses when the owner is in residence. This measure would also continue to prohibit short-term rentals of entire single family dwellings in residential zones as is currently required by the Nevada City General Plan. We petition you to submit this measure to the City Council of the City of Nevada City for submission of the measure to the voters of the City of Nevada City at the earliest general or special election for which it qualifies.

The measure provides as follows:

Initiative to Protect Neighborhoods from Vacation Rental Impacts

The people of the City of Nevada City do hereby ordain as follows:

Section 1. Purpose and Findings

A. Purpose and Effect. Short-term transient rental lodging was prohibited in Nevada City's residential neighborhoods by the voters in 1994 in Measure F. The intent of that voter initiative was to preserve Nevada City's residential neighborhoods from commercialization and intrusive activities, to preserve a healthy balance of tourism and residential areas, and to maintain rental and for sale housing stock for long-term renters and homeowners.

In the past few years, new on line rental agencies such as AirBnB and VRBO have been formed which make it easier for homeowners to offer rooms and entire homes for short-term lodging even though it is not permitted.

The new on line rental agencies have facilitated two new trends: 1) Homeowners renting out bedrooms or guest houses to visitors, and two (2) entire house vacation rentals.

1. It is unclear if the new type of room rentals were envisioned or meant to be prohibited by the voters in 1994. The effect of this Initiative will be to clarify definitions and regulations to permit this type of short-term rental.
2. It is, however, very clear that entire house short-term rentals were and are prohibited by Measure F. And it is the entire house recreation rentals that are already having the most impacts- vacant houses for much of the week, loss of resident neighbors, and less housing available to residents – both renters and homeowners. In the past two years, these entire house short-term rentals have dramatically increased. In 2014 and 2015 roughly 20 entire house short-term rentals have been offered for rent in Nevada City limits. Approximately 40% of Nevada City's housing units are rentals and the families in these homes are vulnerable to this trend. This Initiative would have the effect of stopping the loss of more homes to entire house vacation rentals by continuing their prohibition.

It has been difficult for the City to enforce the prohibition of entire house vacation rentals even after many neighbor complaints. This Initiative would require an enforcement program and a fee to fund it.

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B. Findings. Other cities have been overwhelmed by short-term transient rental lodging particularly in entire homes, experiencing a drastic loss in available housing especially long-term rentals, a change in neighborhood character, and a loss of residents and families. Cities like Santa Barbara, Ojai, Santa Monica, Huntington Beach, and Coronado have seen the need to prohibit whole house short-term vacation rentals.

Other communities closer to us like Tahoe City and Mendocino have experienced heavy loss of long-term residents due to a proliferation of entire house vacation rentals, creating a ghost town effect during certain seasons and during the week. This Initiative will avoid this type of impact.

The existing prohibition on transient rental of entire single family homes has for many years helped Nevada City hold onto a vibrant, balanced community with a high quality of life in our neighborhoods.

Another initiative has been proposed by short-term rental business owners which does not provide adequate regulations or enforcement to protect neighbors from parking impacts or special events held by the lodgers, does not require a homeowner to live in the home during short-term room rentals, and it allows entire house vacation rentals. This Initiative addresses these concerns.

Section 2. Amendment of City of Nevada City Municipal Code

Section 17.72.080 is hereby added to the City of Nevada City Municipal Code to read in full as follows:

A. Definitions. The following terms shall have the following definitions in this section.

1. "Owner" shall mean the record owner of the Property.
2. "Manager" shall mean the Owner of a Unit(s) under this section.
3. "Single family dwelling" is as defined in Nevada City Zoning Ordinance Section 17.12.110.
4. "Housing unit" means a Single family dwelling, or a dwelling unit within a "Multiple unit" as defined in Nevada City Zoning Ordinance Section 17.12.100.
5. "Unit(s)" means bedroom(s) in a Single family dwelling or a Guest house with no more than 2 bedrooms.
6. "Property" shall mean a parcel of land which includes a "Unit(s)" to be used as a "Short-term rental" or "Home sharing short-term rental".
7. "Guest houses" means living quarters within a detached building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters may have a bath and toilet facilities, but no kitchen facilities and not be rented or otherwise used as a separate dwelling. Guest houses must be less than three hundred (300)

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square feet in area. All other detached buildings with toilet facilities on a lot with an approved guest house are considered second units and must meet the requirements of the ordinance codified in this section. (*Nevada City Zoning Ordinance Section 17.72.038.*)

8. "Owner shall reside" shall mean the Owner living and present in the main Single family dwelling on the Property during Short-term rental periods.
9. "Sleeping room" means "Bedroom" and consists of a room to sleep in and may include a bathroom.
10. "Home sharing short-term rental" or "Short-term rental" shall mean the rental of up to two (2) Sleeping rooms total in a Single family dwelling unit or its legal Guest house or within a combination of these structures on one Property for less than thirty (30) days while at least one Owner shall reside in the main Single family dwelling on the Property throughout the stay.
11. "Entire house short-term rental", "Whole house short-term rental", "Vacation rental" or "Recreational rental" shall each mean rental of an entire single family dwelling to any person for tourist, transient, visitor use or the like of less than thirty (30) days.
12. "Bed and Breakfast Inn" means existing Single family dwellings with 1-6 guest rooms rented out short-term, possessing a valid use permit issued prior to the date of enactment of this Ordinance.

B. Permitted. Home sharing short-term rentals. Notwithstanding anything to the contrary in this code, Home sharing short-term rentals are permitted in all single family residential zones and in Single family dwellings in other zones and in their associated Guest houses only, subject to the provisions in this Ordinance.

C. Not Permitted. Entire House Short-Term Rentals, Whole House Short-Term Rentals, Vacation Rentals, Recreational Rentals. Entire house short-term rentals, Whole house short-term rentals, Vacation rentals and Recreational rentals, which are interchangeable terms, are not permitted in any residential zone as is required in the Nevada City General Plan. Short-term rental of a portion of a home other than a Bedroom and associated bathroom or a Guest house is not permitted. If a Bedroom is offered for Short-term rental a Home sharing short-term rental permit is required.

D. Regulations of Home Sharing Short-Term Rentals. Home sharing short-term rental of Sleeping rooms and Guest houses are subject to the following terms and conditions:

1. **Permit and Registration Required.** A Home sharing short-term rental permit shall be required prior to offering rooms for Home sharing. The original issuance of a Home sharing short-term rental permit shall be processed ministerially upon the filing of a full and complete application by the Owner. Thereafter, the Owner shall register the Property annually with the City and receive City ministerial review of compliance with

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all relevant regulations prior to continue to offer any sleeping room or Guest house for a Home sharing short-term rental. The Owner shall affirm in such permit and annual registration that he, she or it shall comply with all requirements of this Section. The City may adopt and modify procedures for the registration of Properties consistent with the requirements of this Section. The permit shall run with the Owner and shall automatically expire upon sale or transfer of the property.

2. **Review and Enforcement Fee Required.** A one-time fee shall be required to process the initial application and an annual review and compliance fee shall also be required. The City shall be responsible for developing the fee to ensure that it will provide full funding of cost of City application processing, monitoring, compliance review and enforcement of this Ordinance.
3. **Where Permitted.** Home sharing short-term rentals are permitted in all single family residential zones and in Single family dwellings and in their associated Guest houses in all other zones.
4. **Number of Units.** No more than two (2) Sleeping rooms in a Single family dwelling or its Guest house with no more than two (2) Sleeping rooms or a combination of two (2) Sleeping rooms between both of these structures may be rented or offered as a Home sharing short-term rental at the same time.
5. **Occupancy.** No more than two (2) persons per short-term rental Sleeping room will be allowed.
6. **Second units.** Second units may not be rented for Home sharing short-term rentals in order to conserve affordable long-term housing for Nevada City residents.
7. **New structures.** New structures may not be constructed for Home sharing short-term rental purposes.
8. **Owner in Residence.** An Owner shall reside in the main residence on the Property during Short-term rental stays and shall have full use of the home other than the rented Bedrooms and associated bathrooms or Guest house during these stays. It is the intent of this Ordinance that an Owner may not reside in a small portion of a house and rent the remainder of the house out Short-term. It is the intent that Home sharing short-term rentals constitute a use secondary to the main use of the home by the Owner.
9. **Code Compliance.** Units shall comply with all applicable building and similar codes, including providing all required sanitation facilities.
10. **Parking.** No more than one (1) vehicle per Home sharing short-term rental sleeping room shall be allowed. Parking shall be provided on site in a location and design consistent with Nevada City Design Guidelines or off site in a location that will ensure no net loss of on street parking in the City. On-site parking spaces should not eliminate full time Property resident parking.
11. **Length of stay.** Home sharing short-term rental maximum stays shall consist of less

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than thirty (30) days per renter per Property.

12. **Noise.** Chapter 8.20 of the Municipal Code shall apply to Home sharing short-term rentals and shall be enforced.
13. **Taxes and Licenses.** The Owner shall comply with the requirements of Chapter 3.24 of this Code, including paying all applicable transient occupancy tax and obtaining a Nevada City Business License.
14. **Other Code Provisions and Special Events.** The Owner shall comply with all applicable provisions of this Code and other applicable law. This Section does not authorize any activity otherwise prohibited by applicable law. Without limiting the foregoing, commercial meetings or special events such as luncheons, parties, weddings, charitable fundraising, or other gathering for direct or indirect compensation hosted by Home sharing short-term renters and individuals who are not Short-term renters are not allowed. In addition, these same types of meetings or special events, including for no direct or indirect compensation, hosted personally by Home sharing short-term renters are also not allowed. In addition to any other applicable remedies, any violation of this section shall constitute a public nuisance addressed in Municipal Code Chapter 8.04.

E. Enforcement of Regulations

1. The Home sharing short-term rental permit may be revoked for failure to comply with the adopted standards, subject to the City's administrative procedures and due process.
2. Complaints on violation of this ordinance will be directed to the City Planner for an investigation of whether or not the regulations have been violated. If regulations have been violated, a Notice of Violation shall be issued, a hearing shall be held, and a penalty may be imposed in accordance with Municipal Code Chapter 17.124 or the permit may be revoked. If the permit is revoked, an Owner may reapply for a Home sharing short-term rental permit after one (1) year has elapsed.
3. The Owner, prior to the initial Home sharing short-term rental, will distribute to all properties within 300 feet of the Home sharing short-term rental Property a courtesy neighborhood notice of their intent to provide Home sharing short-term rental(s), a copy of this Ordinance and a copy of the application including a statement of how short-term renters will be accessing the Property and where they are required to park.
4. Conduct Guidelines set forth by the City of Nevada City including those in this Ordinance shall also be presented to Home sharing short-term renters prior to or upon their occupancy of the unit.
5. All advertising for permitted Home sharing short-term rentals shall include the occupancy limits, parking standards, and meeting/special event restrictions in this Ordinance.

Section 3. Amendment of City of Nevada City General Plan

The following definitions shall be added to the Nevada City General Plan Housing Element.

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(Where **underlined and bolded**, as exemplified here, an addition to the General Plan is noted.)

1. **“Single family dwelling” is as defined in Nevada City Zoning Ordinance Section 17.12.110.**
2. **“Housing unit” means a Single family dwelling or a dwelling unit within a “Multiple unit” as defined in Nevada City Zoning Ordinance Section 17.12.100.**
3. **“Unit(s)” means bedroom(s) in a Single family dwelling or a Guest house with no more than two (2) Sleeping rooms.**
4. **“Property” shall mean a parcel of land which includes a “Unit(s)” to be used as a “Short-term rental” or “Home sharing short-term rental”.**
5. **“Guest houses” means living quarters within a detached building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters may have a bath and toilet facilities, but no kitchen facilities and not be rented or otherwise used as a separate dwelling. Guest houses must be less than three hundred (300) square feet in area. All other detached buildings with toilet facilities on a lot with an approved guest house are considered second units and must meet the requirements of the ordinance codified in this section. (Nevada City Zoning Ordinance Section 17.72.038.)**
6. **“Owner shall reside” shall mean the Owner living and present in the main Single family dwelling on the Property during Short-term rental periods.**
7. **“Home sharing short-term rental” or “Short-term rental” shall mean the rental of up to two (2) Sleeping rooms total in a Single family dwelling unit or its legal Guest house or within a combination of these structures on one Property for less than thirty (30) days while at least one Owner resides in the main Single family dwelling on the Property throughout the stay.**
8. **“Entire house short-term rental”, “Whole house short-term rental”, “Vacation rental” or “Recreational rental” shall each mean rental of an entire Single family dwelling to any person for tourist, transient, visitor use or the like of less than thirty (30) days.**
9. **“Bed and Breakfast Inn” means existing Single family dwellings with 1-6 guest rooms rented out short-term, possessing a valid use permit issued prior to the date of enactment of this Ordinance.**

Section 4. Amendment of the Nevada City General Plan

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- A. Section 2, Table 2.00-5 of the Housing Element within the City of Nevada City General Plan is amended to replace the third column of Number (42) related to Policy 4-1-1 with the following. (Where **underlined and bolded**, as exemplified here, an addition to the General Plan is noted.)

“There have been numerous conversions of entire houses for use as Recreation rental or Vacation rentals.”

- B. Section 2, Table 2.00-5 of the Housing Element within the City of Nevada City General Plan is amended to replace the fifth column of Number (42) related to Policy 4-1-1 with the following. (Where **underlined and bolded**, as exemplified here, an addition to the General Plan is noted.)

“Retain prohibition of the use of Housing units for Short-term Recreational rentals in accordance with voter initiative regulations but modify to include allowance of Housing units which are single family dwellings or Guest houses for Home sharing short-term rental units.”

Section 5. Amendment of City of Nevada City General Plan

Section 6, Table 6.15 of the Housing Element within the City of Nevada City General Plan is amended to replace the first column of Number (28) related to Policy 4-1-1 with the following. (Where **underlined and bolded**, as exemplified here, an addition to the General Plan is noted.)

“Prohibit the use of Housing units for Short-term Recreational rentals in accordance with voter initiative regulations. Allow Home sharing short-term rental units in Housing units that are Single family dwellings or Guest houses. These differ from Entire House or Whole house short-term rentals, Recreational rentals and Vacation rentals which have been defined in the Housing Element. Measure F required that the Nevada City General Plan “...prohibit the use of housing units for recreation rentals.” Consistent with Measure F, Home sharing short-term rentals differ from Recreational rentals and the like because their use characteristics do not include the visitor use of the entire Single family dwelling. Long-term neighborhood residents generally occupy the majority of the Single family dwelling, renting out only up to two (2) Sleeping rooms, ensuring that housing supply is not lost. Consistent with Measure G, Home sharing short-term rentals also differ in the use characteristics of Bed and Breakfast Inns because they do not include the formality and commercial hotel aspects of Bed and Breakfast Inns which also must have an existing use permit to continue.”

Section 6. Implementation

- A. **Effective Date.** Upon the effective date of this Initiative, (1) the City of Nevada City General Plan is amended as provided in Section 3 of the Initiative, except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment of the City of Nevada City General Plan on January 1 of the next year;

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and (2) the provisions of Section 2 of the Initiative are hereby inserted into the City of Nevada City Municipal Code as an amendment thereof. Upon the effective date of this Initiative, any provisions of the City of Nevada City Municipal Code or of any other City of Nevada City Municipal Code ordinance or resolution that are inconsistent with the General Plan amendments and Municipal Code amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.

- B. Interim Amendments.** The date that the notice of intention to circulate this Initiative was submitted to the elections official of the City of Nevada City is referred to in this Initiative as the "submittal date." The City of Nevada City General Plan in effect on the submittal date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of Nevada City. In order to ensure that nothing in this Initiative measure would prevent the City of Nevada City General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City of Nevada City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan. Likewise, any amendment to the City of Nevada City Municipal Code that is adopted between the submittal date and the date that the Municipal Code is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the Municipal Code provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the Municipal Code.
- C. Other City Ordinances and Policies.** The City of Nevada City is hereby authorized and directed to amend the City of Nevada City General Plan, all specific plans, the City of Nevada City Municipal Code, including the Zoning Code and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan, all specific plans, and other City ordinances and policies.
- D. Reorganization.** The City of Nevada City General Plan and Municipal Code may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan and Municipal Code, provided that the provisions of this Initiative shall remain in the General Plan and Municipal Code unless earlier repealed or amended by vote of the people of the City of Nevada City. Similarly, no amendment of the General Plan and Municipal Code shall be inconsistent with the provisions of this Initiative unless authorized by a vote of the people of the City of Nevada City.
- E. Implementing Ordinances.** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and regulations, as necessary, to further the purposes of this Initiative.
- F. Enforcement and Defense of Initiative.** The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.

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G. Project Approvals. Upon the effective date of this Initiative, the City of Nevada City shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning or any entitlement that is inconsistent with this Initiative.

Section 7. Effect of Alternative Measure on the Same Ballot

If a measure that addresses Home sharing short-term rentals as defined in Section 2 above or conflicts with any provision of this Initiative is placed on the same ballot as this Initiative and if both measures should pass, then the measures shall be deemed to be complementary to each other to the maximum extent permitted by law. To that end, the provisions of the Initiative shall be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision by provision" basis (*pursuant to Yoshisato v. Superior Court (1992) 2 Cal.4th 978*), in which case the conflicting provisions from the measure which received the greater number of votes shall prevail.

Section 8. Severability and Interpretation

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and City laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve its purpose. Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

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SIGNATURE VERIFICATION CERTIFICATE

I, **Gregory J. Diaz**, County-Clerk Recorder of the **County of Nevada**, State of California, hereby certify:

That **Nevada City Initiative Related to Restricting Short Term Rentals** has been filed with this office **November 16, 2015**.

That said petition consists of **21** sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

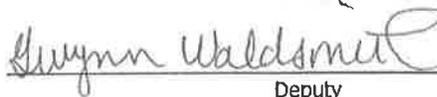
- | | |
|---|-------------------|
| 1. Number of unverified signatures filed by proponent (raw count) | <u>306</u> |
| 2. Number of signatures verified | <u>306</u> |
| 3. Number of signatures found SUFFICIENT | <u>264</u> |
| 4. Number of signatures found INSUFFICIENT | <u>55</u> |
| 5. INSUFFICIENT because of DUPLICATE | <u>1</u> |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

November 23, 2015.

Gregory J. Diaz
County Clerk/Registrar of Voters

By:


Deputy

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

December 9, 2015

TITLE: Placement of Council-Requested Items on City Council Agendas

RECOMMENDATION: Discuss and provide direction to the City Manager.

CONTACT: Mark Prestwich, City Manager

BACKGROUND / DISCUSSION: The City of Nevada City does not have a written policy related to how Council Members request items be placed on City Council agendas. With some exceptions, the City's practice has generally consisted of City Council requests being made during Council meetings. The City's agenda format facilitates this practice by inclusion of a recurring agenda item titled "Council Members Requested Items and Committee Reports" where Council Members may request items be brought forward in the future for discussion. Additionally, the City's annual strategic planning process has provided an opportunity for City Council Members to identify policy issues, projects and goals that routinely result in placement of items on future Council agendas.

On August 26, the City Council discussed expectations regarding how Council Members request agenda topics be submitted to the City Manager for placement on a future City Council agenda. While not unanimous, there was a general preference that City Council Members preferred to have the flexibility to request items be placed on a future City Council agenda via email or telephone between meetings, but that they expected the City Manager to have some discretion on timing. On November 18, Vice Mayor Phelps requested the issue be brought back for discussion with the City Council for further clarification.

The following options were developed for the August 26 City Council discussion and may be helpful in facilitating a discussion that further clarifies an approach that works for Council Members:

- **Option A - Public Session Only.** Council Members may submit items for inclusion on a future agenda by orally making the request under "Council Members Requested Items and Committee Reports" during a public meeting. *(Some cities require two or three Council Members to agree before the item is agreed to be placed on a future agenda and staff time is invested in the issue.)*
- **Option B - Anytime.** Council Members may submit items for inclusion on a specified future agenda at any time. *(Clarity related to expectations regarding supporting agenda materials and whether to provide discretion to the City Manager on how to title the subject matter would be needed. If this option is selected, it is recommended that consideration be given to limiting requests made outside a public meeting to no more than two items per Council Member per meeting.)*

- **Option C - City Manager Discretion.** If the Council Member requested item is submitted less than 21 days prior to a meeting, the City Manager is provided discretion on whether to place the item on the next agenda or advise the Council at the next meeting of the Council Member request. *(Consideration would be given to evaluation of staff workload, anticipated length of planned meeting, ability to adequately prepare item for a productive public deliberation, or whether another approach exists to address/resolve the issue.)*
- **Option D - Mayor Discretion.** Mayor approves individual Council Member agenda requests submitted less than 21 days prior to a meeting.
- **Option E - Mayor and Vice Mayor or Council Committee** approves Council Member agenda requests submitted less than 21 days prior to a meeting.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT: None.

RECEIVED

AUG 19 2015

CITY OF NEVADA CITY

August 19, 2015

Hon. Jennifer Ray and the City Council of Nevada City:

My husband, Aaron Flores, and I owned Pete's Pizza located on Commercial Street in Nevada City. We closed our restaurant a few weeks ago and since that date have been asked by numerous people why we did so. We feel that it is fair to answer that question and to put to rest all the rumors and inaccuracies that have been in the wind.

In July of 2011 we opened Pete's Pizza on Commercial Street in Nevada City. Our plan was to offer the same quality of pizza products that we had offered for 6 years at our original location in Grass Valley. From the day that we opened, our restaurant was a stunning success. We served the local population and tourists, employed young people, provided reasonably priced quality food and felt good about what we were doing.

When the Boardwalk was installed, we supported it. It was and is a beautiful structure and the intentions and intended uses were admirable. Properly managed, the Boardwalk could have been an asset to Commercial Street and to the larger community. Unfortunately, that has not been the case. Soon after the Boardwalk opened it appeared to us that a group of people seemed to claim it for their own. This group of people paid no attention to the non smoking signs, bought and sold illegal drugs in plain view, argued, kept their belongings and animals under and upon the Boardwalk. From time-to-time one or another of the groups that "claimed" the Boardwalk would object to other groups or just residents and tourists from using the Boardwalk and fights would erupt. There were physical altercations and public intoxication abound. This is continuing today.

Our income began to drop in 2013 as the Boardwalk became toxic and as of the date that we were forced to close had dropped to below what was sustainable. In order to be absolutely clear about this, our retail income was fine and we had a good business until the Boardwalk was intolerable and we heard from our patrons "We don't go to Commercial Street anymore. We can't stand walking by the Boardwalk." (I still hear this a few times a week at least.) Once the Boardwalk was installed people began to use our restroom to inject drugs, bathe and dye their hair, vandalized our bathroom, stole from us, smoked near our front door, refused to allow local people and tourists to use the tables in front, harbored vicious dogs, harassed our employees and turned what

was originally a beautiful space into a blighted area. We have closed our business because of the Boardwalk and the ongoing battle to do day-to-day business in a normal, healthy environment.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lorri Flores & Aaron Flores". The signature is stylized and cursive.

Lorri Flores and Aaron Flores

was originally a beautiful space into a blighted area. We have closed our business because of the Boardwalk and the ongoing battle to do day-to-day business in a normal, healthy environment.

Respectfully,



Leri Flores and Aaron Flores

PETER'S PIZZA & TAP HOUSE
PETER'S PIZZA NEVADA CITY
114 W MAIN STREET
GRASS VALLEY, CA 95946
PH# 530.205.6529
email PETERSPIZZA@YAHOO.COM

John Jennifer Ray &
Nevada City Council



Nevada City Chamber of Commerce

NEVADA CITY
*“National Register
of Historic Places”*

Designated September 23, 1985

August 18, 2015

Honorable Mayor Ray & City Council Members:

The Chamber Board of Directors would like to express our support for the Commercial Street Boardwalk as a key part of the vision for a vibrant Commercial Street entertainment/hospitality district. We feel that it is a purely positive feature and that its current status as under review/evaluation is a distraction from the real issue. We urge the Council to grant the Boardwalk permanent acceptance.

Many business people, visitors and local residents agree that the true challenge is the homeless population and that it has been with us for decades. When Nevada City “cleans up” one gathering place, the indigents simply move to another. The result is that we have some very tidy and attractive public spaces and unchanged behavior.

The homeless population is a challenge, it was present before the Boardwalk, and will still be present if the Boardwalk is removed. We’ll have to go back to stepping over drunks on the sidewalk or walking in the street to avoid doing so.

What is needed is to focus our efforts on the anti-social behavior, rather than on the locations where it takes place. It is the vagrancy, drug-dealing, smoking, public intoxication and belligerence that require our attention, perhaps through a higher priority on enforcement, possibly including new statutes/regulations/ordinances if the current regulations do not provide a handle for enforcement.

Let’s imagine what lower Commercial Street would be like with comfortable outdoor seating, a well-lit evening environment, and a clear understanding that the inappropriate behavior will not be ignored.

It will take a shared vision, which we have, and a correct focus, which has so far eluded us.

Sincerely,
NEVADA CITY CHAMBER OF COMMERCE

Paul Sieving, President

132 Main Street Nevada City, CA 95959 • PH: (530) 265-2692 • FAX: (530) 265-3892
www.nevadacitychamber.com e-mail info@nevadacitychamber.com

December 3, 2015

Dear Nevada City Council,

I write to you as a concerned 34 year resident of Nevada City. I have a thriving short- term rental unit on my property on Boulder St. This unit is loved by neighbors, friends, friends of friends, and visitors. Due to its close proximity to the main dwelling, I would never consider renting it as a long-term unit. Under the initiative presented to you by the Committee to Support Measure to Protect Neighborhoods from Vacation Rental Impacts, this unit would be illegal.

I was born and raised in this community and have always known it to be a place where residents unite for the common good of the town. In my experience as a NC Host, I have witnessed a divisive movement from the Neighbor Protectors/Friends (whatever they chose to call themselves). Not only is this sad, it is not reminiscent of the binding fabric of our town I have long known and loved.

NC Hosts is a self-organized group with the mission to provide the best model for short-term rentals. We come from varied business and personal backgrounds, many with experience in local hospitality, events and community groups. Many of us operate successful short-term rentals, hosting many, many stays over many years. We have not had one single complaint. In short, we know and love this town, and know and love the business of short-term rentals.

We have sought input from friends, neighbors, and others interested in allowing short-term rentals in the City. We have also met with the core group representing the Neighborhood Protection Initiative. As positive as the response has been from our neighbors, sadly the interaction with Laurie and her Neighborhood Protectors has been the opposite. It is clear to us that they do not want our units to be legalized.

In July, NC Hosts and the 'Neighborhood Protectors' met to see if a compromise could be achieved. In this session NC Hosts were presented with a stringent list of demands. Given their comments and behavior, we do not feel that they represented the greater community of Nevada City. They made it clear that what they would be only willing to approve something akin to a pension in rural Europe, but nothing akin to existing popular units. We would have been willing to continue the discussion if someone on their committee had genuine and legitimate concerns about adverse impacts on the neighborhood of hosted short-term rentals. In our opinion, NO compromise of any form was on the table. Despite that, we diligently worked to incorporate their strongest concerns into the NC Hosts initiative. We also provided the wiggle room for the City to best decide how to implement our initiative

We have tried to compromise. We have tried to mediate. We would be willing to mediate again. However, it is our firm opinion that 1) NC Protectors do not represent the average community view on short term rentals; 2) the NC Protectors seek to illegalize MOST of existing short term rentals under the guise of being "pro" short term rentals.

City Council Members – you have been voted by the public to lead our town. Not just by your vote, but by your character in all political matters. I ask you to clear your head of political allies, connections, friends and neighbors in either group, to look at each initiative with wide-open eyes, and an unbiased mind. Then and only then, decide if the Neighborhood Protection initiative works toward the better good of our beloved town. I am certain that it doesn't.

Sincerely,
Adeline Harris
220 Boulder St