



GRASS VALLEY

Planning Commission Meeting

Tuesday, October 18, 2022 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

COMMISSIONERS

Chair Eric Robins, Vice Chair James Arbaugh Commissioner Liz Coots, Commissioner Greg Bulanti, Commissioner Ari Brouillette

MEETING NOTICE

Planning Commission welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 3rd Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwDN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

ACTION MINUTES APPROVAL

1. Minutes for September 20, 2022

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. The Planning Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.*

PUBLIC HEARING ITEMS

2. The Pines of Grass Valley Project Two-year Extension of Development Review Permit and Planned Development (20PLN-02) for the development of a 108-unit apartment complex consisting of four - three story apartment buildings totaling ±109,644 square feet, parking, landscaping, clubhouse, and other project amenities.

OTHER BUSINESS

3. Review of City Council Items.

4. Future Meetings, Hearings and Study Sessions

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a Planning Commission Meeting, scheduled for Tuesday, October 18, 2022 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, October 14, 2022.

Taylor Day, Deputy City Clerk



GRASS VALLEY

Planning Commission Meeting

Tuesday, September 20, 2022 at 7:00 PM
Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California
Telephone: (530) 274-4310 - Fax: (530) 274-4399
E-Mail: info@cityofgrassvalley.com Web Site: www.cityofgrassvalley.com

MINUTES

CALL TO ORDER

Meeting called to order at 7:01 pm.

PLEDGE OF ALLEGIANCE

Vice Chair Arbaugh led the pledge of allegiance.

ROLL CALL

PRESENT

Commissioner Ari Brouillette
Commissioner Liz Coots
Vice Chairman James Arbaugh
Chairman Eric Robins

ABSENT

Commissioner Greg Bulanti

AGENDA APPROVAL

Motion made to approve the agenda as submitted by Commissioner Coots, Seconded by Vice Chairman Arbaugh.

Voting Yea: Commissioner Brouillette, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

ACTION MINUTES APPROVAL

Motion to approve minutes as submitted by Commissioner Coots, Seconded by Vice Chairman Arbaugh.

Voting Yea: Commissioner Brouillette, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

1. Minutes for July 19, 2022 meeting.

PUBLIC COMMENT -

No public comments.

PUBLIC HEARING ITEMS

2. **Tentative Subdivision Map and Planned Development (18PLN-36)** for the division of a ±1.36-acre lot into eleven (11) parcels in the Multiple Family Residential, Planned Development (R-3/PD) Zone. The Planned Development designation allows flexibility in the Development Code Standards with respect to lot size, lot configuration, access, etc. The property is located at 634 Town Talk Road (APN: 035-550-003). The project was approved in 2018 and has since expired thereby requiring new applications. Environmental Determination: An Addendum to the previously adopted Mitigated Negative Declaration has been prepared.

Lance Lowe, Principle Planner, gave the presentation to the commission.

Commissioners wanted some clarification on easements for the county, fire access, the landscaping plans, common areas, and requirements for solar.

Public comment: Dan Ketchum

Motion made to approve the Town Talk Village project, and to 1. Adoption of an Addendum Initial Study/Mitigated Negative Declaration, prepared for the Tentative Subdivision Map and Planned Development, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; 2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; 3. Adoption of Findings of Fact for approval of the Tentative Subdivision Map and Planned Development as presented in the Staff Report; and, 4. Approval of the Tentative Subdivision Map and Planned Development in accordance with the Conditions of Approval as presented in the Staff Report, by Commissioner Coots, Seconded by Vice Chairman Arbaugh.

Voting Yea: Commissioner Brouillette, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

3. **Whispering Pines Specific Plan Amendments, Use and Development Review Permits (22PLN-18)** to allow public assembly concerts and associated uses in the Whispering Pines Specific Plan SP-1A Zone located at 125 Crown Point Court (APN: 009-700-063). Whispering Pines Specific Plan Amendments include: An Amendment of the Whispering Pines Specific Plan Text to create a new Subarea - SP-1A.1 Public Assembly Uses to allow Studio Uses, such as art, dance, music uses, and Theater or performing arts uses with a Use Permit; An Amendment of the Whispering Pines Specific Plan Map reflecting the SP-1A.1 Public Assembly Uses; An Amendment of the Whispering Pines Specific Plan Building Standards to allow an increase in height from 25 to 45 feet; A Use Permit is required to allow studio uses and a performing arts center for InConcert Sierra; A Development Review Permit is required for the architectural building design of the roof expansion. InConcert Sierra proposes a 520-seat 9,500 sq. ft. Concert Hall, 125-seat 2,500 sq. ft. Black Box Theater and 3,000 sq. ft. Conference Center in the 41,600 sq. ft. building. Environmental Determination: Initial Study/Mitigated Negative Declaration

Lance Lowe, Principle Planner, gave presentation to the commission. Mr. Lovelady, applicant, gave presentation to the commission.

Commission asked for more information about proposed solar and charging stations, the facility used as an emergency shelter, and their operational plan

Virtual Public Comment attached. In-Person public comments from: Barbara Rivenes, Don Rivenes, Jerry Perazzi, Dan Ketchum, Jeffery S., Rob Katizine

Mike Woodman from NCTC answered some concerns of the Public for the commission about the airport Land Use Plan.

The commission discussed with staff the possible legal implications of changing the Whispering Pines Specific Plan.

Motion prior to issuing the building permit of having a parking agreement with neighboring properties

Motion made to recommend that the City Council approve the InConcert Sierra Project, as presented and to 1. Adoption of a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; 2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; 3. Adoption of an Ordinance Amending the Whispering Pines Specific Plan and Rezoning the property to create a new Subarea - SP-1A. 1 - Public Assembly Uses as presented; and, 4. Adoption of Findings of Fact and Conditions of Approval for the InConcert Sierra Project as presented, 5. Prior to issuing the building permit of having a parking agreement with neighboring properties by Vice Chairman Arbaugh, Seconded by Commissioner Coots. Voting Yea: Commissioner Brouillett, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

4. **Use Permit (22PLN-36)** for NEO Youth Center to relocate and reopen its programs and facility to 220 Litton Drive (APN 035-540-032) in the CBP (Corporate Business Park) Zoning District. NEO has provided after school programs and other activities to youth (11-25) in Grass Valley since 2015 and were previously located on Joerschke Drive. Environmental Determination: Categorically Exempt.

Tom Last, Community Development Director, gave presentation to the Commission.

Virtual public comment attached. In-Person public comment: Lisa Swarthout

Motion to approve Use Permit 22PLN-36 subject to the Findings and Conditions of Approval on pages 3 and 4 of this staff report Chairman Robins, Seconded by Commissioner Brouillette.

Voting Yea: Commissioner Brouillette, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

NON PUBLIC HEARING ITEMS

5. **Planning Commission Interpretation (22PLN-35)** a request to determine if the Development Code allows more than one Short-Term Rental per property. The interpretation of the Development Code is not specific to a particular property but applies Citywide. Environmental Determination: Statutory Exemption.

Tom Last, Community Development Director, gave presentation to the Commission.

Motion to reject the applicant's interpretation that the City's Development Code permits more than one short-term rental on a parcel of land Chairman Robins, Seconded by Commissioner Coots.

Voting Yea: Commissioner Brouillette, Commissioner Coots, Vice Chairman Arbaugh, Chairman Robins

OTHER BUSINESS

6. Review of City Council Items.

Development Code had second reading at Council meeting, however food trucks were removed from the updates.

7. Future Meetings, Hearings and Study Sessions

Future joint meeting with Planning & Council for short term rentals.

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

Meeting adjourned at 9:07 pm.

Eric Robins, Chair

Taylor Day, Deputy City Clerk

Adoption Date: _____

Taylor Day

From: John Bush [REDACTED]
Sent: Tuesday, September 20, 2022 1:08 PM
To: Public Comments
Subject: InConcert Sierra's Crown Point community center project

You don't often get email from [REDACTED]. [Learn why this is important](#)

Greetings,

I wish to express my support for InConcert Sierra's Crown Point community center project. I have lived in Western Nevada County for 25 years and have seen a number of attempts to establish a full spectrum performing arts center began and ultimately disband. I believe the proposed project of InConcert Sierra has a very strong possibility of succeeding for the following reasons:

1. The vibrant and growing arts community is an essential element of the economic and cultural life of our community. Studies by the Nevada County arts Council have demonstrated this fact.
2. This project is not an attempt to find land and to correct a building. The land and the building exist and are eminently suitable for the necessary remodeling and updating required by the project.
3. The project is well-funded and appears to be on track to obtain the necessary monies to complete the project.
4. The project is designed not as a niche for InConcert Sierra, but as a full spectrum center to be used by the arts community, businesses, governmental agencies, and non-profit and civic organizations.
5. The completion of the project may will be an essential element in the continued growth of Nevada County as we attract new residents, visitors, and businesses to become part of our growing and dynamic community.

I respectfully ask that InConcert Sierra's Crown Point Community Center project be approved.

Sincerely,

John Bush, PsyD

Taylor Day

From: John & Nina Stillwell [REDACTED]
Sent: Monday, September 19, 2022 6:04 PM
To: Public Comments
Subject: Crown Point Community Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

I am writing to voice my support for InConcert Sierra's Crown Point Community project.

It would be great for all that live in Nevada County to have a performance space and event center which would attract performers to the area and provide a venue to encourage youth participation in an excellent facility.

InConcert Sierra is a well-supported organization run by caring and meticulous professionals and I have confidence that what they are proposing will be done with the highest quality.

Nina Stillwell

Taylor Day

From: Aimee Retzler [REDACTED]
Sent: Monday, September 19, 2022 2:12 PM
To: Public Comments
Subject: Letter of Support for InConcert Sierra's Crown Point community project

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Grass Valley planning commission members,

I am writing to voice my support for InConcert Sierra's Crown Point community project.

This building will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius that have the amenities needed to support the growth of our nonprofit sector.

I got an opportunity to tour the building several months ago at the invitation of Ken and Julie Hardin. I got super excited about the potential this has for InConcert Sierra, and for the larger community as a whole. Sierra Harvest is accustomed to hosting several large events each year in support of our local food and farming community. This venue is ideal to host our annual Sustainable Food & Farm Conference, our annual fundraising luncheon, and other educational events.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Thank you for your time and consideration,



Aimee Retzler
 Executive Director
 she/her



www.sierraharvest.org | 530.265.2343
 313 Railroad Ave. Suite 201 | Nevada City, CA 95959

Now is the perfect time to get to know your local farms! Shop the [Nevada County Food & Farm Guide](#) to get to know local growers, what they grow, and where to buy. Or visit us for U-Pick at [Food Love Farm](#), open for the whole family to harvest veggies, herbs, and flowers each Tuesday from 4 – 7 from now until November.

Taylor Day

From: Lance Goddard [REDACTED]
Sent: Monday, September 19, 2022 12:59 PM
To: Public Comments
Subject: Crown Point Community Project

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear members of the Planning Commission,

I am writing to express my wholehearted support for the proposal by InConcert Sierra to establish this project. We bought property here in 1992 and have watched the community grow and prosper. The idea of such a project and the potential venues it will provide will help to make this a destination for additional visitors as well as to enhance the local life in so many ways. In addition to bringing in visitors the arts and culture of our community will be enriched greatly by this project.

Thank you for the opportunity to comment on this amazing proposal.

Sincerely,

Lance Goddard

Taylor Day

From: Susie Monary-Wilson [REDACTED]
Sent: Monday, September 19, 2022 12:35 PM
To: Public Comments
Subject: Support for InConcert Sierra's Performing Arts Center

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear planning commission members,

We are writing to voice our support for InConcert Sierra's Crown Point Community project.

This building will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius; InConcert and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

We strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area. We hope you will support this wonderful endeavor.

Sincerely,
Susie Monary-Wilson
John Wilson
14444 Homburg Way
Nevada City

Taylor Day

From: Valarie Bush [REDACTED]
Sent: Monday, September 19, 2022 8:45 AM
To: Public Comments
Subject: Planning Commission InConcert Sierra

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September 16, 2022

I am writing to the members of the Planning Commission to voice my support for InConcert Sierra's Crown Point Community project.

I have supported the arts in Nevada County for over 25 years ago. I believe it is crucial that we continue to build out Grass Valley's environment, recreation, arts, and education. These are drivers for a successful, attractive, enriching, and strong economy and community.

This complex will fill a significant number of arts and other community needs: its 10,000 square foot, state-of-the-art, acoustic concert hall; Blackbox theater; and a conference/event space with an adjoining, already existing kitchen are very much needed. There are no venues such as this within a 50-mile radius; InConcert Sierra and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

Importantly, because of the facility's large size and the existing 500KW emergency generator with an uninterrupted power supply, the building can be used as an emergency shelter/staging area for disaster and crisis response.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Kind regards,

Valarie Bush

valarie@choosewellnessnow.com

www.choosewellnessnow.com

530/575-1865

Choose Wellness Now

Taylor Day

From: Linda Lyon [REDACTED]
Sent: Sunday, September 18, 2022 4:57 PM
To: Public Comments
Cc: Julie Hardin
Subject: InConcert Sierra's Crown Point Community project

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello,

I am writing this email to show my strong support for InConcertSierra's proposed building project on Crown Point Circle.

This project will not only house InConcertSierra, but also Music in the Mountains. Both organizations deserve an acoustical theater that showcases their respective talents. It will also offer Sierra Stages a brand new box theater that offers a myriad of opportunities to stage a variety of plays.

No where close to Grass Valley can one find such a venue; I believe the closest is the Harris Center in Folsom and that is not an easy drive, particularly in the evenings or during inclement weather.

The opportunity to have a world class performing arts center in Grass Valley will attract the businesses and talent Grass Valley desires; It will boost our hospitality industry and attract more residents.

The possibilities for the venue are limited to one's imagination; perhaps art shows, a dance studio, wedding receptions, business meetings and student activities.

I highly encourage you to support this venture, as it is an excellent addition to our community.

Thank you,

Linda Lyon
19227 Windmill Lane
Grass Valley, CA 95949
530-274-8644

Taylor Day

From: jeffrey leiter [REDACTED]
Sent: Sunday, September 18, 2022 12:26 PM
To: Public Comments
Subject: Re Planning Commission InConcert Sierra

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

September 16, 2022

Members of the Grass Valley Planning Commission,

I have been supporting the arts ever since I moved here over 20 years ago. As you leaders know one of Grass Valley's most important assets is its top notch environment, recreation, arts, and education. These are drivers for a successful, enriching, and strong economy.

The new acoustic concert hall being proposed by InConcert Sierra with an adjoining black box theater and conference facility would greatly enhance our already desirable cultural and economic success. There is no other facility with these qualities (especially an acoustical concert hall) within 50 miles.

I ask you to vote in favor of the variance to allow InConcert Sierra (this is our 75th year) the right to invest in our community by building this multi-million dollar facility.

We have meant with and have the support of the arts and cultural community.

Much thanks for your consideration.

JEFF Leiter, Former Mayor, City of Berkeley

12440 Gayle Lane, Nevada City
jsleiter@mac.com

Taylor Day

From: Barry and Bonnie Howard [REDACTED]
Sent: Sunday, September 18, 2022 12:14 PM
To: Public Comments
Subject: Comments for Sept 20 Planning Commission meeting

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Planning Commission Members,

I am writing in support of two proposed projects before the commission on September 20:

1) InConcert Sierra's proposed Crown Point Community Project.

The proposed creation of an acoustic Concert Hall, Conference Center, and Black Box Theater fills current gaps within our local infrastructure that will create a positive economic resource for our community. This project also provides much needed venue spaces for our nonprofit and for-profit arts groups and businesses, as well as a positive impact on tourism, another crucial economic driver.

I strongly encourage your support of this project.

2) Bright Futures for Youth/NEO building renovation project

This project is another important and necessary venue for our local youth and homeless population that will strengthen the fabric of our community by creating a safety net for those in need.

Thank you,
Barry and Bonnie Howard
12313 Banner Mountain Trail
Nevada City, CA 95959

Taylor Day

From: Peter Mason [REDACTED]
Sent: Sunday, September 18, 2022 12:03 PM
To: Public Comments
Subject: InConcert Sierra Project - 125 Crown Point

You don't often get email from [REDACTED]. [Learn why this is important](#)

September 18, 2022

To: Grass Valley Planning Commission

Re: *InConcert Sierra Project – 125 Crown Point Court*

I am writing to urge the Planning Commission and City of Grass Valley to approve the Project proposed by InConcert Sierra for 125 Crown Point Court.

The Grass Valley and Nevada City communities have a long history of supporting the performing arts, including music, theater, and dance. The InConcert Sierra Project builds upon this history and fills at least two needs in the community: (i) the creation of an acoustic concert hall; and (ii) the creation of a small flexible theater space (or a “black-box theatre”).

Concert Hall: While the community has several venues for performances, none is designed to support the concerts presented InConcert Sierra and the other longstanding classical music organization in the community, Music in the Mountains. Although both InConcert Sierra and Music in the Mountains have been able to find and adapt to the available venues, compromises have been made in programming and in the audience experience. The creation of a dedicated acoustic concert hall as part of the InConcert Sierra Project would allow for more diverse programming and an improved audience experience and would support the future growth of classical music and other acoustic music performances in the community.

Black Box Theatre: At present, the only venue available in Grass Valley and Nevada City for community theater productions is the Nevada Theatre. The Nevada Theatre is a blessing for community theater groups, but demand for production slots exceeds supply. In addition, as a larger venue with 240 seats, it is relatively expensive for community theater groups to mount a production at the Nevada Theatre and a challenge to fill the seats. Having a Black-Box Theatre with a smaller capacity as part of the InConcert Sierra Project would immediately double the number of venues available for community theater productions and would create opportunities for more productions by existing and future community theater groups.

For the reasons set forth above, I would like to express my strong support for the Planning Commission and City approvals of the InConcert Sierra Project.

Peter Mason

PS. I have been executive director for Sierra Stages (one of the existing community theater groups) since its inception in 2008, and am a resident of the City of Grass Valley.

Taylor Day

From: Joan Goddard [REDACTED]
Sent: Saturday, September 17, 2022 3:47 PM
To: Public Comments
Subject: Crown Point Community project

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear planning commission members,

I am wholeheartedly in favor of the InConcert Sierra's Crown Point Community project.

This building on Crown Point Circle will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius; InConcert and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

This will be a big WIN for our community! A complex such as this will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

I know you will appreciate the value of this project. Just imagine the possibilities!

Sincerely,

Joan Goddard

[530] 477-7509

Sent from my iPad

Taylor Day

From: Vivian Tipton [REDACTED]
Sent: Saturday, September 17, 2022 3:13 PM
To: Public Comments
Subject: support of InConcert Sierra's Crown Point Community project

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Dear planning commission members,

I am writing to voice my support for InConcert Sierra's Crown Point Community project. As the executive director for Hospice of the Foothills, the prospect of a conference center and additional event space would fill a gap we often experience in planning for our education of clinical staff, and fundraising events.

As a community member whose children and grandchildren reside in the community, I am excited for the cultural and economic value this venue will bring to our community.

This building will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius; InConcert and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Thank you...

Viv Tipton



Viv Tipton
 Executive Director
 Hospice of the Foothills
 11270 Rough and Ready Hwy
 Grass Valley, CA 95945

Taylor Day

From: Sheila Baker [REDACTED]
Sent: Saturday, September 17, 2022 3:02 PM
To: Public Comments
Cc: Julie Hardin
Subject: InConcert Venue - Grass Valley

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear planning commission members,

I am writing to voice my support for InConcert Sierra's Crown Point Community project to be located on Crown Point Circle.

This building will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius; InConcert and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Thank you,

Sheila Baker

629 E. Broad St, Nevada City, CA

530-265-3106

Taylor Day

From: Charles Lindquist [REDACTED]
Sent: Saturday, September 17, 2022 1:38 PM
To: Public Comments
Subject: Support for InConcert Sierra's Crown Point project

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear planning commission members:

I am writing in support for InConcert Sierra's 125 Crown Point Circle project.

This building will fill a significant number of arts and other community needs: create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space with an adjoining, already existing kitchen. There are no venues such as this within a 50-mile radius; InConcert and nonprofit organizations and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

Grass Valley and Nevada City in particular, as well as surrounding communities will all benefit from this, making our area a even more desirable area to visit and/or live in. I personally hope to attend many of the events that this facility will host. I personally am making a financial commitment to this project.

Regards

Charles Lindquist
129 Horizon Circle
Grass Valley, CA
530-272-9325

Taylor Day

From: Mary Anne Davis [REDACTED]
Sent: Saturday, September 17, 2022 12:46 PM
To: Public Comments
Subject: Support for InConcert Sierra's Performing Arts Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Planning Commission Members,

I am writing in strong support of InConcert Sierra's proposed Crown Point Community Project.

As a resident of Nevada County for 35 years, I am so excited about the proposed creation of an acoustic Concert Hall, large Conference Center, and a Black Box Theater as presented by InConcert Sierra for our community's use. This project fills many gaps within our local infrastructure that will create a positive economic resource while providing much-needed venue spaces for our nonprofit as well as for-profit arts groups and businesses.

As a local event manager and producer, I can attest to the fact we need a larger venue to host nonprofit fundraisers and events, especially since the Foothills Event Center was sold and removed from the list of possible venues. (Yet even being too small, it did work for certain events).

As a musician, having more options for performance space would be incredible. Even more incredible would be an acoustic performance hall that we just don't have within at least 50 miles.

As someone who believes tourism is very important to the viability of our future, I know people would travel to attend performances and events here, utilize our hotels and restaurants and shop in our stores. It's a win-win-win.

I strongly encourage your support of this project. There is absolutely no downside to this project, and there are so many positives.

Thank you,

Mary Anne Davis
Grass Valley, CA
[REDACTED]

Taylor Day

From: Ken Getz [REDACTED]
Sent: Saturday, September 17, 2022 7:17 AM
To: Public Comments
Subject: Support for InConcert Sierra's Crown Point Community Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear planning commission members,

I am writing to voice my support for InConcert Sierra's Crown Point Community project.

Besides the much-needed concert hall, this project will provide a theatrical venue that is even more needed. As the Center for the Arts has made its Off Center Stage unavailable to local community theater groups for the duration (and maybe permanently), there is currently only a single viable theater space in western Nevada County. Having a black-box theater available as part of this new project will be an invaluable resource to the community.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Thank you.

Ken Getz

Music Director, Sierra Stages Community Theatre

keng@sierrastages.org

Taylor Day

From: Julie Hardin [REDACTED]
Sent: Friday, September 16, 2022 12:29 PM
To: Public Comments
Subject: Support of upcoming projects before the GV planning commission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Planning Commission Members,

I am writing in support of two proposed projects before the commission on September 20:

1) InConcert Sierra's proposed Crown Point Community Project.

The proposed creation of an acoustic Concert Hall, Conference Center, and Black Box Theater fills current gaps within our local infrastructure that will create a positive economic resource while providing much needed venue spaces for our nonprofit and for-profit arts groups and businesses - as well as a positive impact on tourism, another crucial economic driver.

I strongly encourage your support of this project.

2) Bright Futures for Youth/NEO building renovation project

Another important and necessary venue for our local youth and homeless population that will strengthen the fabric of our community by creating a safety net for those in need.

Thank you,
Julie Hardin

--

Julie Hardin, Executive Director

530-273-3990 - office • 530-559-2181 - cell



[Visit Website](#)

Taylor Day

From: Chris Maher [REDACTED]
Sent: Friday, September 16, 2022 11:02 AM
To: Public Comments
Cc: Jennifer Singer
Subject: NEO Youth Center

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear GV Planning Commission,

As a nearby property owner, BriarPatch Food Co-op whole-heartedly endorses the approval of Use Permit 22PLN-36, for the relocation and reopening of NEO Youth Center to 220 Litton Drive in Grass Valley. For over a decade, NEO (Bright Futures for Youth) has been a shining example of the good that can come when the community invests in the well-being of our area youth. NEO serves our community by offering a safe, supervised environment for teens and pre-teens to gather, play, and direct their creative energies in positive ways.

Further, BriarPatch and NEO have developed a strong neighborly relationship over the years. They have shared meeting space for our staff, and we have offered donations of food and drinks. We are proud and happy to know they are close by, and we look forward to many more years of community cooperation with them on Litton Drive.

Thank you for your part in building and strengthening our community.

Chris



Chris Maher

General Manager
 he/him/his

(530) 272-2667 X100 | Fax: (530) 272-5355

chris@briarpatch.coop

290 Sierra College Drive | Grass Valley | California | 95945



Taylor Day

From: Gudrun Zomerland [REDACTED]
Sent: Thursday, September 15, 2022 9:10 PM
To: Public Comments
Subject: Crown Point Project

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Planning Commission members:

I am writing in support for the Crown Point Community building proposed by InConcert Sierra.

I recently was part of a group of people invited by InConcert Sierra to view the Crown Point Building, to hear about their plans for the building, and the community outreach and support they had already received from various, interest groups for their project.

Since I am a classical music fan, I was delighted that they would finally have a true concert hall with the acoustics appropriate for the genre. They had also reached out to other art-oriented venues in the county who expressed strong interest in utilizing their space and a separate, multi-purpose theater. In addition, the building has enough room for a conference center, replete with a wonderful kitchen and cafeteria, that could be utilized by any business, locally or otherwise.

We were also told that they will have a huge generator that can turn the building into an emergency shelter, if the need for one should arise. With the numerous power outages we have had in Nevada County over the last few years and the constant danger of wildfires, this would be a truly blessed addition to the emergency resources in our county.

Given that our county is already growing into an attractive "lifestyle" choice for people from all over California and elsewhere, the Crown Point Building would provide even more quality in the form of improved artistic endeavors, and attract alternatives for businesses outside the county for conventions and retreats. All this could only increase business throughout the county,

I would love to see the Crown Point Community project come to fruition and urge you to vote yes on it.

Thank you, Gudrun Zomerland (resident of Penn Valley)

Taylor Day

From: Sara Langlands [REDACTED]
Sent: Thursday, September 15, 2022 8:18 PM
To: Public Comments
Subject: In support of Crown Point Community project

You don't often get email from [REDACTED] [Learn why this is important](#)

To the Grass Valley Planning Commission,

I am writing to voice my support for InConcert Sierra's Crown Point Community project.

This is an exciting project that will fill a significant number of arts and other community needs—create a 10,000 square foot, state-of-the-art, acoustic concert hall; a Blackbox theater; and a conference/event space. There are no venues such as this within a 50-mile radius; InConcert Sierra and other nonprofit organizations and community groups will be able to utilize the building for a myriad of currently unmet needs.

Importantly, because of the facility's large size and the existing 500KW emergency generator with an uninterrupted power supply, the building can be used as an emergency shelter/staging area for disaster and crisis response.

I strongly support this project and think it will create a sustainable future for the Grass Valley/Nevada City arts and culture district, encourage tourism, expand city and county revenues, and provide for community vitality that will enhance our highly desirable area.

Thank you,
Sara Langlands

Taylor Day

From: K & S Porter [REDACTED]
Sent: Wednesday, September 14, 2022 4:26 PM
To: Public Comments
Subject: Crown Point Community Project

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

City of Grass Valley Planning Commission Members:

I'm writing to express my support for the proposed changes in zoning and permitted use of the building at 125 Crown Point Court. InConcert Sierra proposes to purchase the currently under-utilized building and convert it into a facility for a variety of community uses, including an acoustic concert hall, a "black box" theater, a large conference and meeting space with an adjoining food preparation area, and office space for multiple community nonprofit organizations.

Representatives from a variety of local organizations and government agencies have seen plans and toured the facility, and are virtually unanimous in support of the planned uses, and very anxious to have the conference and meeting space available due to a current lack of available space for rent.

I believe the proposed modifications will create a facility that will serve important community needs, and add to our area's ability to generate revenues from increased tourism.

I urge your support for the proposed zoning and usage changes.

Thank you for your consideration.

Keith Porter
12968 Burma Rd.
Grass Valley, CA 95945

[REDACTED]

Taylor Day

From: Steve Mendoza [REDACTED]
Sent: Wednesday, September 14, 2022 9:16 AM
To: Public Comments
Subject: Support for the Crown Point Community Project

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Planning Commission members:

I am writing to the members of the Planning Commission to voice my support for InConcert Sierra's Crown Point Community project.

This project will provide our community with a state-of-the-art, acoustic concert hall, a Blackbox theater, and a conference/event space with an adjoining, already existing kitchen. InConcert Sierra, other nonprofit organizations, and community groups and members will be able to utilize the building for a myriad of unmet events and meeting needs.

Additionally, because of the facility's large size and the existing 500KW emergency generator with an uninterrupted power supply, the building can be used as an emergency shelter/staging area for disaster and crisis response.

I strongly support this project and think it will be a tremendous boost to the local economy and create a sustainable and positive future for the Grass Valley/Nevada City arts and culture district and associated businesses.

Steve Mendoza
Grass Valley

To: info@cityofgrassvalley.com

Subject: Public Comment on Proposed InConcert Sierra Whispering Pines Specific Plan Amendments, Use Permit and Development Permits (22PLN-18).

The City of Grass Valley has a Energy Action Plan that includes a target of 100% of new construction meeting Title 24 Green Building and Energy Efficiency Standards and a target of 100% of new developments meeting State required Zero-Net-Energy Goals by 2035.

Whispering Pines Project

With the adding of a new roof to the building at the Whispering Pines site, I ask that the project install roof-top solar on the roof to meet the goals of the Energy Action Plan. The conceptual drawing appears to show that the roof won't be shaded by vegetation.

To meet zero-net energy goals, it also would be prudent to eliminate the use of natural gas and make the buildings be all-electric. Backup storage could be provided, but it may not be necessary since an event scheduled to occur during a PSPS would probably be cancelled since the probable attendees would have more to worry about than attending a concert. Note: Nearly 60% of new homes nationwide are all-electric.

Energy Action Plan:

Strategy 2.1: Prepare for the inclusion of renewable energy systems in new construction and large retrofit projects in order to meet California Zero Net Energy Goals by providing informational materials when available.

These informational materials could include a checklist of actions that would help meet the Energy Action Plan goals, such as roof-top solar, LED lighting, and electric space heating and appliances. Other items for community benefit include walkable community options, nearby public transit, smoke-free buildings and playground access.

Conclusion

I would suggest that. In the future, when a new development such as Whispering Pines is proposed, that the City of Grass Valley suggest to the developer that the plans submitted be zero carbon energy eliminating any use of fossil fuels as an energy source. This would eliminate the need for extensive retrofitting in the future.

Thank you for your consideration.

Don Rivenes, Member of the Grass Valley Energy Action Plan Working group
108 Bridger Ct
Grass Valley CA 95945



**PLANNING COMMISSION
STAFF REPORT
October 18, 2022**

Prepared by: Lance E. Lowe, AICP, Principal Planner
Reviewed by: Tom Last, Community Development Director

DATA SUMMARY

Application Number: 20PLN-02
Subject: Two-year Extension of Development Review Permit and Planned Development for the development of a 108-unit apartment complex consisting of four – three story apartment buildings totaling ±109,644 square feet, parking, landscaping, clubhouse, and other project amenities.
Location/APNs: 452, 474 and 500 East Bennett Street/009-262-006, 009-270-001 & 002
Applicant: Sukhpal (SP) Mann, P.E., B&M Realty, LLC.
Zoning/General Plan: Neighborhood General-3, Planned Development (NG-3/PD) Zone/Urban High Density Residential
Entitlements: Development Review Permit & Planned Development
Environmental: Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

That the Planning Commission approve The Pines of Grass Valley Project Extension as presented, or as modified by the Planning Commission, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. Adoption of Findings of Fact for approval of The Pines of Grass Valley Project as presented in the Staff Report; and,
4. Approval of the project in accordance with the Conditions of Approval as presented in the Staff Report.

BACKGROUND:

At the recommendation of the Development Review Committee, the Planning Commission approved the project on November 17, 2020, for a two-year period expiring on November 17, 2022.

PROJECT DESCRIPTION:

The applicant has filed a two-year extension request of The Pines of Grass Valley Project, which expires in November 2022. According to the applicant, the project delay is due to financing and delayed state remediation action plan approvals. The applicant has indicated that the project will proceed as approved within the two-year extension timeframe (**Exhibit A – Applicant's Extension Request**).

See **Exhibit B – Planning Commission and Development Staff Reports** dated November 17, 2020, and October 27, 2020, respectively for discussion of Background, Project Description, Site Description and Environmental Setting, Environmental Determination, Public and Agency Comments, General Plan and Zoning, and Analysis of East Bennett Frontage Improvements, Site Distance Analysis, Trail Easement, Grading & Retaining Walls, Site Lighting, Building Heights, and Planned Development.

ENVIRONMENTAL DETERMINATION:

The Planning Commission adopted an Initial Study/Mitigated Negative Declaration as the appropriate level of environmental review for the project in 2020.

In accordance with the CEQA Guidelines, when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for the project unless:

- Substantial changes are proposed in the project.
- Substantial changes occur with respect to the circumstances under which the project is undertaken.
- New information of substantial importance shows any of the following:
 - The project will have one or more significant effects not discussed in the previous negative declaration;
 - Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible;

None of the circumstances above have occurred since approval of the project in 2020. Accordingly, no further environmental review is warranted for extension of the project.

EXHIBITS:

Exhibit A – Applicant's 2-year Extension Request

Exhibit B – Planning Commission and Development Review Staff Reports dated November 17, 2020, and October 27, 2020, with the following Attachments, Exhibits and Tables:

ATTACHMENTS:

Attachment 1 – Initial Study/Mitigated Negative Declaration with the following Exhibits, Tables, and Attachments:

- Exhibit A** – Vicinity Map
- Exhibit B** – Aerial Photograph with Site Photograph Locations
- Exhibit C** – Site Photographs
- Exhibit D** – The Pines of Grass Valley Site Plan Illustration
- Exhibit E** – The Pines of Grass Valley Elevation Illustration
- Exhibit F** – The Pines of Grass Valley Pool Area Illustration
- Exhibit G** – The Pines of Grass Valley Lounge Area Illustration

Tables:

- Table 1** – Project Construction and Operational Emissions Air Quality Estimates
- Table 2** – Project Site Wetlands

- Attachment 1** – Project Plans dated June 19, 2020
- Attachment 2** – Bridge Design prepared by York Bridge Concepts

- Attachment 2** – Mitigation Monitoring and Reporting Program
- Attachment 3** – Findings and Conditions of Approval
- Attachment 4** – Project Comments
- Attachment 5** – Response to Comments

Applicant/Representative	Property Owner
Name: <u>Sukhpal Mann (sp)</u>	Name: <u>The Pines of Grass Valley, LLC</u>
Address:	Address: <u>9580 upper valley Road</u> <u>Auburn Ca 95602</u>
Phone: <u>530.492.2119</u>	Phone: <u>530.492.2119</u>
E-mail: <u>sp.mann@bmmrealty.co</u>	E-mail:

Architect	Engineer
Name:	Name: <u>Millennium Planning & Engg.</u>
Address:	Address: <u>471 Sutton Way off</u> <u>Suite-210 Grass Valley, Ca</u> <u>95945</u>
Phone: ()	Phone: <u>(530) 446-6765</u>
E-mail:	E-mail:

1. Project Information

- a. Project Name The Pines of Grass Valley
- b. Project Address 452, 474 and 500 East Bennett Street
- c. Assessor's Parcel No(s) 009-262-006, 009-270-001, 009-270-002
(include APN page(s))
- d. Lot Size 5.61 Acres

2. Project Description 20PLN-02

Request a 2-year extension of time to secure-
- necessary financing and plan approvals that
was delayed due to the approval of the
Draft Final Remediation Action Workplan.

3. General Plan Land Use: _____

4. Zoning District: _____



**PLANNING COMMISSION
STAFF REPORT
November 17, 2020**

Agenda Item: 7.2
Prepared by: Lance E. Lowe, AICP, Principal Planner *HL*
Reviewed by: Thomas Last, Community Development Director *TL*

DATA SUMMARY:

Application Number: 20PLN-02
Subject: Development Review Committee recommendation of a Development Review Permit and Planned Development for the development of a 108-unit apartment complex consisting of four – three story apartment buildings totaling ±109,644 square feet, parking, landscaping, clubhouse and other project amenities.
Location/APN: 452, 474 and 500 East Bennett Street/APNs: 009-262-006, 009-270-001 & 002
Representative: Rob Wood, AICP, Millennium Planning & Engineering
Zoning/General Plan: Neighborhood General – 3, Planned Development (NG-3/PD) Zone/Urban High Density Residential
Entitlement(s): Development Review Permit & Planned Development
Environmental Status: Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission approve The Pines of Grass Valley Project as presented, or as modified by the Planning Commission, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 1**);
2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 2**);
3. Adoption of Findings of Fact for approval of The Pines of Grass Valley Project as presented in the Staff Report (**Attachment 3**); and,
4. Approval of the project in accordance with the Conditions of Approval as presented in the Staff Report (**Attachment 3**).

BACKGROUND:

The Development Review Committee considered the project at its October 27, 2020, meeting. Discussion before the DRC occurred regarding site accessibility; retaining wall details; guardrail details; and, added parking lot landscape island as outlined:

1. Accessibility of the site, in accordance with the Americans with Disabilities Act (ADA), is difficult due to the 30-foot grade deviations. All buildings are accessible and minor modifications to the site plan have been made to provide accessible routes of travel to the eastern dog park, open space parcel and trails. An exhibit and further detailed discussion will be provided at the Planning Commission meeting.
2. The DRC recommended approval of the applicant's request for stained concrete retaining walls vs. split face CMU. The DRC also recommended requiring the walls to be earth tone in color. Condition of Approval No. A – 5 has been modified to reflect the DRC's recommendation.
3. No details are provided for the guardrails required along the south side of the parking lot where significant grade deviation occurs. The DRC recommended that guardrails be constructed of black decorative tubular steel or equivalent. Condition of Approval A – 15 reflects the DRC's recommendation.
4. The DRC recommended an additional planter island at the southwest end of the parking lot, approximately 8 spaces to the west of the island planter adjacent to the covered parking. Condition of Approval No. H – 1.a. reflects the DRC's recommendation.

See **Exhibit A** – Development Review Staff Report dated October 27, 2020, for discussion of Background, Project Description, Site Description and Environmental Setting, Environmental Determination, Public and Agency Comments, General Plan and Zoning, Staff Analysis of East Bennett Street frontage improvements, sight distance analysis, trail easement, grading and retaining walls, site lighting, building heights, and Planned Development are discussed.

EXHIBIT:

Exhibit A – Planning Commission Staff Report dated October 27, 2020, with the following Attachments, Exhibits and Tables.

ATTACHMENTS:

Attachment 1 – Initial Study/Mitigated Negative Declaration with the following Exhibits, Tables, and Attachments:

- Exhibit A** – Vicinity Map
- Exhibit B** – Aerial Photograph with Site Photograph Locations
- Exhibit C** – Site Photographs
- Exhibit D** – The Pines of Grass Valley Site Plan Illustration
- Exhibit E** – The Pines of Grass Valley Elevation Illustration
- Exhibit F** – The Pines of Grass Valley Pool Area Illustration
- Exhibit G** – The Pines of Grass Valley Lounge Area Illustration

Tables:

- Table 1** – Project Construction and Operational Emissions Air Quality Estimates
- Table 2** – Project Site Wetlands

- Attachment 1** – Project Plans dated June 19, 2020
- Attachment 2** – Bridge Design prepared by York Bridge Concepts

- Attachment 2** – Mitigation Monitoring and Reporting Program
- Attachment 3** – Findings and Conditions of Approval
- Attachment 4** – Project Comments
- Attachment 5** – Response to Comments



**DEVELOPMENT REVIEW
COMMITTEE STAFF REPORT
October 27, 2020**

Agenda Item: 5.1
Prepared by: Lance E. Lowe, AICP, Principal Planner
Reviewed by: Thomas Last, Community Development Director

DATA SUMMARY:

Application Number: 20PLN-02
Subject: Development Review Permit and Planned Development for the development of a 108-unit apartment complex consisting of four – 3 story apartment buildings totaling ±109,644 square feet, parking, landscaping, clubhouse and other project amenities.
Location/APN: 452, 474 and 500 East Bennett Street/APNs: 009-262-006, 009-270-001 & 002
Applicant: Rob Wood, Millennium Planning & Engineering
Owner: D&K Investments, LLC
Zoning/General Plan: Neighborhood General – 3, Planned Development (NG-3/PD) Zone/Urban High Density Residential
Entitlements: Development Review Permit & Planned Development
Environmental Status: Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

The Development Review Committee recommend that the Planning Commission approve The Pines of Grass Valley Project as presented, or as modified by the Development Review Committee, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 1**);
2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 2**);
3. Adoption of Findings of Fact for approval of The Pines of Grass Valley Project as presented in the Staff Report (**Attachment 3**); and,
4. Approval of the project in accordance with the Conditions of Approval as presented in the Staff Report (**Attachment 3**).

BACKGROUND:

On November 27, 2007, the City adopted a Mitigated Negative Declaration and approved a Development Review, Tentative Subdivision Map and Planned Development to subdivide

the 4.46-acre parcel into twenty-four condominium units in twelve buildings. The project has since expired.

On September 22, 2020, the DRC considered The Pines of Grass Valley Project. Discussion at the DRC included: 1) East Bennett Street right-of-way and frontage improvements; 2) sight visibility along East Bennett Street; 3) trail easement; 4) retaining walls; 5) lighting; and; 6) building heights. Further analysis of these topics is discussed in the analysis section of the Staff Report.

Due to the East Bennett Street right-of-way dedication, road improvements and sight visibility conditions, the DRC recommended that the applicant resolve those issues and update the project plans prior to a DRC recommendation.

The project plans dated October 2020 reflect the frontage improvements and sight visibility analysis prepared for the project. The minor revisions to the project are discussed in the analysis section of the Staff Report.

PROJECT DESCRIPTION:

The Pines of Grass Valley Project requires two entitlements including a Development Review Permit and Planned Development:

Development Review Permit – The project is located within the NG-3 Zone District. The NG-3 Zone permits multiple family dwellings contingent upon Development Review Permit (i.e. Design Review) approval for site plan and architectural building design in accordance with the City's Design Guidelines and Development Code Standards.

Site Plan – The site plan includes four buildings with a north/south orientation fronting East Bennett Street. The buildings are setback from the back of sidewalk 11'8", 16'8", 17'3" and 18'3" feet from west to east respectively.

The side yard setbacks are ±12 to ±30 feet on the west and ±11 feet on the east. The rear yard setbacks are 90+ and 120+ feet from west and east property lines respectively.

Buildings 1 & 2 – Buildings 1 and 2 are located on the interior of the property. The buildings contain 3 floors with ±9,159 square feet per floor totaling ±27,477 square feet per building. Within each of the buildings a total of 27 units are proposed consisting of 15 one-bedroom units of ±700 square feet and 12 two-bedroom units of ±950 square feet.

Buildings 3 and 4 – Buildings 3 and 4 are located on the west and east end of the property, where the slopes are more severe. The buildings contain 3 floors with a segment of a fourth floor to accommodate the elevator and elevator lobby. The project includes ±4,984 square feet on the lower floor; ±9,065 square feet on the first floor; ±8,967 square feet on the second floor; and ±4,329 square feet on the third floor. The total square footage is 27,345 square feet. Within the buildings a total of 27 units are proposed with 15 one-bedroom units of ±700 square feet and 12 two-bedrooms units of ±950 square feet.

The unit type and square footage is as follows:

Floor Plan	Type/Square Footage
(60) – 1 bedroom	±700 square feet – 1 bedroom; 1 bathroom; ±80 sq. ft. deck
(48) – 2 bedrooms	±950 square feet – 2 bedrooms; 2 bathrooms; ±80 sq. ft. deck
Total: 108 units	

In addition to the apartments, a clubhouse, pool, playground and multi-game court are proposed in the center of the site.

Clubhouse – The ±2,800 square foot clubhouse is centrally located between Buildings 1 and 2. The clubhouse building includes a lounge, business center, café, fitness center, office and bathrooms.

Recreational Amenities – Adjoining the clubhouse, site amenities include but are not limited to a ±1,200 square foot pool with hot tub; ±600 square foot BBQ/picnic area; ±1,000 square foot Children's playground area; Two dog friendly areas: one on the west and one on the east end of the property containing ±500 and ±1,000 square foot respectively; Bocche ball court; and 5 foot walking trail around the perimeter of the property with benches and a ±500 square foot partially covered Pavilion. A pedestrian bridge is proposed to cross South Fork Wolf Creek at the southeast end of the project site connecting APN: 009-270-001. The pedestrian bridge consists of a clear span bridge with abutments on both sides of South Fork of Wolf Creek. A detail of the bridge design is shown on **Attachment 2** of the Initial Study/Mitigated Negative Declaration.

Access, Parking and Circulation – Access to the site is proposed via two– 25-foot-wide curb cuts on East Bennett Street: one at the west end of the site directly across from the Iron Horse residential condominium development access and one at the east end of the site. Decorative paving is provided at both ingress/egress locations.

A total of 135 parking spaces are proposed for the 108 units, including 5 ADA and 11 EV parking spaces. Of the 135 parking spaces, 23 or 17 percent are compact parking spaces with dimensions of 8 feet by 18 feet. The standard parking space dimensions are 9 feet by 18 feet with backing distances of 24 feet in compliance with City Standards. Bicycle storage facilities are also provided on the east and center of the site.

Carports – Of the 135 parking spaces, a total of 29 parking spaces are proposed to be covered with carports. The carports are centrally located at the south end of the parking lot. A detail of the carport design is provided on Sheet A18. Solar arrays are an option to be located on the carport roofs.

Architectural Building Design – The architectural building design includes pop-outs, varying wall and roof lines with varying materials. The design includes but is not limited to the following architectural details:

- Brick wainscoting;

- Horizontal, vertical and Board and Batt siding;
- Balconies with metal railings;
- Varying wall planes with cantilevers, pop-outs and vertical shed roof elements;
- Trellises over entryways and balconies;
- Windows on all elevations including windows with transoms;
- Mansard roof with 7/12 & 8/12 roof slopes with Class A roofing;
- Both stairs and elevators are proposed to access the multi-storied buildings; and,
- Solar arrays on both the carports and apartment building roofs

Building Heights – The buildings are proposed at 3 stories with heights of ± 30 feet measured from grade to the roof eaves. A segment of the building includes 4 stores to accommodate an elevator and elevator lobby. The overall building height is ± 40 feet measured from grade to the top of the ridge. A Planned Development is proposed to deviate from the height requirement is the NG – 3 Zone, which is $2 \frac{1}{2}$ stores and 30 feet measured from grade to the eaves or base of parapet. The height deviations are further discussed below in the Planned Development Section of The Pines of Grass Valley Project Description.

Landscaping – Landscaping plans have been submitted for the project (Sheet L1.0a and L1.1). The landscaping consists of conifer trees, large shade trees, accent trees, street trees, native large shrubs, ground cover and bio-retention areas. Street trees along East Bennett Street have been removed due to sight visibility requirements. Shade coverage of paved areas such as the parking lot is 54% or 18,633 square feet of the site.

Lighting – Lighting consists of light posts fronting the parking lot, bollard lighting along the pedestrian paths and building lighting. A photometric plan has been prepared (Sheet A-22) showing the lumens in accordance with the City's Development Code. As required, the lighting will contain shields to direct light downward.

Grading and Retaining Walls – The site contains an elevation change of ± 28 feet from north to south along the west side of the property. The elevation at the western end of the property at East Bennett Street is $\pm 2,466$ (MSL) and at the southwestern corner an elevation of $\pm 2,438$ exists. These are the most severe grades of the property at $\pm 11\%$. Elevation differences of ± 20 feet from north to south are along the center of the site with elevations of $\pm 2,462$ and $\pm 2,442$ respectively. An elevation difference of ± 18 feet is at the west end of the site with elevations of $\pm 2,471$ and $\pm 2,453$.

The project would require cut of $\pm 11,350$ cubic yards and fill of $\pm 16,780$ cubic yards resulting in an import of $\pm 5,430$ cubic yards of fill.

Two retaining walls are proposed along the southern property line, north of South Fork Wolf Creek. The retaining walls are ± 11 feet in height at the west end of the site and ± 8 feet in height at the east end. There is a ± 5 -foot bench in between the two retaining walls. The 5-foot bench includes landscaping to soften the appearance of the retaining walls. No retaining wall details have been provided. However, standard conditions require retaining

walls to be constructed of split face, slump stone, other decorative block or strained concrete are imposed. Colors and materials shall also match the colors within the development.

Refuse Enclosures – Two refuse enclosures are proposed: one on the east side and one on the west side of the project. A trash enclosure detail is provided on Sheet A-20. The trash enclosures are constructed of masonry walls clad with lap siding consistent with the building materials. Metal doors and a metal shed roof are also included in the design.

Riparian/Open Space – A riparian/open space area, with pedestrian trail, adjoins South Fork Wolf Creek containing approximately ± 0.33 acres. An additional ± 1.5 acres is situated across South Fork Wolf Creek and will be accessed via the proposed pedestrian bridge shown in **Attachment 2**. In addition to the pedestrian trail, a partially covered ± 500 square foot pavilion is proposed. Details of the pavilion are shown on Sheet A – 19 of the project plans.

The riparian/open space area is the subject of a stream restoration plan as further described below and will be owned and maintained by the property management company of the project.

Stream Habitat Restoration and Enhancement Plan – A South Fork Wolf Creek Riparian Area Restoration Plan was prepared for the project. The creek is currently overgrown with invasive Himalayan blackberries. However, the Creek Restoration Plan proposes to restore the native riparian vegetation. The Restoration Plan is designed to enhance the quality and functions of the stream riparian environment and to minimize the impact of project development.

Fencing – Existing fencing consists of a six-foot Cement Masonry Unit (CMU) wall along the east property line separating the site and bus storage property. A six-foot wood fence is located on the west side property line. No new property perimeter fencing is proposed with the project. Black chain-link fencing is proposed for both the dog areas and required fencing for the pool will be installed around the perimeter of the pool area.

Tree Removal – Based on the tree field surveys, the project area does not contain any heritage trees as designated by the City of Grass Valley. A total of 36 trees were identified within the project site that would potentially require a Tree Removal Permit prior to removal of such trees. Included in the 36 trees, 14 had a Diameter at Breast Height (DBH) of greater than 24 inches making them Significant Trees under the City of Grass Valley Municipal Code Section 12.36. In addition, 22 trees were identified to have a DBH between 10 and 24 inches, making them trees subject to the City of Grass Valley Tree Ordinance. Of the 36 trees subject to the City of Grass Valley's Tree Ordinance, 32 trees are proposed to be removed as shown on the Tree Removal Plans, Sheet C2.0. The two significant Blue Spruce trees at the east end of the site are proposed to be preserved.

Drainage – Millennium Planning & Engineering prepared a revised preliminary drainage study dated December 2019, to support design of the proposed drainage improvements. Storm drainage will be collected and routed through a proposed storm drain system that will direct runoff to bioretention treatment areas and underground retention chamber south of the apartments and parking areas. Overflow runoff will be directed to South Fork Wolf creek on the south side of the property.

Planned Development Permit – A Planned Development (PD) permit process is intended to provide for flexibility in the application of Development Code standards under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned Development Permit project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

A Planned Development Permit is being sought for The Pines of Grass Valley Project to deviate from the City's Neighborhood General – 3 (NG-3) Development Standards for building height (i.e. number of stories) and number of parking spaces as further described:

1. Increase in the height of the buildings to 3 stories for all buildings. Heights of the buildings are at 30 feet measured from proposed grades to the eaves. Total height of the buildings is ±40 feet from proposed grades to the top of the ridge.

The NG-3 Zone permits building heights of 2 ½ stores and 30 feet measured from grade to the eave or parapet.

Applicant's Justification: The project complies with the NG-3 Zone overall height of 30 feet measured from the grade to the eaves. Approval of the PD to allow additional stories, in excess of 2 ½ stories, allows the project to achieve the same density with fewer buildings. Additional buildings would require development closer to the creek, which would substantially increase the amount of grading and height of retaining walls. The additional impervious surfaces from asphalt and roofs would also increase stormwater runoff. This minor variation in building stories creates a better design with more open space and parking.

2. Increase in the amount of parking from 108 required spaces (1 space per unit) to 135 parking spaces (1.25 parking spaces or 25% above minimum requirement).

Applicant's Justification: The PD to allow an increase of parking by 27 parking spaces will greatly enhance the appeal of the project and provide flexibility for families or couples who require 2 parking spaces. Any unused spaces by residents may also be used for guest parking.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The project site contains a mix of native soils and fill material brought from off site and therefore is considered heavily disturbed and dominated by non-native vegetation. At the south end of the property, South Fork Wolf Creek contains thick blackberry bushes on the north and south banks. The project area is covered mostly by the following habitat types: Ponderosa Pine, Annual Grassland and Foothill Riparian habitats. Foothill Riparian habitats are associated with South Fork Wolf Creek with the largest area of this habitat type being located on the northern side of the creek given it contains a wider floodplain than the steeper northern side adjacent to the creek.

The project site is located at 2,475 feet above Mean Sea Level (MSL). The project area is relatively flat along East Bennett Street with gentle descending slopes towards South Fork Wolf Creek. Medium slopes occur closer to the creek and steeper slopes occur on the northern side of the creek towards the northern edge of the project site. South Fork Wolf Creek has been identified as a perennial stream within the project area (**Exhibit C – Site Photographs**).

ENVIRONMENTAL DETERMINATION:

Based upon the Initial Study, Air Quality, Biological Resources, Cultural/Tribal Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality and Noise were identified as having potentially significant impacts requiring mitigation measures. Other resource categories were determined to be less than significant or have no impact based upon site and project specific impacts.

In accordance with CEQA Section 15097, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP identifies the mitigation measures that reduce potential project impacts to a less than significant level.

PUBLIC AND AGENCY COMMENTS:

Public notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was circulated through the Office of Planning & Research for a 30-day public review period commencing on August 28, 2020 and ending close of business on September 28, 2020 (**Attachment 1 – Initial Study/Mitigated Negative Declaration**).

Comment letters on the project are in **Attachment 4 – Comments on Initial Study/Negative Declaration**. **Attachment 5 – Response to Comments** includes staff's response to each of the comments submitted to date.

GENERAL PLAN AND ZONING:

General Plan: The project area has a land use designation of Urban High Density Residential, according to the *City of Grass Valley 2020 General Plan*. The Urban High-Density Residential classification requires between 8.01 and 20.0 residential units per gross acre. UHD is intended to accommodate town house or row house style, higher

density apartments and condominiums (multiple family structural types), without distinction as to owner-or renter-occupancy.

The Pines of Grass Valley Project is located on 3 legal parcels encompassing ±5.61 total acres. At ±5.61 gross acres and 108 multiple family dwellings, the project is at a density of ±19.25 units per gross acre consistent with the Urban High-Density Residential designation.

Multiple 2020 General Plan policies, goals and objectives support Planned Developments, high density development; in-fill development; and preservation of existing neighborhoods. The policies, goals and objectives include but are not limited to:

- 9-LUP – Provide for higher residential densities on infill sites and in the Downtown area.
- 11-LUP – Where feasible, treat newly developing areas as Planned Developments.
- 12-LUP– Permit increases in residential density (clustering) on portions of development sites while maintaining overall density.
- 24-LUP- On large parcels, encourage clustering of residential units on the most developable portions of the site in order to reduce infrastructure and other housing related costs.
- 2-LUG – Promote infill as an alternative to peripheral expansion where feasible.
- 3-LUO – Reduction in the amount of land necessary to accommodate future growth.
- 4-LUO – Reduction in the environmental impacts associated with peripheral growth.
- 10-LUO – Preservation of existing neighborhoods.
- 3-CG – Provide for the safe and efficient movements of people and goods in a manner that respects existing neighborhoods and the natural environment.
- 9-CO – Use of traffic calming techniques to protect neighborhoods and residents from adverse traffic impacts.
- 10-CO – Protection of stream courses, riparian areas and other natural features.

2019-2027 Housing Element: The City's 2019-2027 Housing Element was approved by the City Council on August 13, 2019 and certified shortly thereafter by the State Department of Housing and Community Development (HCD) in compliance with State law (Article 10.6 of the Government Code). The City's 2019-2027 Regional Housing Needs Assessment (RHNA) adopted by HCD and accepted by the City allocates 743 housing units to the City of Grass Valley during the planning period.

The project is anticipated to provide housing opportunities for the City's low (30%-50% of county medium income) and moderate-income (51% to 80% of county medium income) groups in accordance with the City's adopted *2019-2027 Housing Element*. The Regional Housing Needs Assessment (RHNA) numbers for the low- (126 units - 17%) and median-income (125 units – 16.8%) groups is 251 units during the 2019 – 2027 Housing Element (Table II-32) planning period.

The Pines of Grass Valley project consists of 60 one bedroom and 48 two-bedroom units ranging in size from ±750 to ±1,000 square feet. Although larger 3-bedroom units are not

provided, the product type targets the City's average household size of 2.08 persons and average family size of 2.91 persons per household.

Zoning: The subject properties are within the Neighborhood General Three (NG-3) Zone district. The intent of the NG-3 Zone is to reinforce the character of the existing neighborhood fabric while encouraging additional housing to be provided. This zone requires well designed density in the form of larger buildings that maintain a compatible size, shape, and scale with existing neighborhood architecture.

ANALYSIS:

Staff offers the following for Development Review Committee and Planning Commission consideration:

East Bennett Frontage Improvements – The site plan has been adjusted along the East Bennett Street frontage to accommodate the City's Collector Street section and additional right-of-way. Condition of Approval No. G – 2 requires right-of-way and road improvements in accordance with the City's Modified Collector Street 2 standard. The road standard includes three 12 – foot travel lanes with 6-foot shoulders and curb, gutter and sidewalk on each side of the street. At a minimum, a 58-foot right-of-way should be maintained along the project frontage.

Conditions of Approval No G – 6 requires a minimum of a 5-foot Public Utility Easement back of walk for a total of 10 feet.

Sight Distance Analysis – A Sight Distance Analysis was prepared by *TJKM Traffic Consultants* dated October 9, 2020. Sight distance was evaluated to determine if a driver will have adequate visibility to enter a roadway safely and without conflicts with existing traffic on the roadway. The project access points should be free and clear of any obstructions that would materially and adversely affect the sight distance of existing vehicles to and from oncoming vehicles, pedestrians, and cyclists. Sight distance was evaluated at both driveways. Based on the summary of sight distance analysis, the following are recommended for the project:

- Remove the existing trees, number 008 (pine 38") and number 009 (cedar 14") and relocate the existing power pole, which are all located along the south side of Bennett Street. The tree removal and pole relocation will provide a clear line of sight for vehicles turning left from the western driveway and for oncoming vehicles travelling westbound on Bennett Street.
- Relocate the existing power poles along the south side of Bennett Street. The pole relocation will provide a clear line of sight for vehicles turning left from the eastern driveway and for oncoming vehicles traveling westbound on Bennett Street.
- Relocate the existing power pole located along the south side of Bennett Street. The pole relocation will provide a clear line of sight for vehicles turning left from the eastern driveway and for oncoming vehicles travelling eastbound on Bennett Street. Line of sight for vehicles turning left from the eastern driveway and for oncoming vehicles travelling

eastbound and westbound on Bennett Street is sufficient and clear for about 250 feet for design speed of 35 mph as per the Caltrans Highway Design Manual Standards.

- A landscaping clear area is required to be maintained to keep line of sights clear and visible. Due to the sight visibility analysis, the proposed street trees along East Bennett Street were required to be removed. The landscaping along East Bennett Street is proposed to include ground cover, shrubbery and bushes.

Trail Easement – Condition of Approval No. A – 11 requiring a trail easement has been revised to require a public access easement, sufficient in width to accommodate a 5-foot walking trail along South Fork Wolf Creek for public use. The access easement need only be wide enough to accommodate the proposed access easement for public purposes.

Grading/Retaining Walls – Given the 20-30-foot descending slopes of the property from East Bennett Street, grading and retaining walls are required at the south end of the project site to shore up the grades for American with Disability Act (ADA) purposes. Accordingly, two retaining walls are proposed along the southern property line, north of South Fork Wolf Creek. The retaining walls are ± 11 feet each in height at the west end of the site and ± 8 feet in height at the east end. There is a ± 5 -foot bench in between the two retaining walls. The 5-foot bench includes landscaping to soften the appearance of the retaining walls.

Generally, retaining walls should be kept to a minimum height (i.e. 6 feet); however, considering grade changes, higher retaining walls are necessary. However, the DRC questioned whether retaining walls could be reduced in height by dividing the ± 20 -30-foot grade changes with three vs. two walls.

Several issues present a challenge for reducing the heights of the retaining walls. First, the depth of the lot vs. grade deviation is most severe at the western end of the property. Secondly, the road widening and sight visibility along East Bennett Street required the buildings to be set back further from the back of sidewalk, which in turn requires the improvements to be shifted further down the slope. Thirdly, the applicant is desiring sufficient open space along South Fork Wolf Creek for the pedestrian trail. Given the aforementioned, additional reduced height retaining walls would further encroach into the open space/riparian area (See Cross Sections Sheet C5.0).

No retaining wall details have been provided. In lieu of the City's standard Condition of Approval No. A – 5 requiring retaining walls to be constructed of split face, slump stone or another decorative block, the applicant has requested that retaining walls be constructed of concrete finished with a stain. Colors and materials shall also match the colors within the development.

Site Lighting – According to the City's Building Official, the Green Energy Code requires lighting to be set on a timer and motion sensor. Accordingly, the lighting will be controlled during the late evening and morning hours as suggested by the DRC.

Building Heights – The buildings are proposed at 3 stories with heights of ± 30 feet measured from grade to the roof eaves. For Buildings 3 and 4 a segment of the building is

4 stories to accommodate the elevator and elevator lobby (See Sheet A – 12 and South Elevation Sheet A – 14). The overall building height is ± 40 feet measured from grade to the top of the ridge. A Planned Development is proposed to deviate from the height requirement is the NG – 3 Zone, which is $2 \frac{1}{2}$ stores and 30 feet measured from grade to the eaves or base of parapet. Except for number of stories, the project is in compliance with the height standards in the NG-3 Zone.

Planned Development –The north/south building orientation includes buildings fronting East Bennett Street with parking along the entrances and in the rear of the building. The Planned Development authorizes buildings to be clustered vs. spread out throughout the property thus creating more open space and trails than otherwise would be permitted in the NG-3 Zone standards.

Overall, $\pm 39\%$ of the site or 2+ acres is provided in open space and landscaping with infrastructure improvements (i.e. parking lot, etc.) representing $\pm 15\%$ of the site. Landscape shading of the parking lot improvements represents 54%. The four apartment and accessory buildings have a building footprint of $\pm 46\%$ of the site. Approximately ± 1.5 acres of the site is reserved for a walking trail along the north side of South Fork Wolf Creek and includes benches and ± 500 square foot Pavilion.

ATTACHMENTS:

Attachment 1 – Initial Study/Mitigated Negative Declaration with the following Exhibits, Tables, and Attachments:

- Exhibit A** – Vicinity Map
- Exhibit B** – Aerial Photograph with Site Photograph Locations
- Exhibit C** – Site Photographs
- Exhibit D** – The Pines of Grass Valley Site Plan Illustration
- Exhibit E** – The Pines of Grass Valley Elevation Illustration
- Exhibit F** – The Pines of Grass Valley Pool Area Illustration
- Exhibit G** – The Pines of Grass Valley Lounge Area Illustration

Tables:

- Table 1** – Project Construction and Operational Emissions Air Quality Estimates
- Table 2** – Project Site Wetlands

Attachment 1 – Project Plans dated June 19, 2020

Attachment 2 – Bridge Design prepared by York Bridge Concepts

Attachment 2 – Mitigation Monitoring and Reporting Program

Attachment 3 – Findings and Conditions of Approval

Attachment 4 – Project Comments

Attachment 5 – Response to Comments

ATTACHMENTS





**CITY OF GRASS VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT**

Initial Study & Mitigated Negative Declaration - The Pines of Grass Valley

**452, 474 and 500 East Bennett Street
(APNs: 009-262-006, 009-270-001, 009-270-002)**

(20PLN-02)

SCH#2020080411

August 28, 2020

ATTACHMENT 1

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INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**The Pines of Grass Valley - 452, 474 and 500 East Bennett Street**

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study), the City of Grass Valley has prepared this Initial Study to assess the potential environmental impacts of a proposed Development Review Permit and Planned Development for "The Pines of Grass Valley" multiple-family residential project located at 452, 474 and 500 East Bennett Street. On the basis of the Initial Study, the City finds that the proposed project will not have a significant adverse effect on the environment and will not require the preparation of an Environmental Impact Report. Therefore, this Mitigated Negative Declaration has been prepared as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines Sections 15063 and 15070 et. seq.

Public and Agency Review:

This Initial Study/Mitigated Negative Declaration will be circulated for a **30-day** public and agency review commencing **August 28, 2020** and ending on close of business on **September 28, 2020**. Copies of this Initial Study and cited references may be obtained at the City of Grass Valley Community Development Department at the address noted below. Written comments on this Initial Study/Mitigated Negative Declaration may also be addressed as noted below.

Project title: The Pines of Grass Valley Development Review and Planned Development (20PLN-03) - 452, 474 and 500 E Bennett Street.

Lead agency name and address:

City of Grass Valley Community Development Department
125 E. Main Street
Grass Valley, CA 95945

Contact person, phone number, and e-mail:

Lance E. Lowe, AICP, Principal Planner
125 E. Main Street
Grass Valley, CA 95945
530-274-4716
lancel@cityofgrassvalley.com

Project Location and Site Description:

The project is located at 452, 474 and 500 East Bennett Street, south of the junction of East Bennett Street, Iron Horse Place and Union Jack Street (APNs: 009-262-006, 009-270-001 & 002). The project site contains ±5.6 total acres consisting of 3 legal parcels. The project site is in Section 26, Township 16N, Range 8E Mt. Diablo Base Meridian on City of Grass Valley 7.5-minute USA quadrangle (*Exhibit A – Vicinity Map and Exhibit B – Aerial Photograph*). Approximate coordinates of the center of the site are 39° 21' 65" north and -121° 05' 27" west.

The project site contains a mix of native soils and fill material brought from off site and therefore is considered heavily disturbed and dominated by non-native vegetation. At the south end of the property, South Fork Wolf Creek contains thick blackberry bushes on the north and south banks. The project area is covered mostly by the following habitat types: Ponderosa Pine, Annual Grassland and Foothill Riparian habitats. Foothill Riparian habitats are associated with South Fork Wolf Creek with the largest area of this habitat type being located on the northern side of the creek given it contains a wider floodplain than the steeper northern side adjacent to the creek.

The project site is located at 2,475 feet above Mean Sea Level (MSL). The project area is relatively flat along East Bennett Street with gentle descending slopes towards the South Fork Wolf Creek. Medium slopes occur closer to the creek and steeper slopes occur on the northern side of the creek towards the northern edge of the project site. South Fork Wolf Creek has been identified as a perennial stream within the project area. In general, the project area slopes gently towards South Fork Wolf Creek on both the southern and northern sides of the creek. South Fork Wolf Creek enters the project area directly from the east under a small footbridge. The creek is identified as a blue line stream feature on the USGS Topographic mapping covering the project area and it is lined with dense riparian vegetation with large willow, alder, and cottonwood trees lining both the northern and southern sides of the creek.

Surrounding Land Uses:

The project site is located on the south side of East Bennett Street and contains an existing single-family dwelling that has been approved for demolition. Other land uses in the vicinity include multiple family residential at various densities to the north and west and low-density residential uses to the south and east (**Exhibit C – Site Photographs**).

Project Objective:

The project is a high-density market rate multiple-family residential infill site located within walking distance of downtown Grass Valley. The housing product consists of a combination of 1- and 2-bedroom units ranging in size from ± 750 to $\pm 1,000$ square feet. The project also contains an array of on-site amenities. The project is anticipated to provide housing opportunities for the City's low (30%-50% of county medium income (\$25,530-\$42,550)) and moderate-income (51% to 80% of county medium income (\$43,401-\$68,080)) groups in accordance with the City's adopted 2014-2019 *Housing Element*. The Regional Housing Needs Assessment (RHNA) numbers for the low- (126 units - 17%) and median-income (125 units - 16.8%) groups is 251 units during the 2019 - 2027 Housing Element (Table II-32) planning period.

Project sponsor's name and address:

Millennium Planning & Engineering
471 Sutton Way, Suite 210
Grass Valley, CA 95959
Attn: Rob Wood, AICP, Principal Planner
(530) 446-5765

PROJECT DESCRIPTION:

The Pines of Grass Valley Project requires two entitlements including a Development Review Permit and Planned Development as further described:

Development Review Permit – The project is located within the Neighborhood General – 3 Zone District. The NG-3 Zone permits multiple family dwellings contingent upon Development Review Permit (i.e. Design Review) approval for site plan and architectural building design in accordance with the City’s Design Guidelines and Development Code Standards.

The project plans dated June 19, 2020, include the following details:

Site Plan – The site plan shows four buildings with a north/south orientation fronting East Bennett Street. The buildings are setback 7.5, 9, 16, and 31 feet from west to east respectively from the proposed back of sidewalk along East Bennett Street.

The side yard setbacks are 11.8 to 30 feet on the west and 11 feet on the east. The rear yard setbacks are 95+ and 125+ feet from west and east property lines respectively.

The four buildings include the following square footage, type and unit count:

Buildings 1 & 2 – Building 1 and 2 are located on the interior of the property. The buildings contain 3 floors with ±9,159 square feet per floor totaling ±27,477 square feet per building. Within each of the buildings a total of 27 units are proposed consisting of 15 one-bedroom units of ±700 square feet and 12 two-bedroom units of ±950 square feet.

Buildings 3 and 4 – Buildings 3 and 4 are located on the west and east end of the property. The buildings contain 3 floors with ±4,984 square feet on the lower floor; ±9,065 square feet on the first floor; ±8,967 square feet on the second floor; and ±4,329 square feet on the third floor. The total square footage is 27,345 square feet. Within the buildings a total of 27 units are proposed with 15 one-bedroom units of ±700 square feet and 12 two-bedrooms units of ±950 square feet.

The Pines of Grass Valley Apartment Project unit type and square foot is as follows:

Floor Plan	Type/Square Footage
(60) – 1 bedroom	±700 square feet – 1 bedroom; 1 bathroom; ±80 sq. ft. deck
(48) – 2 bedrooms	±950 square feet – 2 bedrooms; 2 bathrooms; ±80 sq. ft. deck
Total: 108 units	

In addition to the apartments, a clubhouse, pool, playground and multi-game court are proposed in the center of the site:

Clubhouse – The ±2,800 square foot clubhouse is centrally located between buildings 1 and 2. The clubhouse building includes a lounge, business center, café, fitness center, office and bathrooms.

Recreational Amenities – Adjoining the clubhouse, site amenities include but are not limited to a ±1,200 square foot pool with hot tub; ±600 square foot BBQ/picnic area; ±1,000 square foot Children’s playground area; Two dog friendly areas: one on the west and one on the east end of the property containing ±800 and ±1,600 square foot respectively; Bocche ball court; and 5 foot walking trail around the perimeter of the property with benches and a ±500 square foot partially covered Pavilion. A pedestrian bridge is proposed to cross the South Fork Wolf Creek at the southeast end of the project site connecting APN: 009-270-001. The pedestrian bridge consists of a clear span bridge with abutments on both sides of South Fork of Wolf Creek. A detail of the bridge design is shown on **Attachment 2**.

Access, Parking and Circulation – Access to the site is proposed via two– 25-foot-wide curb cuts on East Bennett Street: one at the west end of the site directly across from the Iron Horse residential condominium development access and one at the east end of the site. Decorative paving is provided at both ingress/egress locations.

A total of 135 parking spaces are proposed for the 108 units, including 5 ADA and 11 EV parking spaces. Of the 135 parking spaces, 27 or 20 percent are compact parking spaces with dimensions of 8 feet by 16 feet. The standard parking space dimensions are 9 feet by 18 feet with backing distances of 24 feet in compliance with City Standards. Bicycle storage facilities are also provided on the east and center of the site.

Carports – Of the 135 parking spaces, a total of 24 parking spaces are proposed to be covered with carports. The carports are centrally located at the south end of the site. A detail of the carport design is provided on Sheet A18. Solar arrays are an option to be located on the carport roofs.

Architectural Building Design – The architectural building design includes pop-outs, varying wall and roof lines with varying materials. The design includes but is not limited to the following architectural details:

- Brick wainscoting;
- Horizontal, vertical and Board and Batt siding;
- Balconies with metal railings;
- Varying wall planes with cantilevers, pop-outs and vertical shed roof elements;
- Trellises over entryways and balconies;
- Windows on all elevations including windows with transoms;
- Mansard roof with 7/12 & 8/12 roof slopes with Class A roofing;
- Both stairs and elevators are proposed to access the multi-storied buildings; and,
- Solar arrays on both the carports and apartment building roofs

Building Heights – The buildings are proposed at 3 stories with heights of ± 30 feet measured from grade to the roof eaves. The overall building height is ± 40 feet measured from grade to the top of the ridge. A Planned Development is proposed to deviate from the height requirement is the NG – 3 Zone, which is 2 ½ stores and 30 feet measured from grade to the eaves or base of parapet as further discussed below in the Planned Development section of The Pines of Grass Valley Project Description.

Landscaping – Landscaping plans have been submitted for the project (Sheet L1.0a and L1.1). The landscaping consists of conifer trees, large shade trees, accent trees, street trees, native large shrubs, ground cover and bio-retention areas. Shade coverage of paved areas such as the parking lot is 52% or 18,770 square feet.

Lighting – Lighting consists of light posts fronting the parking lot, bollard lighting along the pedestrian paths and building lighting. A photometric plan has been prepared (Sheet A-22) showing the lumens in accordance with the City's Development Code. As required by the City's Development Code, the lighting will contain shields to direct lighting downward.

Grading and Retaining Walls – The site contains an elevation change of ± 28 feet from north to south along the west side of the property. The elevation at the western end of the property at East Bennett Street is $\pm 2,466$ (MSL) and at the southwestern corner an elevation of $\pm 2,438$ exists. These are the most severe grades of the property at $\pm 11\%$. Elevation differences of ± 20 feet from north to south are along the center

of the site with elevations of $\pm 2,462$ and $\pm 2,442$ respectively. An elevation difference of ± 18 feet is at the west end of the site with elevations of $\pm 2,471$ and $\pm 2,453$ respectively.

The project will include the construction of roadways, sidewalks and four apartment buildings. The project would require cut of $\pm 11,350$ cubic yards and fill of $\pm 16,780$ cubic yards resulting in an import of $\pm 5,430$ cubic yards of fill.

Two retaining walls are proposed along the southern property line, north of South Fork Wolf Creek. The retaining walls are ± 11 feet in height at the west end of the site and ± 3 feet in height at the east end. There is a ± 5 -foot bench in between the two retaining walls. The 5-foot bench includes landscaping to soften the appearance of the retaining walls. No retaining wall details have been provided. However, standard conditions require retaining walls to be constructed of split face, slump stone or another decorative block. Colors and materials shall also match the colors within the development.

Refuse Enclosures – Two refuse enclosures are proposed; one on the east side and one on the west side of the project. A trash enclosure detail is provided on Sheet A-20. The trash enclosures are constructed of split-face CMU with metal doors consistent with the building architecture.

Riparian/Open Space – A riparian/open space area, with pedestrian trail, adjoins South Fork Wolf Creek containing approximately ± 0.33 acres. An additional ± 1.5 acres is situated across South Fork Wolf Creek and will be accessed via the proposed pedestrian bridge shown in **Attachment 2**. In addition to the pedestrian trail, a partially covered ± 500 square foot pavilion is proposed. Details of the pavilion are shown on Sheet A - 19 of the project plans.

The riparian/open space area is the subject of a stream restoration plan as further described below and will be owned and maintained by the property management company of the project.

Stream Habitat Restoration and Enhancement Plan – A South Fork Wolf Creek Riparian Area Restoration Plan was prepared by Greg Matuzak dated December 2019. The creek is currently overgrown with invasive Himalayan blackberries. However, the Creek Restoration Plan proposes to restore the native riparian vegetation. The Restoration Plan is designed to achieve the following goals:

- 1) Enhance the quality and functions of the stream riparian environment to minimize the impacts of development;
- 2) Replace the monoculture of invasive Himalayan blackberry with locally native riparian and upland species;
- 3) Enhance the value of the stream riparian habitat for local wildlife;
- 4) Ensure the riparian plantings are self-sustaining beyond the establishment phase;
- 5) Ensure that the residents are informed of the function of the stream buffer, buffer plantings, and habitat values as mitigation, and protect the ecological functions of the stream buffer; and,
- 6) Enhance the aesthetic values of the stream zone for residents.

The Stream Habitat Restoration and Enhancement Plan will be incorporated into the grading and landscaping plans for the project. Improvement to the north bank of South Fork Wolf Creek will be completed concurrently with site improvements. The south bank is located outside of the project area boundaries.

Fencing – Existing fencing consists of a six-foot Cement Masonry Unit (CMU) wall along the east property line separating the site and bus storage property. A six-foot wood fence is located on the west side property line. No new property perimeter fencing is proposed with the project. Black chain-link

fencing is proposed for both the dog areas and required fencing for the pool will be installed around the perimeter of the pool area.

Tree Removal – Based on the tree field surveys, the project area does not contain any heritage trees as designated by the City of Grass Valley. A total of 36 trees were identified within the project site that would potentially require a Tree Removal Permit prior to removal of such trees. Included in the 36 trees, 14 had a Diameter at Breast Height (DBH) of greater than 24 inches making them Significant Trees under the City of Grass Valley Municipal Code Section 12.36. In addition, 22 trees were identified to have a DBH between 10 and 24 inches, making them trees subject to the City of Grass Valley Tree Ordinance. Of the 36 trees subject to the City of Grass Valley's Tree Ordinance, 22 trees are proposed to be removed as shown on the Tree Removal Plans, Sheet C2.0.

Drainage – Millennium Planning & Engineering prepared a preliminary drainage study dated December 2019, to support design of the proposed drainage system. The project includes driveways, sidewalks, and the four buildings containing 108-unit apartments and associated uses. The project has been designed to comply with City of Grass Valley Design Standards for regulated projects. Runoff from impervious surfaces will be directed into multiple bioretention treatment systems and underground retention chambers that are sized to capture and treat a 24-hour storm event. Overflow runoff will be routed to South Fork Wolf Creek.

Water Quality Treatment Methods – Storm drainage will be collected and routed through a storm drain system that will direct runoff to bioretention treatment areas and underground retention chambers south of the apartments and parking areas. Overflow runoff will be directed to South Fork Wolf Creek on the south side of the project. The following list includes Best Management Practices (BMPs) used prior to discharge of flow to existing drainage facilities and creeks.

BMP#

- TC-11 Infiltration Basins and underground chambers remove pollutants by using the natural filtering ability of the soil to remove pollutants in stormwater runoff. Infiltration facilities store runoff until it gradually exfiltrates through the soil and eventually into the water table.
- TC-30 Earthen Swales and Rock Lined Swales are utilized to collect and slowly convey runoff to downstream discharge pointes. They are designed to treat runoff through filtering and trapped sediment with angular rock lining and/or vegetation in the channel, filtering through a subsoil matrix and infiltration into the underlying soils.
- TC-32 Bioretention areas remove pollutants by filtering runoff through plants and engineered subsurface soil, restores groundwater levels, and reduces peak runoff by capturing and filtering stormwater.
- TC-50 Water quality treatment is provided in each Storm Drain Inlet utilizing a 12-inch deep sump. The sump, located below the storm drain outlet, captures sand and sediment and includes weep holes for infiltration.

The Stormwater Quality BMPs provide removal of Total Suspended Solids. The removal efficiency for the proposed multiple treatment system has been determined to be approximately 80-100%. The referenced sources (i.e. Caltrans, CASQA) were used to obtain in-field performance data for the selected BMPs.

During construction, additional BMPs including temporary erosion control facilities, shall be implemented to control pollutants that have a potential to affect the quality of storm water discharges for the construction site. Implementation of BMPs for Construction Activities will be in accordance with California State Water Resources Control Board (SWRCB) requirements.

Utilities – Water Supply: The subject property will be connected to City of Grass Valley water lines that will be extended to serve the site. The nearest water lines are located along East Bennett Street.

Sanitary Sewer: Sanitary sewer is proposed to hook into the existing manhole and sewer system south of the adjacent apartment complex (near Wolf Creek) to serve the site.

Dry Utilities: Dry utilities (i.e., natural gas, electrical supply, telephone, cable) are located along East Bennett Street. The exiting overhead powerlines that run north/south through the property will be undergrounded and rerouted on-site concurrently with site development.

Planned Development Permit – A Planned Development (PD) permit process is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned Development Permit project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

A Planned Development Permit is being sought for The Pines of Grass Valley Project to deviate from the City's Neighborhood General - 3 (NG-3) Development Standards for number of stories, front yard setbacks and parking. According to the applicant, the Planned Development is being requested to deviate/provide the following project benefits:

1. Increase in the height of the buildings to 3 stories for all buildings. Heights of the buildings are at 30 feet measured from proposed grades to the eaves. Total height of the buildings is ±40 feet from proposed grades to the top of the ridge.

The NG-3 Zone permits building heights of 2 ½ stores and 30 feet measured from grade to the eave or parapet.

Justification: The project complies with the NG-3 Zone overall height of 30 feet measured from the grade to the eaves. Approval of the PD to allow additional stories, in excess of 2 ½ stories, allows the project to achieve the same density with fewer buildings. Additional buildings would require development closer to the creek which will substantially increase the amount of grading and height of retaining walls. The additional impervious surfaces from asphalt and roofs would also increase stormwater runoff. This minor variation in building stories creates a better design with more open space and parking.

2. Front yard setbacks reduced from minimum 10 feet to 7.5 feet along Bennett Street.

Justification: The PD to allow for a reduction of 2.5 feet within the front yard setback reduces the retaining wall heights near the southwest corner by approximately 2 feet and provides more space for the pedestrian trail fronting South Fork Wolf Creek. It also reduces 2 steps along the sidewalk south of Building 3 and makes it easier to achieve ADA compliance to the southern entrance of Building 3.

3. Increase in the amount of parking from 108 required spaces (1 space per unit) to 135 parking spaces (20% above minimum requirement).

Justification: The PD to allow an increase of parking by 27 parking spaces will greatly enhance the appeal of the project and provide flexibility for families or couples who require 2 parking spaces. Any unused spaces by residents may also be used for guest parking.

General Plan Land Use Designation

The project area has a land use designation of Urban High Density Residential, according to the *City of Grass Valley 2020 General Plan*. The Urban High-Density Residential classification requires between 8.01 and 20.0 residential units per gross acre. UHD is intended to accommodate town house or row house style, higher density apartments and condominiums (multiple family structural types), without distinction as to owner-or renter-occupancy.

The Pines of Grass Valley Project is located on 3 legal parcels encompassing ±5.61 acres. At ±5.61 gross acres and 108 multiple family dwellings, the project is at a density of ±19.25 units per gross acre consistent with the Urban High-Density Residential designation.

From a California Environmental Quality Act (CEQA) perspective, the environmental review per Section 21083.3 restricts the CEQA analysis on residential zoning and community plans as follows:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of CEQA to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior impact report.”

From the General Plan Land Use perspective, the Pines of Grass Valley Project site with an Urban High-Density Residential Land Use Designation was considered in the *City's 2020 General Plan and Certified Environmental Impact Report (SCH#98082023)* prepared for the *City of Grass Valley 2020 General Plan*. With adoption of the City's 2020 General Plan, the City concurrently adopted a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines for Air Quality, Light and Glare, Traffic and Open Space. Accordingly, the environmental analysis provided herein for The Pines of Grass Valley is limited to the site-specific effects on the environment which are peculiar to the property in accordance with Section 21083.3 of the CEQA.

Zoning Designation

The subject properties are within the Neighborhood General Three (NG-3) Zone district. The intent of the NG-3 Zone is to reinforce the character of the existing neighborhood fabric while encouraging additional housing to be provided. This zone requires well designed density in the form of larger buildings that maintain a compatible size, shape, and scale with existing neighborhood architecture.

Project Phasing

The project is proposed in two phases: Phase I will consist of overall site work, Buildings 1 and 2 and the Clubhouse plus project amenities including pedestrian trail and pedestrian bridge to cross the creek. All underground utilities will be installed in Phase I. Phase 2 includes construction of Buildings 3 and 4.

Offsite Improvements

Except for frontage improvements along East Main Street, no offsite improvements are proposed or anticipated as part of the proposed The Pines of Grass Valley Apartment project.

Exhibit A - Vicinity Map

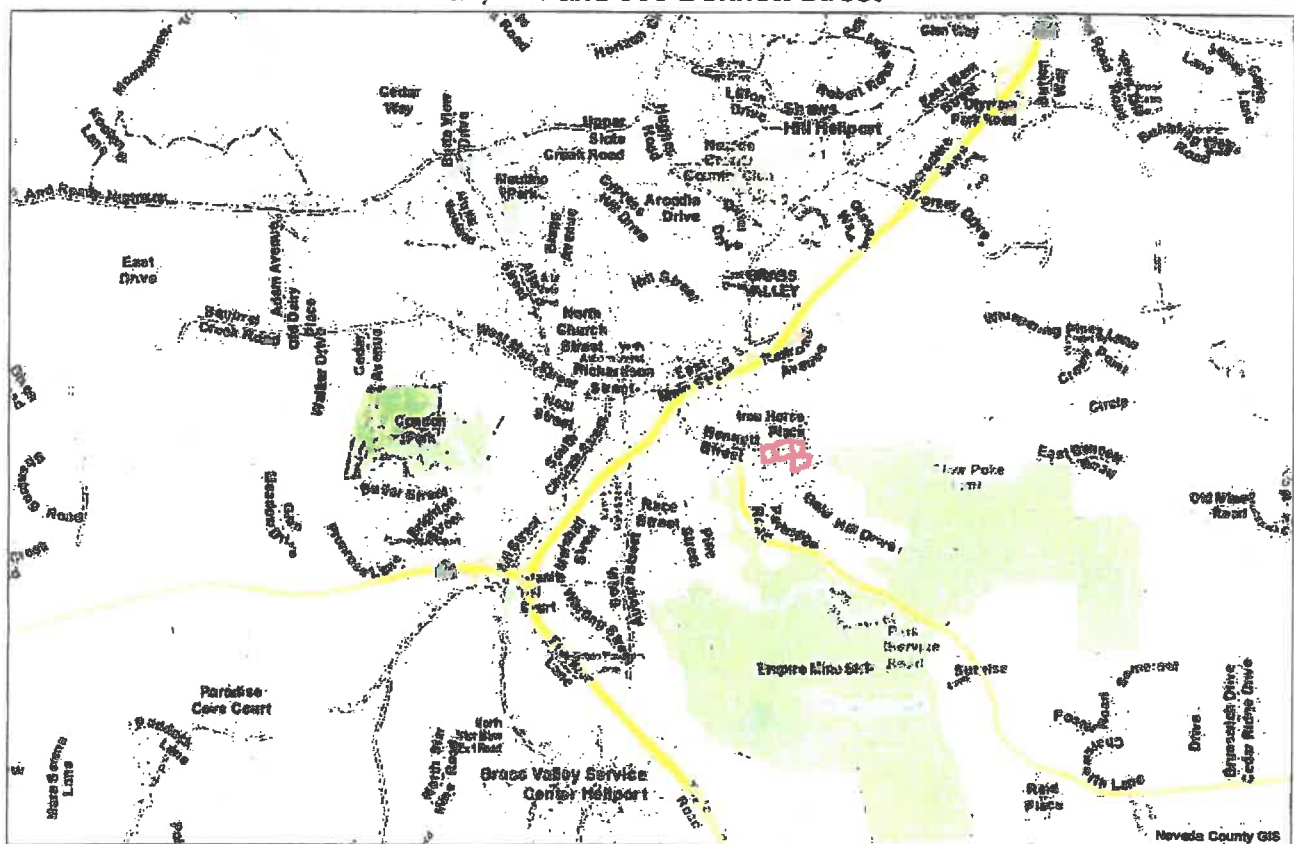
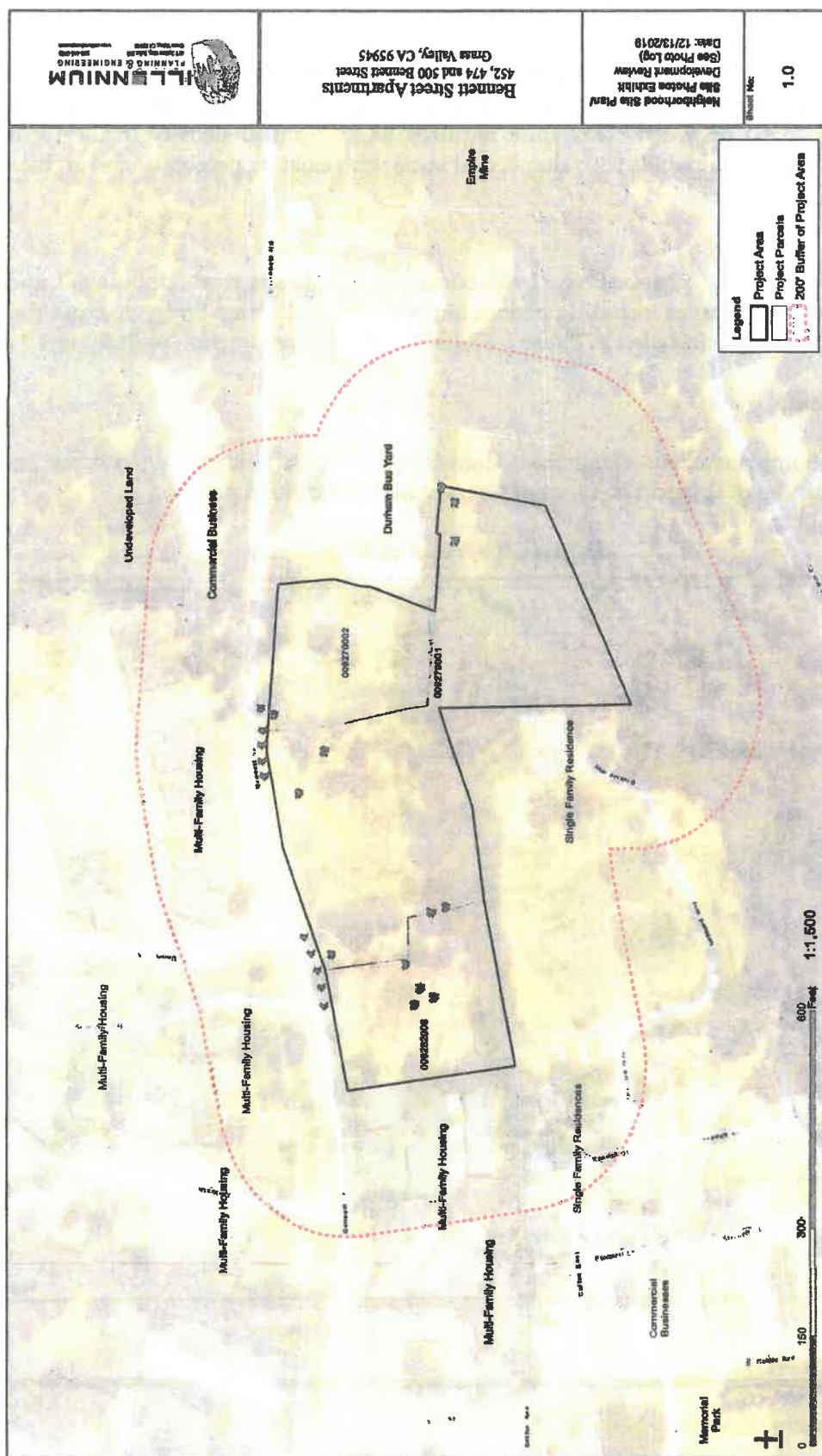


Exhibit B - Aerial Photograph with Site Photograph Locations



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Exhibit C - Site Photographs

Photo Log - Bennett Street Apartments
See Figure 1: Site Photos Exhibit

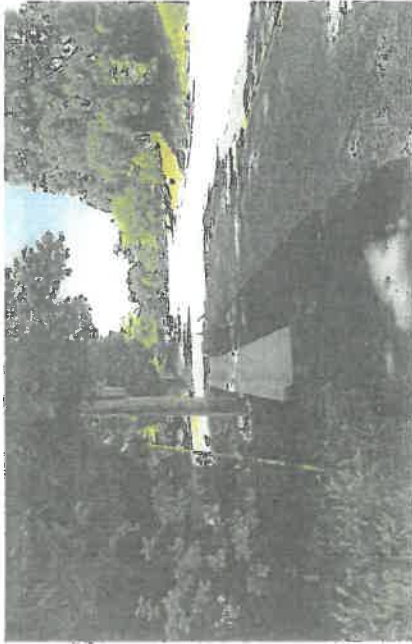


Photo 1: Looking west

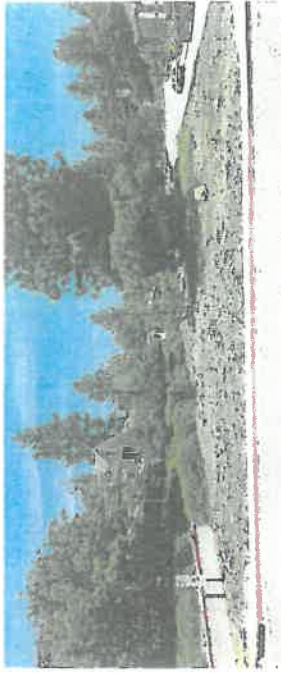


Photo 3: Looking north

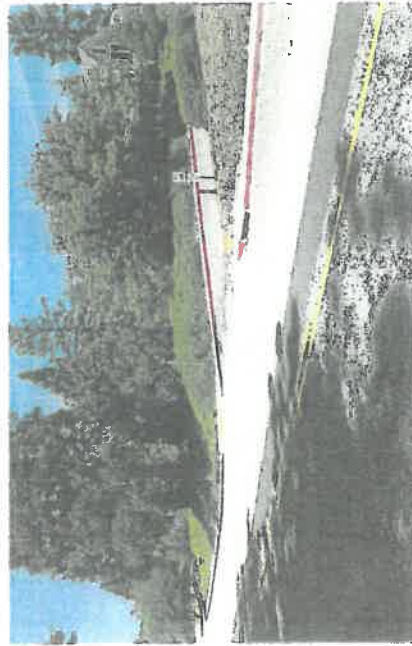


Photo 2: Looking northwest

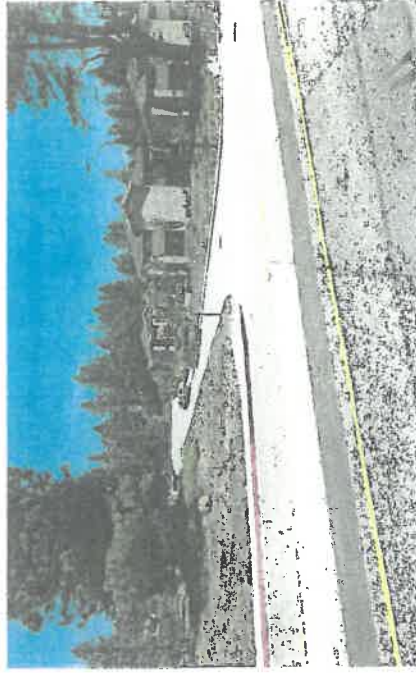


Photo 4: Looking northeast

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Exhibit C - Site Photographs

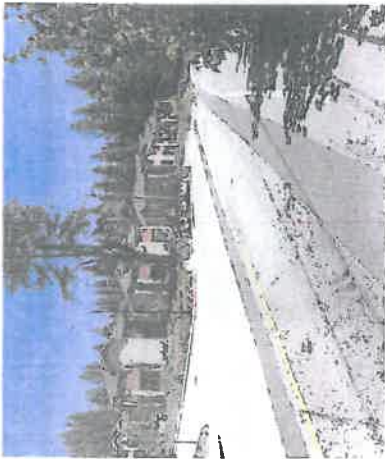


Photo 15: Looking east



Photo 23: Looking west



Photo 25: Looking southwest



Photo 6: Looking west



Photo 46: Looking northwest



Photo 56: Looking east

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Exhibit D - The Pines of Grass Valley Site Plan Illustration



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Exhibit E - The Pines of Grass Valley Elevations Illustration from East Bennett Street



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Exhibit F - The Pines of Grass Valley Clubhouse and Pool Area Illustration



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Exhibit G - The Pines of Grass Valley Interior Clubhouse Area Illustration



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Item # 2.

Regulatory Setting and Required Agency Approvals

The following City of Grass Valley, Responsible and/or Trustee Agency permits are required prior to construction of The Pines of Grass Valley project:

- City of Grass Valley Department of Public Works - Improvement Plan, Grading Plan, Encroachment Permit and Tree Permit approvals.
- City of Grass Valley Community Development Department - Site Plan and Building Plan Approvals and Conditions of Approval/Mitigation Measure compliance verification.
- City of Grass Valley Building Department - Building, Plumbing, Mechanical, and Electrical Permits in accordance with the California Codes.
- City of Grass Valley Fire Department - Site Plan, Improvement Plan and Building Plan Approvals.
- A Storm Water Pollution Prevention Plan (SWPPP) and Approval of the Remedial Action Work Plan for Clean Closure and issuance of Waiver of Discharge Requirements (WDRs) of the site shall be approved by the Regional Water Quality Control Board in accordance with the Clean Water Act.
- A Dust Mitigation Plan shall be approved by the Northern Sierra Air Quality Management District.
- Timber Harvest Permit Exemption (for less than 3-acre conversion) from the California Department of Forestry and Fire Protection.
- Army Corps of Engineer (Section 404 permits) - A Section 404 Clean Water Act (CWA) Permit is required for the pedestrian bridge across South Fork Wolf Creek and for the restoration objectives outlined in the Habitat Restoration Plan.
- State Department of Fish and Wildlife (1600 permits) - A Stream Alteration Agreement is required for encroachment into the bed and bank or existing blackberry bushes associated with the South Fork Wolf Creek.
- Nevada County Environmental Health Department (NDEHD) - NCEHD acting as Lead Enforcement Agency (LEA), will review and approve the Remedial Action Plan prepared for the project. NCEHD staff will be on-site to oversee grading operations in accordance with the approved Remedial Action Plan.

Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except “NO Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g. the project falls outside a fault rupture zone). A “NO Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) **“Potentially Significant Impact”** is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
- 4) **“Potentially Significant Unless Mitigation Incorporated”** applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) **“Less-Than-significant Impact:”** Any impact that is expected to occur with implementation of the project, but to a less than significant level because it would not violate existing standards.
- 6) **“No Impact:”** The project would not have an impact to the environment.
- 7) Earlier analyses may be used where, pursuant to Tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.
- 8) Lead agencies are encouraged to incorporate into the checklist reference to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gases | <input checked="" type="checkbox"/> Haz/Hazardous Mat. |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Util./Service Systems |
| <input type="checkbox"/> Wildfire | <input type="checkbox"/> Man. Findings/Significance | <input type="checkbox"/> None |

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Lance E. Lowe, AICP, Principal Planner

Date 8/24/2020

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The aesthetic value of an area is a measure of its visual character and quality, combined with the viewer response to the area (*Federal Highway Administration, 1983*). The visual quality component can best be described as the overall impression that an individual viewer retains from residing in, driving through, walking through, or flying over an area. Viewer response is a combination of viewer exposure and viewer sensitivity. Viewer exposure is a function of the number of viewers, the number of views seen, the distance of the viewers, and the viewing duration. Viewer sensitivity relates to the extent of the public's concern for a particular view shed (*U.S. Bureau of Land Management, 1980*).

The *City of Grass Valley 2020 General Plan* notes that the City does not contain any officially designed scenic highways or vistas, but generally acknowledges the City and its surroundings as having a wide range of landscapes, scenic vistas and visual resources.

The project area is visually characterized by development, high-density residential uses to the north, west and south. A school bus parking lot is located to the east.

The project site has ±720 feet of frontage along East Bennett Street. According to the *Tree Inventory prepared by Greg Matuzak*, there are 36 trees on the site that would be subject to the City's Tree Permit Ordinance. According to the project plans, an estimated 24 trees are proposed to be removed with development of the project. However, the larger Ponderosa Pines and Blue Spruce trees fronting East Main Street are to remain according to the Tree Removal Plan (Sheet C2.0). No other scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings are located on the subject ±5.6-acre project site.

Sources of existing light in the project area are streetlights, residential lighting and parking lot lighting. Other sources of light and glare include vehicles traveling along East Bennett Street.

IMPACTS

- a)&b) From its undeveloped state, the development of four multi-story, multiple family dwelling buildings and related improvements would alter the views from East Bennett Street.

A project would normally have a substantial adverse aesthetic effect through removal of natural features or addition of man-made features or structures which degrades the visual intactness and unity of the scenic vista or highway. Considering scenic vistas or scenic highways are not within the project vicinity, the project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. No impact will occur.

- c) Distinguishing between public and private views is important when evaluating changes to visual character or quality, because private views are views seen from privately-owned land and are typically associated with individual viewers, including views from private residences. Public views are experienced by the collective public and include views of significant landscape features and along scenic roads. According to CEQA (Pub. Resources Code, § 21000 et seq.) case law, only public views, not private views, are protected. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488], the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Therefore, the focus in this section is on potential impacts to public views. Sensitive public viewers in the surrounding area would primarily consist of motorists, pedestrians, and bicyclists travelling on East Bennett Street. Exhibits D and E provide photo illustrations of the site plan and views of the project site from East Bennett Street.

The proposed project would change the visual character and quality of the site from a vacant, undeveloped lot to a multi-family apartment complex with associated landscaping. For motorists, bicyclists, and pedestrians travelling on East Bennett Street, the proposed project could potentially obscure views to the south and east. However, the project would provide an 80-foot-wide setback between proposed buildings 1 and 3 and 2 and 4. A separation of 320 feet is proposed between buildings 1 and 2. Consistent with the City's Zoning Ordinance, the setback would include drought-tolerant trees, shrubbery, and groundcover in order to provide for an aesthetically pleasing streetscape.

Generally, new development, if not carefully designed, can result in adverse impacts on sites open to public view. This property has been designated for high density (8.01 to 20.0 units per acre) urban development in the City General Plan. Additionally, policies of the City's

General Plan Community Design Element (Chapter 10 of the 2020 General Plan) aim to preserve the desirable physical and design features in Grass Valley and carry them over into new development so that old and new development appear compatible. The City's Community Design element states that new infill development within established areas shall be consistent in terms of scale, design, and materials.

The project area has predominately a medium and high-density residential appearance with medium and high-density residential uses surrounding the project site to the north and west. Specifically, The Courts, Creekside, North Star Place, Iron Horse and County Village Multiple family developments are located along East Bennett Street. The architectural types/styles of multiple family homes in the immediate vicinity include but are not limited to contemporary townhomes and apartments at various densities. The residential designs for The Pines of Grass Valley Project includes architectural detailing and materials consistent and compatible with the residential architecture in the neighborhood as outlined in the project description.

The buildings are however, proposed to be three stories in height, but comply with the maximum 30-foot height in the NG -3 Zone. A Planned Development is being sought to exceed the number of stories in the zone with justification as outlined in the project description. Additionally, the project includes the planting of approximately seventy-five (75) trees and shrubs along East Bennett Street thereby providing visual relief along East Bennett Street for the Iron Horse Condominiums and Gold County Village multiple family projects. As such, the proposed infill residential project is not anticipated to substantially degrade the existing visual character or quality of the site and its surroundings.

Of the ±36 trees identified in the Arborist Report, the project is anticipated to remove ±24 of the ±36 trees from the site (66%). The City's Design guidelines suggest a 20% tree retention for all other types of development in the City. This project proposes to retain 34% of the trees on-site. In particular, the two large Blue Spruce trees (e.g. 64 and 84 inch), 42 inch and 38-inch Pine Trees are proposed to be retained. According to the preliminary landscape plans, the developer proposes to replant a minimum of 19 street trees (e.g. Trident Maple, Red Sunset Map, European Beech, and Chinese Pistache); 2 Evergreen Trees at each end of the site (e.g. Canyon Live Oak, Holly Oak, Urban Pinnacle Oak and Interim Live Oak); 12 accent trees (e.g. Japanese Maple, Bloodgood Japanese Maple, forest Pansy Red Bud, Western Red Bud, Cherokee Princess Dogwood, Crape Myrtle); and, 35 Native Large Shrubs (e.g. Strawberry tree, Spice bush, Western Red bud, Toyon, and CA Coffee Berry) trees along East Bennett Street thereby further reducing visual impacts.

Although the replanting will not make up for the trees removed, the additional trees and landscaping will soften the appearance of the multiple family residential development on neighboring properties, passing motorists and pedestrians alike. These impacts are considered less than significant.

- d) Existing sources of day and nighttime light within and around Grass Valley include those common to developed areas, including motor vehicle lights along East Bennett Street, City streetlights, parking lot lighting, building lighting and signage in the project area.

Lights to be installed on The Pines of Grass Valley Project site include parking lot lighting, home entryway lights and pedestrian path bollard lighting. Per City standards, all lighting is required to contain down shields thereby directing light downward. The residential lights must be directed so as not to spill light onto neighboring properties. Accordingly, light spillover is not anticipated to cause a significant impact to neighboring properties.

Additionally, vehicle lights traveling north and south on Iron Horse Place, Union Jack Street and the project entryways will create additional nighttime lighting directed at the Iron Horse Project, Gold Country Village and The Pines of Grass Valley Project. However, these potential impacts are intermittent, short term and thus are considered less than significant. Overall, potential lighting impacts associated with the project are considered less than significant.

II. AGRICULTURE RESOURCES & FOREST RESOURCES-

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The proposed project is situated in an area that has been designated and zoned for high density residential use by the *City of Grass Valley 2020 General Plan and Development Code*. Except for the ± 5.6-acre project site, the project area has been largely built out in accordance with the City's residential land use designations.

"Agricultural Land" is defined as prime farmland, farmland of statewide importance, or unique farmland, as defined by the *United States Department of Agriculture land inventory and monitoring criteria, as modified for California*.

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Although, portions of the site have been used as an orchard, no current agricultural operations or forestry lands exist on the project site as defined according to the *U.S. Department of Agriculture*. Although, the property contains trees, the project site does not fall under the definition of forest lands as defined by *Public Resources Code Section 12220(g)*.

IMPACTS

- a)&b) The site is an infill site designated as “*Urban and Built-up Land*” as defined according to the *U.S. Department of Agriculture*. As defined, “*Urban and Built-up Land* is used for residential, industrial, commercial, construction, institutional, and public administrative purposes. Highways and other transportation facilities are also mapped as a part of Urban and Built-up Land if they are a part of the surrounding urban areas.”

The California Resources Agency farmland mapping program does not identify the project site or vicinity as having Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project site has been zoned for high density residential uses and is surrounded by similar developed multiple family residential uses. Considering no farmland as defined by CEQA exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use, including any farmlands under Williamson Act Contract. No impact will occur.

- c)-e) As noted in the project setting above, the project will not conflict with existing zoning or cause the rezoning of forest land (as defined in *Public Resources Code Section 12220(g)*), timberland (as defined by *Public Resources Code Section 4526*), or timberland zoned timberland Production (as defined by *Government Code Section 51104(g)*).

Although, the project is slated to remove ±24 trees from the site, the project will not result in the loss of forest land or conversion of forest land to non-forest uses as defined. Standard conditions of approval require the applicant to obtain an exemption (for less than 3-acre conversion) of a Timber Harvest Permit from the *California Department of Forestry and Fire Protection*.

Additionally, the applicant will be required to obtain a Tree Removal Permit from the City in accordance with Chapter 12.36 of the City’s Municipal Code. Prior to removing trees, the City’s Tree Permit process requires mitigation for the loss of protected trees with payment of in-lieu fees or replanting on-site or combination thereof. No impact will occur.

III. AIR QUALITY –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in a cumulative considerable net increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SETTING

The project is located within the Northern Sierra Air Quality Management District's (NSAQMD) jurisdiction. The overall air quality in Nevada County is good but two known air quality problems exist, Ozone and Suspended Particulate Matter (PM-10). Nevada County is a "non-attainment" for both pollutants. PM-10 in Grass Valley meets federal ambient ozone standards but exceeds the more stringent State standards in the winter, primarily due to smoke created from wood stoves and fireplaces. Violations in the summer months have been noted during forest fires or periods of open burning. PM-10 is usually associated with dust generated during construction. Western Nevada County is a non-attainment area for the federal 8-hour ozone standard and the entire county is non-attainment for the state one-hour ozone standard.

The NSAQMD has adopted standard regulations and conditions of approval for projects that exceed certain air quality threshold levels to address and mitigate both short-and long-term emissions. The Northern Sierra Air Quality Management District (NSAQMD) has established the below thresholds of significance for PM-10 and the precursors to ozone, which are reactive organic gases (ROG) and nitrogen oxides (NOx). The NSAQMD has developed a tiered approach to significance levels: A project with emissions meeting Level A thresholds will require the most basic mitigations; projects with projected emissions in the level B range will require more extensive mitigations; and those projects which exceed Level C thresholds, will require an Environmental Impact Report to be prepared, which may result in even more extensive mitigations.

IMPACTS

- The Pines of Grass Valley Project does not conflict with or obstruct implementation of an air quality plan prepared by NSAQMD. No impact will occur.
- The project will be required to comply with NSAQMD standard threshold regulations and air quality mitigations and therefore will not result in a cumulative considerable net increase in any pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards. This impact is less than significant as mitigated below.
- The nearest sensitive receptors (i.e. residential uses) are located ± 35 to ± 100 feet to the north, west and south. Impacts of the project will result from initial construction and long-term ~~operation of the residential uses. Construction-related air pollutant emissions would originate~~

from mobile and stationary sources including but not limited to construction equipment exhaust, dust resulting from earth-disturbance, painting, and asphalt and/or concrete paving.

Construction-related emissions vary substantially depending on the level of construction activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind, precipitation conditions, and soil moisture content. In its developed condition as a multiple residential use, air pollutant emissions would be generated by, but not limited to gas appliances, gas-powered landscaping equipment, and vehicle exhaust of residents and guests.

In review of the project, the *California Emission Estimator Model (CalEEMod) Version 2016.3.2*, emissions modeling program was used to estimate air pollutant emissions associated with The Pines of Grass Valley project. According to *CalEEMod* modeling results, air quality impacts for both construction and operational (occupancy) phases would be less than significant for all regulated air pollutants. That is, the daily emissions are all below the Level B thresholds adopted by NSAQMD as shown in Table 1:

Table 1
Project Construction and Operational Emissions Estimates

Project Construction and Operational Emissions Estimates				
	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	CO (lbs/day)
Project Construction Impacts	19.76	42.48	10.42	35.26
Project Operational Impacts	5.81	12.92	4.42	30.46
Level A Thresholds				
NSAQMD- Significance Thresholds	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/A
	<24 lbs/day	<24lbs/day	<79lbs/day	
Level B Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/A
	24-136 lbs/day	24/136 lbs/day	79-136 lbs/day	
Level C Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/A
	>136 lbs/day	>136 lbs/day	>136 lbs/day	

Emissions associated with the proposed project would be greatest during construction activities, specifically when diesel-powered construction vehicles are used for earth-moving operations. The nearest sensitive receptors (i.e. residential use) are located approximately ±35 feet to the west; ±80 feet to the north; and ±500 feet to the south from the proposed project site, where grading will occur. No residential uses are in proximity to the project site to the east. Although near sensitive receptors, the emissions associated with the project would be short-term and are not anticipated to result in a substantial elevation of pollutant concentrations in the area.

The proposed project's operational emissions would be typical of those produced by multiple residential development. Operational emissions would consist of PM₁₀, CO, and ozone precursors (ROG and NOx). These pollutants would be generated by gas-fired water heaters, as well as from engine emissions associated with vehicle trips to/from the project and gasoline-powered landscape maintenance devices. Based upon the *CalEEMod* analysis, operational

emissions are not anticipated to exceed Level B thresholds. These potential impacts are considered less than significant.

Based on *CalEEMod* modeling results for the proposed project, long-term operational emissions would also not exceed NSAQMD significance thresholds.

Although construction and operation of the proposed project would not exceed NSAQMD significance thresholds, NSAQMD's standard mitigation measures for projects with Level B thresholds would be imposed thereby minimizing project emissions to an acceptable level. Such conditions are considered appropriate to apply to the proposed project to promote maintenance of air quality in the region. The standard mitigations recommended by NSAQMD are consistent with goals of State Implementation Plans for the District.

Since operational emissions would be in accordance with accepted thresholds and construction-related emissions would be short-term, with implementation of NSAQMD's recommended mitigation measures, the proposed project's emissions are not anticipated to expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts are anticipated to remain less than significant with implementation of standard NSAQMD's mitigation measures for Level B projects as noted below.

AQ 1 - Mitigation Measures:

Prior to the issuance of a grading permit, the following standard air quality mitigation measures shall be incorporated into the grading and improvement plans:

1. *The project shall be required to use Low VOC paintings and coatings.*
2. *The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:*
 - a. *The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.*
 - b. *All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.*
 - c. *All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.*
 - d. *All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.*
 - e. *All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.*
 - f. *All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.*
 - g. *Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.*

- h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass.*

Furthermore, according to the *Phase I Geotechnical Report prepared by Holdrege & Kull dated February 7, 2007 and Remedial Action Work Plan prepared by NV5 dated January 2020*, the site contains stockpiled soil that contains ultramafic rock and serpentinite. This is further substantiated by comments from the NSAQMD. When asbestos is disturbed in connection with construction and grading, asbestos-containing dust can be generated. Exposure to asbestos can result in health ailments such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing). According to the NSAQMD, an Asbestos Air Quality Dust Mitigation Plan must also be reviewed and approved by NSAQMD. This is a potentially significant impact; however, the following mitigation measure will reduce air quality impacts to a less than significant level.

AQ - 2 Mitigation Measures

1. *Prior to issuance of a grading permit, the Remedial Action Work Plan Dust Mitigation Measures shall be implemented. The Asbestos Dust Mitigation Plan shall be approved by NSAQMD. The Asbestos Dust Mitigation Plan must specify dust mitigation practices which are adequate to ensure that no equipment or operation emits dust that is visibly crossing property lines. The Asbestos Dust Mitigation Plan shall include but not be limited to the following prevention measures:*
 - a. Track-out prevention and control measures;*
 - b. Control for traffic on on-site unpaved roads, parking lots, and staging areas;*
 - c. Control of earthmoving activities;*
 - d. Control for Off-site Transportation;*
 - e. Post Construction Stabilization of Disturbed Areas;*
 - f. Air Monitoring for Asbestos;*
 - g. Frequency Reporting; and,*
 - h. Recordkeeping and Reporting Requirements*
2. *During the remedial activities, soil moisture content is to be maintained to reduce the potential for dust generation and the need for respiratory protection. General procedures are set forth in Appendix B of the Remedial Action Work Plan. The remediation contractor will be responsible for consulting with a Certified Industrial Hygienist (CIH) to determine the appropriate levels of protection and monitoring for the remediation workers.*
3. *Based on the required application of water for dust suppression during soil investigation, air borne level of particulate-borne contaminants (if any) are expected to be low. If visible dust is observed during excavation, the contractor is to halt work and perform additional dust suppression. If visible dust is observed, real-time dust monitoring may be required by NSAQMD to verify that the engineering controls are effective in controlling dust emissions. Dust monitoring is typically performed at a minimum during the first two days of soil-disturbing activities, and whenever a significant change in operations takes place that may result in additional dust generation. If required, airborne dust levels are to be monitored using active, real-time, data logging aerosol monitors (e.g. a MIE pDR1200 with PM-10 inlet attached to a sampling pump).*

- d) The project is not anticipated to produce any objectionable odors in its finished condition that would affect a substantial number of people. Construction activities associated with the proposed development, such as paving and painting, are likely to temporarily generate objectionable odors. However, since odor-generating construction activities would be temporary, and are only likely to be detected by a small number of residents nearest the project site, impacts from temporary project-related odors are considered to be less than significant.

IV. BIOLOGICAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect state or federally protected wetlands. (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

A Biological Resources Inventory and Resource Management Plan was prepared by Greg Matuzak dated July 2019 for the project. As part of the Biological Resources Inventory, potential California Department of Fish and Wildlife (CDFW) and United States Army Corps of Engineers jurisdiction was assessed.

The purpose of the Biological Resource Inventory is to identify the location and extent of sensitive biological resources within the Project area, including special-status plant and wildlife species, and the presence of drainage/stream/wetland features that could potentially meet the Corps criteria as "Waters of the United States", including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). In addition, the Biological Resources Inventory includes an assessment of streams within the project area that could be under the jurisdiction of the California Department of Fish and Wildlife (CDFW) Code Section 1600 et. seq.

In order to evaluate the project area for the presence of any sensitive biological resources, baseline information from databases and reporting for similar projects in the City of Grass Valley and Nevada County was collected and reviewed prior to conducting reconnaissance-level field biological surveys for the project area. The database searches, background research, and habitat level field surveys characterized the baseline conditions. Based on the baseline conditions of the project area, an assessment was implemented to determine if any special status plant or wildlife species have the potential to use the project area at any time during their life cycle. The baseline conditions also identified the presence of any sensitive habitat or communities, if they were previously identified in the project area.

South Fork Wolf Creek runs through the project area and is located along the southern border of the project. The surrounding area includes residential and commercial developments and is bordered by East Bennett Street along the northern border.

According to the Biological Resources Inventory and Resource Management Plan potential impacts to sensitive species, streams, wetlands and trees were evaluated as follows:

IMPACTS

- a) Special status species were considered based upon a review of the California Natural Diversity Database and database information provided by the United States Fish and Wildlife Service (USFWS) for the project area. The project area does not contain any Designated Critical Habitat (DCH) for any federally listed species protected by USFWS. The database searches did reveal eleven (11) species, including *Brandegee's clarkia*, *brownish beaked-rush*, *chaparral sedge*, *dubious pea*, *finger rush*, *Pine Hill flannelbush*, *Scadden Flat checkerbloom*, *California black rail*, *foothill yellow-legged frog*, *coast horned lizard*, and the *Townsend's big-eared bat* that have been previously observed during field surveys. In addition, *Western pond turtle* and *California red-legged frog* are also discussed given the presence of the South Fork of Wolf Creek crossing the project area.

The project area does not contain suitable habitat for upland species such as the *Coast horned lizard* or the *Townsend's big-eared bat* given the lack of native sandy soils and abandoned structures within the project area. The emergent wetland on the southern side of South Fork Wolf Creek contains marginal potential habitat for the following species: *California black rail*, *Scadden flat checkerbloom*, and *brownish beaked-rush*. However, there is no proposed activity or disturbance within the southern section of the project area and within the mapped riparian and

emergent wetland habitats; therefore, the proposed project would have no impact on any of the species that could occur within those habitats. In addition, South Fork Wolf Creek includes aquatic habitat; however, within the project area, the creek does not provide suitable habitat for any sensitive amphibians or other sensitive aquatic species. As a result, no impact would be expected to *California red-legged frog*, *foothill yellow-legged frog*, *western pond turtle*, or *California black rail* from disturbance within or immediately adjacent to the northern side of South Fork of Wolf Creek within the project area. In addition, the proposed project will avoid placing fill or dredge material within South Fork Wolf Creek; therefore, the proposed project will have no direct or indirect impacts on South Fork Wolf Creek.

If future development is proposed within the riparian and emergent wetland habitat mapped on the southern side of the South Fork Wolf Creek, special-status species would be required for the following species: *California black rail*, *Scadden flat checkerbloom*, and *brownish beaked-rush*. This would ensure that these species are either not present within the southern side of the project area or they would be avoided and therefore, not impacted by any future proposed development within that area. Should the south side of the South Fork Wolf Creek be disturbed, the following mitigation measure would reduce potential impacts to a less than significant level:

BIO 1 - Mitigation Measure:

Prior to disturbance of the southern side of the South Fork Wolf Creek, a qualified biologist shall be required to conduct surveys for protected species and if present, the qualified biologist shall be required to develop a plan to protect those species, in consultation with the State Department or Federal Department of Fish and Wildlife, as applicable, during any site disturbance near where they are identified. The mitigation plans shall be to the satisfaction of the State Department or Federal Department of Fish and Wildlife.

- b-c) As part of the field surveys implemented for the proposed project, a delineation of waters of the U.S., including wetlands was implemented to identify the number and extent of such features within the project area. The field delineation of waters of the United States and State of California included the implementation of methods accepted by the Army Corps of Engineers as detailed in the *Wetlands Delineation Manual (Environmental Laboratory, 1987)* and more recently in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Regions (April 2008)*.

The extent and location of waters of the U.S., including wetlands within the project area was evaluated based on the results of a previous delineation of CWA jurisdiction for a previous proposed project called Gold Country Senior Apartments Phase 2 proposed within two of the parcels (APNs: 009-270-01 and 009-270-02) that make up the proposed project area. A previous delineation of Clean Water Act (CWA) jurisdiction for another previous proposed project within the ±3.44-acre parcel (APN: 009-270-01) called South Creek Village was developed by Hydro Restoration on May 1, 2017.

The previous delineation of CWA jurisdiction within the single parcel included mapping of a total of ±0.91 acres of CWA jurisdiction within the ±3.44-acre project area. A total of ±0.05 acres of South Fork Wolf Creek stream zone, ±0.83 acres of riparian wetland habitat associated with the creek banks and floodplain, and a small ±0.03-acre emergent wetland within a depressional area within the riparian wetland habitat were mapped as CWA jurisdiction within the single

parcel. Most of the riparian wetland habitat and the emergency wetland mapped previously within the single parcel was mapped on the southern side of the South Fork Wolf Creek. A total of ±0.91 acres of CWA jurisdiction was mapped within the single parcel in 2007.

Based upon a delineation of waters of the U.S., including wetlands within the project area, mapping of features potentially regulated under the *Clean Water Act (CWA)* occurred as part of the site survey conducted on June 14th and 21st, 2019. A total of ±1.38 acres of waters of the U.S., including wetlands, was mapped within the project area. The table below includes the type and extent of the waters of the U.S., including wetlands, identified within the project area:

Table 2 - Wetlands

Type of Waters/Wetland	Size/Area
South Fork Wolf Creek	0.2 acres (1,060 linear feet)
Riparian Wetland	1.15 acres
Emergent Wetland	0.03 acres
-----	1.38 acres

The location and size of the wetlands are shown on the Landscaping Plans (Sheet L1.0a). The wetlands are located on the open space property containing the trails and pavilion. As described above, the project disturbance area boundary is limited to the northern edge of the South Fork Wolf Creek. There is no proposed project related disturbance within the south bank of South Fork Wolf Creek or its associated wetlands. However, given the proposed project will encroach in the City of Grass Valley 30-foot stream setback as part of the removal of large amounts of fill within the northern section of the project area, a *Resource Management Plan* was developed. Any dredge or fill material placed within South Fork Wolf Creek or its associated riparian and wetland habitats would be subject to the *United States Army Corps of Engineers* to regulate the discharge of dredge and fill material into the Waters of the U.S. Moreover, the California Department of Fish and Wildlife has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under *Sections 1600 - 1616 - Streambed Alteration Agreements*. As such, the following mitigation measure would be required to reduce potential impacts to a less than significant level:

BIO 2 - Mitigation Measure:

In the event the wetlands are to be disturbed, prior to the issuance of a grading permit, the applicant shall acquire a Clean Water Act Section 404 permit and Section 401 Water Quality Certification from the Army Corps of Engineers. To compensate for the loss of jurisdictional wetlands associated with proposed activities, the project applicant shall: 1) restore and/or create wetland on-site; 2) create wetlands at an off-site location acceptable to the resource agencies; 3) purchase comparable mitigation credits at an agency-approved mitigation bank; or 4) a combination of 1, 2, or 3. The applicant shall develop the mitigation approach in conjunction with the resource agencies during the permitting process. The mitigation requirements shall be in compliance with federal and state Clean Water Act laws. The final mitigation ratios, design and implementation shall comply with the terms and conditions of the Section 404 permit issued by the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification.

BIO 3 – Mitigation Measure:

1. Prior to issuance of a grading permit, the applicant shall obtain a Section 1600 CDFW Streambed Alteration Agreement Permit from CDFW. As part of the CDFW permit process, CDFW will require a Vegetation Management Planting Plan and it shall meet CDFW minimum standards for a restoration plan for the removal of riparian vegetation in the stream environment. The Vegetation Management Planting Plan would be coordinated with the landscaping plans for the project and include:
 - a. A detailed description of existing conditions, including the existing habitat functions and values;
 - b. A description of the anticipated target functions and values of the restored riparian corridor, and minimum success criteria, and guidelines for measuring success;
 - c. A detailed planting guideline, including hydrologic zones and plant palette by zone, planting hold specifications, soil preparation and fertilizing specifications and installation guidelines for tree shelters to protect plantings from herbivores, and specifications and installation guidelines for weed cloth and mulches;
 - d. A detailed maintenance guideline, including weeding and irrigation during the five-year establishment phase;
 - e. Guidelines for monitoring and reporting; and,
 - f. A contingency plan in the event the plantings do not meet the minimum success criteria for species composition and density at the end of the five-year monitoring period.

In addition, the South Fork Wolf Creek Riparian Area Restoration Plan (Restoration Plan) referenced in the Resource Management Plan is designed to minimize the direct and indirect ecological impact to the stream environment resulting from residential development in close proximity to the South Fork Wolf Creek. Detailed specifications for each restoration objective are provided as part of a planting plan, as needed for California Department of Fish and Wildlife (CDFW) permitting for the proposed project.

- d) Known migratory deer ranges outlined in the Nevada County General Plan were reviewed for deer migration corridors, critical range, and critical fawning areas. The project area is not located in any known major deer corridors, known deer holding areas, or critical deer fawning area. Per the Migratory Deer Ranges Nevada County General Plan map, the project area is located in an area of potential Resident Deer Herd (includes some area of migratory deer winter range). The field survey did not record any observations of deer or deer trails while walking the project area. The project area does not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas.

Given the project area does contain larger trees and those trees contain suitable habitat for nesting raptors and Migratory Bird Treaty Act (MBTA) protected nesting birds, removal of such trees as well as other shrubs and blackberry bushes should be done outside of the breeding season if possible to avoid potential impacts to such nesting species. The breeding season for most protected birds in the vicinity of the project area is generally from February 1, through August 30. The applicant has indicated that development activities will occur during the nesting season timeframes.

With implementation of the below mitigation measures, these potential impacts are less than significant.

BIO - 4 Mitigation Measure:

If construction or development activities occur during the nesting season (February 1-through August 30) a pre-construction nesting bird survey shall be completed by a qualified biologist, within 250 feet of any potential nesting migratory birds and raptors habitat. If nesting raptors or migratory birds are identified during surveys, active nests should be avoided, and a no disturbance or destruction area shall be established by a qualified biologist and kept in place until after the nesting season or a wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of avoidance, minimization, or additional conditions.

- e) South Fork of Wolf Creek running throughout the project area (running east and west and located along the southern boundary of proposed development) is subject to local, state, and federal regulations given it contains a defined bed and bank channel with an ordinary high water mark (OHWM). South Fork Wolf Creek also connects with Wolf Creek and traditional navigable waterways downstream making it a Waters of the U.S. and a blue line on the USGS Topographic Quadrangle for Grass Valley as well as within the Natural Wetlands Inventory (NWI) and HDD datasets.

The City of Grass Valley Zoning Ordinance designates the area extending 30 feet out from the stream as a non-disturbance buffer. As noted, South Fork Wolf Creek is a tributary to Wolf Creek and is depicted on the Grass Valley USGS 7.5-minute topographic map that covers the project area. Therefore, the stream is subject to the 30-foot stream setback requirement and a Resource Management Plan is required pursuant to Section 17.50.010 of the City's Development Code.

Contained in the *Resource Management Plan*, *Best Management Practices (BMPs)* are to be implemented to conduct grading and potential development within the 30- foot stream setback. These measures are intended for inclusion into the project within the 30-foot drainage setback during and after construction to minimize direct and indirect impacts to South Fork Wolf Creek water quality during and following construction. This will be accomplished by implementing the following during and after construction:

1. Limit construction to periods of extended dry weather and the dry summer season;
2. Establishing the area around the active stream channel as Environmentally Sensitive Area (ESA) where those areas will not be impacted by construction or thereafter;
3. No fill or dredge material will enter or be removed from the stream channel during construction and thereafter;
4. Placement of soil erosion control devices (such as wattles, etc.) between the stream channel and associated riparian habitat and the areas to be graded and potentially developed to limit potential runoff and sedimentation into the stream channel;

5. Use appropriate machinery and equipment to limit disturbance in this area;
6. No dewatering machinery and equipment to limit disturbance in the area;
7. Implement Best Management Practices (BMPs) during and following construction.

South Fork Wolf Creek within the project area is dominated by *Fremont's cottonwood*, *white alders* and *willows* in addition to *Himalayan blackberry*, *Baltic rush*, and *iris-leaved rush*. This habitat is located along the northern and southern edges of South Fork Wolf Creek given the low terrace and floodplain located on the southern side of the creek within the project area. The blackberry overhangs and shades the active channel and extends well into the uplands beyond the stream zone or floodplain. The channel width is variable but averages approximately 6 to 8 feet in width at OHWM, with a substrate dominated by soil and small angular rock fragments.

Impacts to the South Fork Wolf Creek resulting from construction would be reduced to a less than significant impact with the following mitigation measure.

BIO – 5 Mitigation Measures:

Prior to the issuance of a grading permit, the goals and objectives of the South Fork Wolf Creek Riparian Area Habitat Restoration Plan shall be incorporated into the improvement and landscaping plans for the project to the satisfaction of the Community Development Director, City Engineer and CDFW.

The Restoration Plan prepared for the project serves as the foundation and basis for any required replanting and/or restoration planting associated with the South Fork Wolf Creek by the City of Grass Valley and/or CDFW's 1600 Stream Alteration Permit. Therefore, minimal additional information would be required for local and state permitting requirements.

The above Mitigation Measures and Restoration Plan prepared for the project would reduce potential impacts to riparian habitats or other sensitive natural community to a less than significant impact.

Lastly, prior to removing trees from the property, the applicant shall be required to obtain a Tree Permit in accordance with *Chapter 12.36 of the City Municipal Code*. The Tree Permit shall be approved by the City of Grass Valley Public Works Department prior to or concurrently with approval of improvement plans for the project. No tree removal or grading shall occur until such time a tree permit has been approved and/or any Biological Mitigation has been satisfied. Mitigation for the removal of trees shall be completed in accordance with *Chapter 12.36.085 of the City's Municipal Code*. Trees to be preserved on-site shall also be shown on the improvement plans and protective fencing shall be installed prior to any grading activities. The fencing shall be in accordance with *12.36.200 of the City's Municipal Code*. As a result of the City's tree permitting and tree protection requirements, these potential impacts are considered less than significant.

- f) The property has been slated for urban development according to the City of Grass Valley 2020 General Plan. The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact will occur

V. CULTURAL RESOURCES –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

TRIBAL CULTURAL RESOURCES –

Would the project:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SETTING

Nevada County is part of the Sierra Nevada Range, a geologic block approximately 400 miles long and 80 miles wide which extends in a north-south bank along the eastern portion of California. Two features of the Sierra Nevada distinctly characterize the terrain of Nevada County. The western third of the county is comprised of rolling foothills which form a transition between the low-lying Sacramento Valley and the mountains to the east. The area extending from the Yuba County line to just northeast of the Grass Valley/Nevada City area is generally comprised of metavolcanics and granitic formations.

Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with particular emphasis given to stream confluences and to ecotones created at the interface of foothill/valley lands, elements of which are located within and/or near the present study area.

All of the Area of Potential Effect (APE) is situated within gently to moderately sloping lands immediately north of the South Fork of Wolf Creek. Virtually all of the APE has been affected by past logging, mining, residential and commercial activities over the past 150 years.

IMPACTS

- a) According to the *Cultural Resources Inventory prepared by Sean Michael Jensen, M.A., dated July 2019*, the 500 East Bennett Street property contains a single story, single family residence proposed to be demolished. Generally, rectangular in plan, the structure exhibits evidence of at least two episodes of reconstruction/addition. The structure is not depicted on the 1898 Sanborn Fire Insurance Map of Grass Valley.

Overall, the structure extends approximately 38 feet in length (north-south) and 36 feet in width. The foundation is composed of both cinderblock and poured concrete stem walls, and likely pier and posts supporting the structure's floor. Exterior wall siding is composed of four different material types. The structure's north face is adorned with a flat stone apron. Windows are wood-framed, 6-pane sash varieties. The structure's primary roof ridge trends east-west, rafters are enclosed in soffits and the roof is covered with two different types of corrugated metal material (the latter of which was installed after 2010).

Examination of the structure's exterior confirmed at least two structural additions. Both additions appear on the structure's southwest quadrant, and are evident in the foundation types, exterior siding and non-conforming rooflines.

Based upon the aforementioned, an evaluation of the site's integrity results in the conclusion that it no longer possesses adequate elements of integrity to support an eligibility recommendation. According to Public Resources Code (PRC) Section 5024.1(c)(1-4), a resource is considered historically significant if it (i) regains "substantial integrity," and (ii) meets at least one of the significance criteria. Considering the fact that site integrity has been dramatically compromised, this site is not considered significant per any of the eligibility criteria, and is therefore not recommended a significant historical resource, or unique archaeological resource.

On November 12, 2019, the City's Historic Commission reviewed the *Archaeological Inventory Survey prepared by Sean Michael Jensen, M.A., dated July 2019* and concurred with its findings. In accordance with the *City's Historic Building Ordinance*, the *Historic Commission* recommended demolition of the structure to the *Development Review Committee*. On November 26, 2019, the *Development Review Committee* concurred with the *Historic Commission's* recommendation and adopted the findings thereby authorizing demolition of the single-family dwelling at 500 East Bennett Street. A demolition permit is pending for the project. No impact will occur.

- b) No evidence of prehistoric use or occupation was observed within the APE. The absence of such use or occupation might best be explained by more subtle habitation settings at nearby

locales, as well as the significant degree of disturbance to which the entire property has been subjected. The project will not directly or indirectly destroy a unique archaeological resource or site. No impact will occur.

- c-e) Existing records at the *North Central Information Center (NCIC)* document that a small portion of the present APE had been subjected to previous archaeological investigation. The NCIC further indicated that no prehistoric or historic-era site had been documented within the APE. As well, the present effort included an intensive-level pedestrian survey. The pedestrian survey failed to identify any prehistoric sites within the APE.

Consultation was also undertaken with the *Native American Heritage Commission (NAHC)* regarding sacred land listing for the property. An information request letter dated June 28, 2019, indicating that a search of their Sacred Lands files returned negative results.

Consultation was also conducted with the *United Auburn Indian Community (UAIC)* in accordance with AB 52. Considering the fill on the property coupled with the findings of the Cultural Resources Inventory Survey prepared for the project, AB 52 Consultation was not initiated. However, additional ground disturbing activities associated with implementation of the proposed project could potentially disrupt, alter or eliminate as-yet undiscovered archaeological sites, potentially including Native American remains. However, the following mitigation measures recommended for Inadvertent Discoveries for both tribal cultural resources and human remains for the project would reduce potential impacts to an less than significant impact:

CUL 1 – Mitigation Measure:

Inadvertent Discoveries – If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources are encountered, work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.

CUL 2 – Mitigation Measure:

Inadvertent Discoveries – In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning

investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.

VI. ENERGY –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SETTING

Electricity and natural gas are the two primary forms of energy used in the City and are provided by Pacific Gas and Electric (PG&E). Grass Valley has already implemented programs that have resulted in or will lead to benefits in the form of energy efficiency, renewable energy, and water efficiency.

Energy conservation standards for new residential and commercial buildings were originally adopted by the California Energy Resources Conservation and Development Commission in June 1977; have been updated periodically since and are being updated again this year (Title 24, Part 6 of the California Code of Regulations). In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods.

In July 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part II, Title 24) was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations). Part 11 establishes voluntary standards on planning and design for sustainable site development, energy efficiency (in excess of California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

IMPACTS

- a)&b) The project is subject to compliance with *Title 24* energy efficiency standards and *Green Building Codes* adopted by the City of Grass Valley. Approved building plans will be in accordance with Title 24 and Green Building Standards for energy efficiency standards. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Due to the Green Building recycling and Title 24 energy provisions, these impacts are considered less than significant.

VI. GEOLOGY AND SOILS –

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The regional geology of the site is based on the Geologic Map of Western Nevada County (California Division of Mines and Geology, 1990) and the *Geologic Map of the Colfax – Grass Valley Area (Tuminas, 1981)*.

The project site is located in the Sierra Nevada Foothills, on the western side of the Sierra Nevada geomorphic province. The Sierra Nevada province is an elongate, north-west trending structural block that is tilted upward to form a steep scarp above the adjacent Basin and Range province to the east. The western slope of the Sierra Nevada dips gently westward and extends beneath sediment of the Great Valley province. Continued uplift and erosion of the Sierra Nevada contributes to sediment within the Great Valley.

The maps indicate that Quaternary alluvial deposits cover the site. Lake Combie massive diabase is mapped north, south, and east of the site, and likely is present below the alluvial deposits.

The *California Geological Survey Open File Report 96-08, Probabilistic Seismic Hazard Assessment for the State of California*, and the 2002 update entitled *California Fault Parameters* indicate the property is located within the Foothill System. The Foothills Fault System is designated as a Type C fault zone, with low seismicity and a low rate of recurrence. The 1997 edition of *California Geological Survey Special Publication 43, Fault Rupture Hazard Zones in California*, describes active faults and fault zones (activity within 11,000 years), as part of the Alquist-Priolo Earthquake Fault Zoning Act. The map and document indicate the site is not located within an Alquist-Priolo active fault zone.

IMPACTS

- a) A *Phase I Geotechnical Engineering Report* was prepared by Holdrege & Kull dated February 7, 2007. A *Phase II Environmental Investigation Report* was also prepared dated April 13, 2007. The report presents the results of the geotechnical engineering investigation for the project. As proposed, the project will include multi-storied residential structures with conventional foundation loads, associated paved driveways, parking, concrete sidewalks, underground utilities and landscape improvements. The findings presented in the report are based upon subsurface investigation, laboratory test results, and the geotechnical engineer's experience with subsurface conditions in the area. The conclusions of the Phase I and Phase II are:
1. The site is suitable for the proposed improvements, provided the recommendations of the geotechnical engineering recommendations and design criteria presented are incorporated into the project plans.
 2. The primary concern includes the presence of existing stockpiled soil that contains ultramafic rock and serpentinite, existing fill, and standing water at the site.
 3. The existing stockpiled soil will likely be proposed for use as fill for the site development. Ultramafic rock and serpentinite associated with naturally occurring asbestos (NOA) are present within the stockpiled soil. Disturbance of soil that contains ultramafic rock or serpentine is regulated under *Cal/EPA Air Resources Board Regulation 93105, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM)*. According to the *Northern Sierra Air Quality Management District*, an Asbestos Dust Mitigation Plan must be prepared prior to site grading. At a minimum, dust mitigation measures such as limiting site access, restricting onsite construction vehicle speeds, covering stockpiled soils, and liberal use of water during grading will be required during grading to prevent the generation of dust from the site.

4. Existing fill in the subsurface contains black sand and slag that may represent previous foundry operations. The existing sand and slag fill were sampled and tested for the presence of hazardous substances as part of the Phase II Environmental Investigation.

The existing sand and slag fill may be suitable for incorporation in structural fill pending approval by the Nevada County Department of Environmental Health (NCDEH). However, any proposed fill material should be evaluated by H&K prior to use.

5. The stockpiled soils and a portion of the ground beneath it constitute an area of existing fill. Existing fill should not be relied upon to support proposed improvements. The most reliable approach to deal with areas of existing fill is to over excavate, moisture condition, and recompact during grading for the proposed improvements.
6. Based upon experience in the area and site observations, the soils are predominately fine grained, clayey soil, particularly near the soil/weathered rock interface.
7. Although groundwater or seepage was not observed, saturated soil and standing water was observed during field investigation. Areas of seepage will likely be encountered during grading onsite, particularly during the rainy season and/or in excavations which reveal the surface soil/weathered rock contact.

It is anticipated that stockpiled soil will be utilized as fill during site construction. The stockpiled soil and existing fill should not be relied upon to support proposed improvements and is considered a potentially significant impact. However, the following mitigation measures will reduce this potential impact to a less than significant level.

GEO 1 - Mitigation Measures:

1. Stockpiled soil that contains ultramafic rock and serpentinite will be subject to regulation under Cal/EPA Air Resources Board Regulation 93105 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM). Site grading or disturbance of the ultramafic soil must be performed in accordance with approved asbestos dust mitigation plan.
2. Areas of existing untested fill will likely be subject to settlement and may contain suitable materials. Per the grading requirements of California Building Code, fill must be compacted to a minimum relative compaction of 90 percent, based upon the ASTM D1557 dry density.
3. The existing fill be over excavated to reveal native soil conditions. The fill should be replaced and compacted. The subsurface investigation revealed areas of trash, rubble, construction debris and other deleterious materials within the soil stockpile and on-site fill. Deleterious material, including organic material, trash, rubble, household trash and construction debris, must be removed from proposed fill material, segregated, and disposed of off-site. Additionally, the use of stockpiled soil and fill is subject to NCDEH approval.
4. Existing fill should not be relied upon to support proposed improvements. Options for mitigating areas of existing fill include the use of deepened footings, pier-and-grade beam foundations, mat foundations, or dynamic deep compaction.

- b) As noted in the Geotechnical Engineering Report prepared for the project, provided the recommendations of the Geotechnical Report are followed as mitigated above, the project will not result in substantial soil erosion or the loss of topsoil. These impacts are less than significant.
- c) The risk of lateral spreading from landslides and liquefaction is low. The site resides in a low seismic zone, and site geology consists of stiff/dense native soils and decomposing rocks. These impacts are considered less than significant.
- d) According to the Soil Survey of Nevada County prepared by the *USDA Soil Conservation Service (1977, reissued 1993)*, the soil classification of the northwestern portion of the site as Hoda sandy loam and the soil on the northeasterly portion of the site as Sites loam. The soil near the creek is clayey alluvial land.

Hoda sandy loam is described as well drained soil underlain by weathered granodiorite. Permeability is moderately slow; runoff potential is medium, and the hazard of erosion is moderate. The soil exhibits slight to strong acid reaction, and a high corrosion potential. A typical Hoda soil profile consists of about 10 inches of reddish-brown gravelly loam, underlain by 40 to 49 inches of yellowish red and red clay loam, and strong brown gravelly loam. Stratified sand and gravel are typically encountered below 80 inches.

Site loam is described as well drainage soil underlain by metasedimentary and metabasic rock. Permeability is described as moderately slow, run-off is medium, and the hazard of erosion is slight to moderate. The soil exhibits slight to strong acid reaction, and a high corrosion potential. A typical Hoda soil profile consists of about 10 inches of reddish-brown gravelly loam, underlain by 40 to 49 inches of yellowish red and red clay loam, and strong brown gravelly loam. Stratified sand and gravel are typically encountered at a depth of about 59 inches. Weathered granodiorite is typically encountered below 80 inches.

Clayey alluvial land is described as dark gray to grayish brown clay and clay loam derived from granitic and metabasic rock. The alluvial sediment is typically observed as 30 to 40 inches of thick bank deposits along narrow stream channels. Permeability and run off of the fine textured alluvium is described as moderately slow.

The soil conditions described above are generalized and included ten exploratory trenches. All of the exploratory trenches revealed varying quantities and types of fill that extended to depths ranging from 1 foot to beyond the depth of the trenches.

The fill in exploratory trenches T-1 and T-7 was undertaken by dark red silty clay with sand that appeared moist, soft to medium stiff, and moderately plastic, extending to depths of 4 feet below ground surface (bgs). The silty clay was underlain by reddish yellow, damp, soft to medium stiff, clayey silt and sand and angular gravel derived from complete weathering of the underlying rock. Trenches T-1 and T-7 were terminated at depths of 5.5 feet and 7.5 feet bgs, respectively.

Exploratory trench T-3 was excavated through moist, loose to medium dense fill composted of clayey sand with gravel that extended to approximately 3.5 feet bgs. The fill was underlain by moist, soft to medium stiff, slightly to moderately plastic yellowish red silty clay. Trench T-3 was terminated at 6 feet bgs.

Exploratory trenches T-2, T-4, T-5, T-6 and T-10 were excavated through stockpiled soil that appeared to be composed to clayey sand, gravel, and cobbles derived from serpentine and ultra-mafic rock to depths of 2.5, 4.5, 7, 8, and 9 feet., respectively. The excavation of trenches T-2, T-4, T-5 and T-6 did not extend below the fill stockpiled soil. Exploratory trench T-4 contained metal fragments and asphalt and concrete fragments up to 4 feet in size. The trench collapsed when excavation reached a depth of 8 feet bgs. Exploratory trench T-10 revealed fill composed of clayed sand, gravel and cobbles that contained debris including metal fragments, carpet fabric, and rubber. The fill in exploratory trench T-10 was underlain by mottled yellowish red, damp, medium stiff, slightly to moderately plastic, clayey silt with sand and gravel. Exploratory trench T-10 was terminated at a depth of 10 feet bgs.

Exploratory trenches T-8 and T-9 were excavated to depths of 4 feet and 9 feet, respectively through existing fill composed of black sand and slag fragments likely related to the foundry operations at the site. The existing fill contained debris including brick and metal fragments, clothing and glassware. The fill was underlain by dark red, moist, medium stiff, slightly to moderately plastic clayey silt with fine sand. Trenches T-8 and T-9 were terminated at depths of 5.5 and 9.5 feet respectively.

In conclusion, the geotechnical engineer of record noted that the site is suitable for the proposed improvements, provided the recommendations of the geotechnical are incorporated into the project plans. The potential impact is less than significant.

- e) The project will be connected to City of Grass Valley utilities for both water and sewer. Therefore, this potential impact is not applicable. No impact will occur.
- f) The project is not located on property that contains unique paleontological resources or site or unique geologic features. No impact will occur.

VII. GREENHOUSE GASES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The City of Grass Valley has not conducted a greenhouse gas emissions inventory or adopted a Climate Action Plan, performance standards, or a GHG efficiency metric. However, the City has adopted an *Energy Action Plan* and the *Grass Valley 2020 General Plan* includes numerous goals, policies, and programs which, if implemented, will reduce Grass Valley's impacts on global climate change and reduce the threats associated with global climate change to the City.

CEQA Guidelines Section 15064.4 provides direction to lead agencies in determining the significance of impacts from GHG emissions. Section 15064.4(a) calls on lead agencies to make a good faith effort, based upon available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project. The lead agency has the discretion to determine, in the context of a particular project, how to quantify GHG emissions.

Greenhouse gasses (GHG) include gases that can affect the earth's surface temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a process of absorbing different levels of radiation. GHG are effective in absorbing radiation which would otherwise escape back into space. Therefore, the greater the amount of radiation absorbed, the greater the warming potential of the atmosphere. GHG are created through a natural process and/or industrial processes. These gases include water vapor (H₂O), carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆).

Since 2005, the California legislature adopted several bills, and the Governor signed several Executive Orders, in response to the impacts related to global warming. Assembly Bill 32 states global warming poses a serious threat to California and directs the Air Resources Board to develop and adopt regulations that reduce GHG emissions to 1990 levels by the year 2020. Senate Bill 97 requires an assessment of projects GHG emissions as part of the CEQA process. SB 97 also required the Office of Planning and Research to develop guidelines to analyze GHG emissions.

The NSAQMD has not adopted thresholds of significance for GHG emissions. Due to the nature of global climate change, it is not anticipated that a single project would have a substantial impact on global climate change. Although it is possible to estimate a project's emissions, it is not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

IMPACTS

- a)&b) Calculating the Greenhouse Impacts on an individual project is difficult to qualify or quantify. The GHG emissions from the proposed project would not individually generate GHG emissions enough to measurably influence global climate change. However, ongoing occupancy and operation would result in a net increase of CO₂ and other greenhouse gas emissions due to vehicle miles traveled, energy use, and solid waste disposal. However, as an infill multiple residential project in walking distance to Downtown Grass Valley, vehicle miles traveled are anticipated to be reduced. According to the *CalEEMod* program results

conducted for the project, the following air quality impacts are anticipated with the proposed The Pines of Grass Valley Street project:

**Table 1 –
Project Construction and Operational Emissions Estimates**

	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	CO (lbs/day)
Project Construction Impacts	19.76	42.48	10.42	35.26
Project Operational Impacts	5.81	12.92	4.42	30.46
Level A Thresholds				
NSAQMD- Significance Thresholds	<24 lbs/day	<24lbs/day	<79lbs/day	N/A
Level B Thresholds				
Maximum Project Emissions	24-136 lbs/day	24/136 lbs/day	79-136 lbs/day	N/A
Level C Thresholds				
Maximum Project Emissions	>136 lbs/day	>136 lbs/day	>136 lbs/day	N/A

As noted in the Air Quality Section of this Initial Study, the above impacts are within the acceptable level of impacts as viewed by the NSAQMD. In addition, the following project components and California Green Building Code requirements apply to the proposed multiple residential project:

- Residential projects with an aggregate landscape area equal to or greater than 500 square feet shall comply with either a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.
- Toilets and showers shall be low flow.
- Construction waste management forms shall be completed including recycling and/or reuse of a minimum of 65 percent of nonhazardous construction and demolition waste.
- All exterior lighting shall be high efficacy and be controlled by a manual on/off switch.
- All high efficacy light fixtures shall be certified as "high-efficacy" light fixtures by the California Energy Commission.
- Each of the apartment buildings shall be constructed in accordance with Title 24 Energy Standards.
- Solar shall be required for multiple family building permit applications less than 3 stories.
- All new woodburning device shall be EPA-certified to the latest standards.
- As an infill residential project, in proximity to services, reduced Vehicle Miles Traveled (VMT) will result than otherwise would have occurred.

The above CA Green Building Code requirements coupled with the analysis and conditions of approval in the Air Quality Section of this Initial Study, will assure that Greenhouse Gas impacts remain less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

Several site studies have been prepared for the project including both Phase I and II Environmental Site Assessments (ESA). Additionally, in consultation with the Regional Water Quality Control Board (RWQC) and Nevada County Environmental Health Department (NCEHD), a Remedial Action Work Plan was prepared by NV5 Geotechnical Consultants. The Remedial Action Work Plan describes the procedures for remediation of unauthorized fill containing inert construction/demolition debris at the project site including a summary of the prior ESAs for The Pines of Grass Valley property which include:

Phase I Environmental Site Assessment (ESA), NV5 (formerly Holdrege & Kull), May 2019 – The primary environmental condition identified by the Phase I ESA and previous investigation is the large

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volume of imported soil (over 10 feet deep at some locations) previously placed on the property. The imported soil contains debris (such as asphalt, concrete, construction demolition waste, foundry slag, appliances, and household garbage) which have generally been identified as inert based on the findings of previous investigation (see H&K, April 2007). NV5 (2019) concluded that the imported soil should be excavated and screened/sorted to remove the debris and will need to be tested to confirm the absence of contamination, before the soil can be used as engineered fill during site development.

Phase II ESA, Geocon Consultants, Inc., January 2017 – A geophysical survey was performed to evaluate the potential presence of Underground Storage Tanks (USTs) and/or other subsurface features on the property. The survey was performed by Advanced Geological Services (AGS) using a recording metal detector, an electromagnetic terrain conductivity meter (EM) and a ground-penetrating radar (GPR).

Several areas of buried metal were detected, including large areas (approximately 10 feet by 20 feet) likely representing pockets of metal debris, and smaller areas suggesting single objects. The metallic objects appeared to be present at depths of 1 to 3 feet below ground surface (bgs). No definitive underground storage tanks (UST) images were observed.

Phase I ESA Geocon Consultants, Inc., November 2015 – A Phase I ESA was performed as part of a USEPA Brownfields community assessment grant. Interviews conducted revealed that in approximately 2005, soil generated during the grading and construction of Springhill Storage was placed on the western portion of the site south of the residence. It was also reported that the previous owner used the western portion of the property as a blacksmith shop, and that the site was used by Nevada County as a maintenance yard sometime during the 1940s.

At the time of Geocon's site observation, the site was developed with a single-family residence, two sheds, and covered carport. Hazardous material observed at the residence included small containers (5 gallons or less) or motor oils, lubricants and paints, and a 100-gallon propane tank. Geocon (2015) noted that the western portion of the site had been previously developed and was slightly evaluated from previous fill placement. In the northwestern portion of the site, Geocon observed a portable office trailer, concrete debris piles, and a concrete foundation that was part of the former blacksmith shop.

Geocon (2015) noted that the past use of the site as a maintenance yard suggested the potential presence of an under documented UST and recommended that a geophysical survey be performed. The survey was performed as summarized above.

Phase II ESA, Holdrege & Kull, April 2007 – Based on the results of the 2006 Phase I ESA (See below H&K 2006), H&K (2007) performed a subsurface investigation including the excavation of ten exploratory trenches ranging from 5 to 10 feet deep and collecting surface and subsurface soil samples for laboratory analysis. Selected soil samples were analyzed for one or more of the following:

- Title 22 metals using EPA Test Methods 6010 and 7471;
- Volatile organic compounds (VOCs) including total petroleum hydrocarbons as gasoline (TPHg) and benzene, toluene, ethylbenzene and total xylenes (BTEX) using EPA Test Method 8260B;

- Semivolatile organic compounds (SVOCs) using EPA Test Method 8270C;
- Total petroleum hydrocarbons as diesel, motor oil, and kerosene (TPHd, mo,k) using EPA Test Method 8015M;
- pH using EPA Test Method 9045C; and,
- Total lead using EPA Test Method 6010B.

The following conclusions were based on H&K's evaluation of the data collected during the investigation:

1. No significant concentrations of target analytes were detected over than TPHmo, which was detected in two surface soil samples locations at 7,500 and 18,400 milligrams per kilogram (mg/kg). The two isolated surface stains from which these samples were collected represented an apparent total soil volume of a few cubic feet.
2. Low concentrations of TPHmo (ranging from 26 to 47 mg/kg) were detected in four soil samples which appear to represent a de minimis environmental condition.
3. No constituents of potential concern were detected in samples collected from the apparent foundry slag observed in trenches.
4. The imported soil contains variable amounts of inert debris including asphalt and concrete. The asphalt and concrete were observed in the exploratory trenches typically comprised less than a few percent of the soil mass. The asphalt was observed to be substantially hardened and inelastic, indicating that the material had been fully cured when placed.
5. H&K (2007) concluded that the debris, other than household waste, observed in the imported soil would generally be classified as inert.
6. Ultramafic rock and serpentinite associated with naturally occurring asbestos are present within the imported soil. Disturbance of soil that contains ultramafic rock or serpentine is regulated under Cal/EPA Air Resources Board Regulation 93105, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations.

Nevada County Environmental Health Department documents indicate that a portion of the site was used as a private landfill circa the 1990s. Dumped materials included slag and sand from casting at the site building occupied by Grass Valley Casting. Old refrigerators and other appliances, several storage drums and batteries were previously identified onsite. The drums were reportedly used for storage of engine and lubricating oil used by Grass Valley Casting. Residential and office trailers were also historically present on the site. In the 1990s, the adjacent Durham School Services facility used the southwest portion of the site for bus parking. In approximately 2005, soil generated during the grading and construction of Springhill Storage was placed on the western portion of the site south of the residence. Miscellaneous debris was observed on the site during previous investigations.

At the time of H&K's 2006 Assessment, the site was occupied by a warehouse, a single-family home, three residential trailers, and several associated garage/storage sheds. The floor frame of a fourth residential trailer was also present. The warehouse building included a large storage area, and an area currently used as a residence. The interior of the warehouse and connected residence were inaccessible; visible portions of the warehouse storage area were empty.

Much of the site sloped gently toward the South Fork of Wolf Creek except the area occupied by the warehouse and surroundings, which was generally level. The west and south portions of the level

area appeared to be covered by fill including various types of soil, rock, asphalt, and concrete that had not been uniformly graded and was overgrown with weeds. The level area was bounded on the south by a berm which sloped steeply southward to a terrace immediately adjacent to the creek. Straw wattles were present on the slope, apparently in an effort to control slope erosion. Slag sand, likely associated with casting operations, was observed on a vegetated, east facing slope.

A debris pile of burned material that included wood, assorted unidentified metal items, and furniture remnants was observed. Various additional debris and discarded items were observed onsite including tires, a crushed 30 gallon drum with an associated small oil stain, a metal pipe (approximately 4 feet in diameter and 10 feet long), at least two oil stains of less than one square foot each, household waste and furniture, household/construction debris, and wood pallets. Items stored onsite included a boat trailer, steel reinforcing rods, windows in metal frames, a rusty water heater, and several empty gas tanks that appear to have been used for storage of propane or other gases. No reportable quantities of hazardous materials were observed onsite, and no evidence of past mining activities at the site were observed.

IMPACTS

- a-d) Based upon the prior ESAs prepared for the project site, disturbance of the fill may create a significant hazard to the public or the environment through the routine transport, use, or disposal of the potentially hazardous materials on-site or may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

In response to these potentially significant impacts, NV5 Geotechnical Consultants prepared a *Remedial Action Work Plan* to describe procedures for remediation of unauthorized fill containing inert construction/demolition debris. The work plan summarizes the findings of the previous site Phase I and Phase II site investigations, describes the proposed remedial activities and presents verification sampling and analysis plan, health and safety plan and dust mitigation plan.

The scope of the Remedial Action Work Plan is based on the findings of previous investigation performed by NV5 and others including, but not limited to:

1. The small amount of soil impacted by TPHmo surface staining should be disposed in accordance with applicable regulatory requirements.
2. The household waste and debris should be removed from the imported soil prior to use of the soil as engineered fill.
3. To confirm that the conditions observed in exploratory trenches and laboratory data are representative of the imported soil in general, H&K/NV5 recommended that additional evaluation of the imported soil be performed during excavation and debris separation activities.
4. A work plan, which addresses the proposed debris removal from the imported soil, as well as the additional sampling and analysis that is to be performed to confirm its classification under CCR Title 14 and Title 27, should be submitted to NCEHD for approval.

5. H&K/NV5 recommended that any reuse of the imported soil be performed in accordance with an engineered grading plan that is approved by City of Grass Valley, incorporating the recommendations of the asbestos dust mitigation plan and H&K/NV5's geotechnical engineering report.

NCEHD concurred with the recommendations but noted that should extensive volumes of inert solid waste be encountered; all work would cease, and the project reevaluated for clean closure of these wastes in accordance with a NCEHD-approved work plan. Additionally, a work plan to be prepared for NCEHD should include a protocol to determine the presence of asbestos, asbestos containing waste, and radioactive waste (NCEHD, 2007).

On February 11, 2020, NCEHD reviewed the Remedial Action Work Plan prepared by NV5. The NCEHD comments on February 20, 2020, should be incorporated into the Remedial Action Work Plan together with recommendations of NV5 including:

- A. The following preparatory activities are to be performed prior to commencement of remedial activities:
 1. The remedial action is to be performed under a grading permit issued by the City of Grass Valley and in accordance with the project development plans and specifications and geotechnical engineering report.
 2. Waste discharge requirements (WDRs) or a letter of exemption must be obtained from the RWQCB prior to the issuance of a grading permit.
 3. Work is to be performed in accordance with an approved Asbestos Dust Mitigation Plan approved by Northern Sierra Air Quality Management District (NSAQMD).
 4. The contractor selected to perform the work must prepare and submit to NCEHD a site-specific health and safety plan for protection of site workers and visitors.
 5. The contractor selected to perform the earthwork and debris removal shall notify NCEHD at least 96 hours in advance of commencement of excavation. Additional notification shall be provided to NCEHD at least 96 hours in advance of excavation around previous exploratory trench #9.
 6. The contractor shall mark in the field the limits of work, proposed truck staging and loading areas, and the lateral extent of the excavation.
- B. As part of the Remedial Action Work Plan, the following remedial actions shall be performed:
 1. Soil impacted by TPHmo at locations S-2 and S-3 should be disposed in accordance with applicable regulatory requirements and the underlying native soil analyzed to confirm that soil impacted by TPHmo has been removed.
 2. Waste discharge requirements (WDRs), a letter of exemption from WDRs, or a finding of non-applicability from the Regional Water Quality Control Board shall be obtained prior to use of the imported soil and inert debris as engineered fill.
 3. The household waste and debris other than asphalt and concrete should be removed from the imported soil prior to use of the soil as engineered fill.

4. To confirm that the conditions observed in H&K's exploratory trenches and the existing laboratory data are representative of the imported soil in general, H&K recommends that additional evaluation of the imported soil be performed during excavation and debris separation activities.
 5. A workplan, which addresses the proposed debris removal from the imported soil, as well as the additional sampling and analysis that is to be performed to confirm its classification under CCR Title 14 and Title 27, shall be submitted to the NCEHD.
 6. Any placement of imported soil and inert debris be performed in accordance with an engineered grading plan that is approved by the City of Grass Valley and that incorporates the recommendations of the asbestos dust mitigation plan and H&K's Geotechnical Engineering Report dated February 7, 2007.
 7. All non-inert solid wastes discovered during operations shall be disposed of at an approved facility and disposal receipts provided to NCEHD.
 8. Should extensive volumes of non-inert solid waste be discovered at any time during operations all work shall cease, and the project will be reevaluated for clean-closure removal of these wastes pursuant to an NCEHD approved workplan.
 9. The work plan to be prepared for NCEHD approval shall contain additional analysis including asbestos, asbestos-containing waste and radioactive waste.
 10. NCEHD staff shall be present during different portions of the project excavations, especially in the area of Trench #9. To accommodate staff scheduling, please provide a minimum of 96 hours notification to NCEHD prior to proposed excavation activity.
 11. All activities are to be conducted under a site-specific health and safety plan.
- C. Comments provided by NCEHD shall be incorporated into the Remedial Action Work Plan including:
12. The site is a deposal site subject to state minimum standards (e.g. any disposal area on site are subject to inspection, investigation and enforcement of state minimum standards pursuant to Title 27, California Code of Regulation (27 CCR) Section 21100(d).
 13. 27 CCR Section 21190, Post Closure Land-Use, applies to the parcel being developed (Only if waste is left in place).
 14. Approval of a plan for clean closure must include mass grading to remove all disposal fill areas on the property to provide that all building structures and utilities are constructed over clean uncontaminated fill. Request for the LEA to issue an inert debris engineered fill operation (IDEFO) permit will require that any disposal fill materials re-used on-site remain in open space areas that can be re-excavated and removed if necessary. These areas should be clearly marked on a site drawing and noted on property deeds and parcel maps.
 15. Studies to show that landfill gas (LFG) is not present at the site, nor beyond the property boundary, must be conducted before LFG monitoring could be considered waived from post-closure requirements.
 16. With the understanding that a subsurface investigation is planned on the adjacent property for geotechnical design, in order to determine if waste extends onto the adjacent property, additional trenching should occur throughout the site. This should include areas indicated on the geophysical investigation (Geocon Consultants, Inc.,

- 2017), which indicated burial sites not previously investigated. The extent of waste, both horizontally and laterally, must be changed to native soil.
17. The geophysical survey indicates that further investigation is warranted, including more extensive testing and sample analysis. The extent of the waste must be determined, as well as how that waste is classified. Further investigation should include testing for CAM 17 metals (both STLC and TTLC), which was not previously conducted. Once the volumes are known and waste determinations are made, costs need to be determined (Laboratory analysis for total metals concentrations is to be performed during the remedial action. Laboratory analysis for soluble metals concentrations (and comparison to STLC values) is to be performed if total metals concentrations are detected at a concentration more than ten times the corresponding STLC.).
 18. Removal of all solid waste from the property may result in the LEA requesting removal of the site from their inspection requirements; any wastes remaining either on or adjacent to the property developed will be subject to state minimum standards.
 19. Verification soil sampling and analysis is to be performed upon completion of the soil excavation and prior to placement as engineered fill. A remedial action completion report is to be submitted to NCEHD within four weeks of completion of the remedial action.

NCEHD as the Local Enforcement Agency (LEA), will review the work plan in coordination of the *California Regional Water Quality Control Board (RWQCB)*. Based on the findings of site characterization contained in the Remedial Action Work Plan, the site is eligible for waiver of Waste Discharge Requirements (WDRs) or a finding of non-applicability from RWQCB.

NV5 anticipates that the debris removal and regrading will be performed as the initial stage of site development during the 2020 or 2021 grading season. Mass grading of the site is anticipated to follow immediately after debris removal and will be followed by installation of underground utilities and subsequent site development work. Excavation of the unauthorized fill, removal and disposal of inert debris, and construction of engineered fill with the clean soil are to be performed by others under contract with the developer.

This potential impact will be reduced to a less than significant impact with the following mitigation measures:

HAZ - 1 Mitigation Measure:

Prior to the issuance of a grading permit, an amended Remedial Action Work Plan shall be approved by RWQCB and NCEHD. The work plan shall describe the proposed remedial activities and present verification sampling and an analysis plan, health and safety plan and dust mitigation plan. The work plan shall also include, but not be limited to the recommendations of the Phase I and Phase II ESAs prepared for the property and review comments provided by RWQCB and NCEHD.

The above mitigation measures to be contained in an amended Remedial Action Work Plan requirement coupled with the analysis and conditions of approval in the Air Quality Section of this Initial Study, will assure that Hazards and Hazardous Material impacts remain less than significant.

- e) The project site is located approximately 2 miles (as the crow flies) from the Nevada County Airport. As required by the Public Utilities Code, the Airport Land Use Commission adopted the *Nevada County Airport Land Use Compatibility Plan*. The compatibility plan's purpose is to promote compatibility between the airport and surrounding land uses with respect to height (e.g. height of structures), safety (e.g. number of persons per acre), and noise (e.g. noise sensitive land uses). According to the Nevada County Airport Land Use Compatibility Plan, the project site is located outside of the area of influence. This potential impact is less than significant.

f&g) The project will not impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan. No impact will occur.

Though the project site, as with most of the City, is designated as within a high fire hazard severity zone, the proposed access and water systems will be constructed to City Fire Department standards to support adequate fire suppression activities. According to the City Fire Captain, provided the development complies with the Fire Code, multiple family development of this density does not expose a greater risk from wildfire than any other area in the City. This impact is less than significant.

IX. HYDROLOGY AND WATER QUALITY –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
polluted runoff? or,				
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The project site is located within the Wolf Creek drainage basin in the Bear River Watershed. The Bear River Watershed covers an area of 300 square miles and is situated between two larger watersheds, the Yuba to the north and the American to the south. The Bear River watershed is a part of the larger Sacramento River Hydrologic Region and the City also falls within the *Mountain Counties Hydrologic region overlay zone* (DWR 2011).

The South Fork of Wolf Creek and Little Wolf Creek drain the eastern and southern portion of the City and discharge into Wolf Creek in the central Grass Valley area. Wolf Creek tributaries located within the City include French Ravine, Rhode Island Ravine, Slide Ravine, Murphy Hill, Matson Creek, South Fork Wolf Creek, Little Wolf Creek, Unnamed Ravine, Woodpecker Ravine and Olympia Creek.

The developed portion of the property is located in Flood Zone X (Areas determined to be outside the 500-year flood plain) according to the *Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0633E dated February 3, 2013*.

The area making up the banks of South Fork Wolf Creek are within the Flood Way AE Zone. The area surrounding the Flood Way is also within Flood Zone AE.

IMPACTS

- a) As noted on the grading plans, a total of ±11,350 cubic yards are anticipated to be excavated with fill accounting for ±16,780 cubic yards resulting in an import of ±5,430 cubic yards. The proposed project will require a grading permit to be issued by the City of Grass Valley, Public Works Division pursuant to the City's Grading Ordinance. The City's Grading Ordinance requires specific measures to address erosion and the introduction of construction materials into surface waters. In addition, Section 402(p) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) storm water permitting to be approved by the *Regional Water Quality Control Board* for projects disturbing over 1 acre. The following standard mitigation measures requiring a grading permit and NPDES permit from the RWQCB will reduce potential impacts to a less than significant level:

HY/WQ 1 - Mitigation Measures:

1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.
2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

- b) The City's water system serves approximately sixty percent (60%) of the incorporated City of Grass Valley. The service area is 1,357 acres, approximately 2.1 square miles, with a service area population of approximately 5,855 persons.

Water treatment capacity at the City treatment plant has a maximum capacity of 4.522 million gallons per day (mgd), approximately 5 times the current treatment/distribution level. As noted, the current population served by the City water system is approximately 5,855 persons. As current water usage rates, 155 gallons per person day, the City treatment facility could accommodate a population of 29,275, or approximately 3,000 more than the buildout population projection of 26,300 and five times the current population served. The water connection for the project is not anticipated to deplete groundwater supplies or interfere substantially with groundwater recharge. This impact is less than significant.

- c) Millennium Planning & Engineering prepared a preliminary drainage study dated December 2019, to support design of the proposed drainage system. The project includes driveways, sidewalks, and the 108-unit apartment complex. The project has been designed to comply with City of Grass Valley Design Standards for regulated projects. Runoff from impervious surfaces will be directed into multiple bioretention treatment systems and underground retention chambers that are sized to capture and treat the 24-hour storm throughout the site. Overflow runoff will be routed to South Fork Wolf Creek.

Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases as outlined in the City of Grass Valley standards. The proposed project is not anticipated to require additional drainage improvements for the site beyond those outlined in the preliminary drainage study and shown on the project plans.

Drainage plans have been prepared in accordance with the City of Grass Valley engineering standards. The project is anticipated to eliminate any existing overland release drainage that is occurring presently on the project site, which may be beneficial when compared to the existing drainage patterns occurring. This impact is considered less than significant.

- d) The developed portion of the property is not within an area of the 100-year flood plain according to FEMA Map panel number 06057C0633E dated February 3, 2010. The area

making up the South Fork of Work Creek is within the Floodway Zone AE; however, no improvements are proposed within the Floodway Zone AE.

The project will not expose people or structures to a significant risk of loss and is not subject to inundation by seiche, tsunami, or mudflow. No impact will occur.

- e) The project will contribute additional storm water into the existing drainage improvements constructed on the project site. These improvements include drainage facilities located along the north westerly property line with curb and gutter improvements to be installed along the property frontages.

A preliminary drainage report has been prepared and the project has been designed to comply with the City of Grass Valley Design Standards for regulated projects (all projects that create and/or replace 5,000 square feet or more of impervious surface).

Water quality treatment methods include storm water drainage to be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas along the southern property line, where the majority of overflow runoff will be directed to the South Fork Wolf Creek.

As noted above, the City's Grading Ordinance requires specific measures to address erosion and the introduction of construction materials into surface waters. In addition, Section 402(p) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) storm water permitting to be approved by the Regional Water Quality Control Board for projects disturbing over 1 acre as noted above. As a result, the project is not anticipated to degrade water quality. No impact will occur.

X. LAND USE AND PLANNING —

Would the project:

- | | Potentially
Significant
Impact | Less Than
Significant
With
Mitigation
Incorporation | Less Than
Significant
Impact | No Impact |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

The ±5.6-acre project site is an infill residential parcel surrounded by high density residential uses on the north, west and south. A school bus parking lot is located to the east.

The City of Grass Valley 2020 General Plan Land Use Map (updated February 2007) identifies the property and area as slated for Urban High Density Residential (ULDR) uses.

To implement the General Plan land use designation, the zoning designation is Neighborhood General - 3, Planned Development. The NG-3 Zone permits multiple family dwellings subject to certain design parameters contained in Section 17.44.160 of the City's Development Code.

IMPACTS

a) The project site is surrounded by high density urban development on three sides and is therefore considered in-fill development. The project will not physically divide an established community. No impact will occur.

b) Multiple 2020 General Plan policies, goals and objectives support Planned Developments, high density development; in-fill development; and preservation of existing neighborhoods. The policies, goals and objectives include, but are not limited to:

- 9-LUP- Provide for higher residential densities on infill sites and in the Downtown area.
- 11-LUP- Where feasible, treat newly developing areas as Planned Developments.
- 12-LUP- Permit increases in residential density (clustering) on portions of development sites while maintaining overall density.
- 24-LUP- On large parcels, encourage clustering of residential units on the most developable portions of the site in order to reduce infrastructure and other housing related costs.
- 2-LUG - Promote infill as an alternative to peripheral expansion where feasible.
- 3-LUO - Reduction in the amount of land necessary to accommodate future growth.
- 4-LUO - Reduction in the environmental impacts associated with peripheral growth.
- 10-LUO - Preservation of existing neighborhoods.
- 3-CG - Provide for the safe and efficient movements of people and goods in a manner that respects existing neighborhoods and the natural environment.
- 9-CO - Use of traffic calming techniques to protect neighborhoods and residents from adverse traffic impacts.
- 10-CO - Protection of stream courses, riparian areas and other natural features.
- 11-CO - Development and implementation of a comprehensive traffic safety program, including improvement of facilities serving pedestrian needs.

Development of the property will not divide an established community or conflict with any applicable land use plan, policy or regulation. The project is in accordance with the City's NG-3 Zoning designation. No impact will occur.

XI. MINERAL RESOURCES --

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. MINERAL RESOURCES –

Would the project:

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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SETTING

The City of Grass Valley adopted a *General Plan Mineral Management Element (MME)* on August 24, 1993. The MME contains four resource areas defined as: MRZ - 1 through MRZ - 4. The designations are described as follows:

MRZ - 1: Areas where adequate information indicates that no significant mineral deposits are present.

MRZ - 2: Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence.

MRZ - 3: Areas containing mineral deposits the significance of which cannot be evaluated from available data.

MRZ - 4: Areas where available information is inadequate for assignment to any other MRZ zone.

IMPACTS

- a)&b) The *General Plan Mineral Management Element* does not show the site as being near an area classified as having significant mineral deposits. The Pines of Grass Valley property is not located near one of the two areas identified in the Mineral Management Element (MME) as being targeted for mining conservation. Should mining activities be proposed in the area, the MME includes a policy statement that requires a proposed mine project to address potential impacts on the urban uses based upon the nature of the mining activities. According to the MME, the proposed project is not anticipated to result in the loss of availability of a known mineral resource or locally known minimal resource. No impact will occur.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XII. NOISE—

Would the project:

- a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or as applicable standards of other agencies?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XII. NOISE—

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that disrupts or interferes with normal human activities. Although exposure to high noise levels over an extended period has been demonstrated to cause hearing loss, the principal response to noise is annoyance.

Sound intensity is measured in decibels (dB) using a logarithmic scale. For example, a sound level of 0 dB is approximately the threshold of human hearing, while normal speech has a sound level of approximately 60 dB. Sound levels of approximately 120 dB become uncomfortable sounds.

Two composite noise descriptors are in common use today: L_{dn} and CNEL. The L_{dn} (Day-Night Average Level) is based upon the average hourly noise level over a 24-hour day, with a +10-decibel weighting applied to nighttime (10:00 p.m. to 7:00 a.m.) noise values. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were subjectively twice as loud as daytime exposures. The CNEL (Community Noise Equivalent Level), like L_{dn} , is based upon the weighted average hourly noise over a 24-hour day, except that an additional +4.77 decibel penalty is applied to evening (7:00 p.m. to 10:00 p.m.) hours. The CNEL was developed for the *California Airport Noise Regulations* and is normally applied to airport/aircraft noise assessments. The L_{dn} descriptor is a simplification of the CNEL concept, but the two will usually agree, for a given situation, within 1dB. Like the noise levels, these descriptors are also averaged and tend to disguise short-term variations in the noise environment. Because they presume increased evening or nighttime sensitivity, these descriptors are best applied as criteria for land uses where nighttime noise exposures are critical to the acceptability of the noise environment, such as residential developments.

Potential noise in and around the area consists of vehicular traffic, school bus engine starting and audible backing indicators, and residential uses in the vicinity. The nearest sensitive receptors are the residential uses located adjoining the project site to the north and west at approximately 50 feet from the project buildings.

IMPACTS

- a) Existing potential noises in the project vicinity include the school bus parking yard and residential uses in the vicinity. Noise associated with these existing uses are considered less than significant.

The project includes earthwork construction and building construction that will generate additional noise in the high-density residential neighborhood. Earthwork construction is anticipated to be completed in one phase. Dependent upon housing demand and financing, building construction may occur over a few years. During the construction phases, noise from construction activities (dozers, graders, generators, saws, pneumatic tools, etc.), will occur in the project area. Activities involved in construction will generate noise levels, generally ranging from 70 to 90 dB at a distance of ± 50 feet. These can generally be reduced approximately 5 dB at distances of ± 100 feet.

Equipment used for the project and the dBA for each type of equipment includes:

In accordance with the City's Municipal Code, construction activities will be temporary in nature and will occur between normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and not at all on Sunday and legal holidays.

According to the State's General Plan Guidelines and City General Plan Noise Element, noises which are generally less than ± 65 dB CNEL are acceptable for outdoor multiple family-density residential uses taking into account that any building impacted would be of normal conventional construction without any special noise insulation requirements. As noted, acceptable noise levels are determined using the Community Noise Equivalent Level (CNEL). Considering the distance to sensitive receptors and the type of equipment used for the project it is anticipated that construction noise will intermittently exceed ± 65 dB, during the working hours from 7:00 a.m. to 6:00 p.m. However, based upon the temporary and fluctuating nature of construction noise and the following mitigation measure, construction noise would be reduced to a less than significant level.

Equipment Type	dBA at 50 feet
Backhoe	84 dBA
Excavator	81 dBA
Generator	81 dBA
Jackhammer	89 dBA
Paver	77 dBA
Pickup Truck	75 dBA
Pneumatic Tools	85 dBA

NOISE 1 - Mitigation Measure:

Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby residential uses. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.

- b) Considering the level of earthwork required, distance from existing sensitive receptors, the project is not anticipated to expose people to ground borne vibration or ground borne noise levels. Grading will cause or contribute to a temporary increase in ambient noise levels; however, this impact is short-term and is subject to the City's Noise Ordinance which limits hours of construction. These impacts are considered less than significant.

- c) As the crow flies, the project is located approximately 2 miles from the City of Grass Valley Municipal Airport. Due to the distance from the Nevada County Airport, noise impacts associated with the airport are not significant. These impacts are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING –				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The proposed project is in an area of high-density residential use. The land use designation for the project site is Urban High Density Residential (ULD) according to the *City of Grass Valley 2020 General Plan*. The zoning designation is designated Neighborhood General - 3, Planned Development.

The project is served by existing utilities including sewer, water, electric, gas and storm drainage.

The project site is slated for high density residential development according to the 2020 General Plan. As such, the population growth anticipated with development of the site has been anticipated.

IMPACTS

- a) Based upon a 108-apartment unit count and average City of Grass Valley household size of 2.04 persons per household, the project is anticipated to generate 220 persons which may or may not be new residents. The potential addition of 220 persons was anticipated in the City 2020 General Plan and therefore, this project will not result in a substantial population growth in an area, either directly or indirectly beyond what has been projected in the 2020 General Plan. No impact will occur.
- b) The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing or people elsewhere. No impact will occur.

XIV. PUBLIC SERVICES —

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The proposed project area is within the City of Grass Valley and is served by the following public services:

- *Fire Protection:* The City of Grass Valley Fire Department provides fire protection and emergency medical services within the City. The Ophir Hill Fire Protection District serves lands east of the City limits, and the Nevada County Consolidated Fire District (NCCFD) serves the area generally north, west, and south of the City limits. The Fire Department is part of the tri-agency Joint Operating Agreement that includes the Nevada City Fire Department and NCCFD. The Fire Department has three locations: Fire Station #1 (474 Brighton Street), Fire Station #2 (213 Sierra College Drive), and administrative offices at City Hall (125 East Main Street). Equipment includes three front line engines, one reserve engine, one Office of Emergency Services (OES) engine, a ladder truck, one air support unit, and five staff vehicles.
- *Police Protection:* The Department currently employs 27 FTE sworn members and 3 FTE civilian staff. Based upon Grass Valley's population of 13,041 the department's ratio of police officers per 1,000 residents is 2.1.
- *Schools:* Throughout Grass Valley, the Grass Valley School District serves K-5 students and the Nevada Joint Union School District serves students in grades 9 - 12. In addition, through inter-district contracts (which can be retracted), 467 students from Grass Valley currently attend schools in other school districts.

- **Parks:** The Grass Valley public parks and recreation system is comprised of approximately 108 acres of City park lands, including seven developed parks (Dow Alexander, Elizabeth Daniels, Glenn Jones, Minnie, Memorial, DeVere Mautino, and Condon and one underdeveloped park Morgan Ranch) within the City limits.

IMPACTS

- a) The project is not anticipated to have substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; a need for new or physically altered governmental facilities; the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios; response times or other performance objectives for any of the public services.

The applicant will be required to pay the City's impact fees for residential development, including fees for police, fire and Quimby Act (park) fees. The fees collected by the City are used to augment fire, police, parks and other public facilities. Accordingly, impacts to fire protection, police protection, schools, parks, or other public facilities are considered less than significant impacts.

XV. RECREATION –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might, have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The City owns and maintains eight park/recreation facilities. These include three parks currently classified as "community parks": Condon Park, Mautino Park, and Memorial Park. One of the eight parks, Morgan Ranch, is still undeveloped. In addition, the City contracts with Nevada County Historical Society to operate the Pelton Wheel Mining Museum/Glen Jones Park. An inventory of City owned/operated parks and recreation facilities include: Memorial Park, 8.4 acres; Condon Park, 80 acres; Pelton Wheel Mining Museum/Glen Jones Park, 1.7 acres; Brighton Street Park (Minnie Street), 1.6 acres; Elizabeth Daniels Park, 0.3 acres; Dow Alexander Park, 0.5 acres; Morgan Ranch Park, 4.08 acres; and Mautino Park, 12.5 acres.

Additional park/recreational facilities within the City of Grass Valley but owned and maintained by entities other than the City are: Nevada County Country Club, 58 acres; Sierra College fields, 7.95 acres; Hennessy School, 3 acres.

IMPACTS

- a)&b) The Pines of Grass Valley project is anticipated to accommodate 220 persons considering 108 multiple family dwellings and an average City of Grass Valley household of 2.04 persons, which may or may not be new residents. The project will be subject to City of Grass Valley development fees including Quimby Act (park) fees; however, the project is not anticipated to increase the use of existing neighborhood and regional parks, recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. To serve the tenants, on-site recreational amenities are provided for the project. The proposed project will not generate the need for additional park facilities. This impact is considered less than significant.

XVI. TRANSPORTATION/TRAFFIC –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The project site is considered an infill property located on East Bennett Street. East Bennett Street is defined as a "Collector Street" according to the City's 2020 General Plan. Collector streets generally link local residential streets and commercial and office parking areas to arterials. In new areas, these streets are generally designed with a 54- or 60-foot right-of-way and contain two traffic lanes with bike lanes. In older portions of the community, a number of roadways function as collector roadways due to moderate traffic volumes and their linkage to the arterial roadway system. Right-of-way widths vary, with most containing two traffic lanes.

Levels of Service are estimated for future travel conditions to ensure that a roadway will provide acceptable operations for its "design life", which is commonly 20 years.

For the General Plan, the year 2020 was used for estimating traffic demand and determining Levels of Service on the roadway system. The City has established Level of Service D – meaning significant congestions of critical approaches but intersection is functional. Cars required to wait through more than one cycle during short peaks, as the goal for both the General Plan and for the development of Citywide and regional traffic impact fees.

According to the City's General Plan Circulation Element Table 4-5, East Bennett Street, east of the City, has Average Daily Trips of 2,142 resulting in a Level of Service A – meaning uncongested operations, all queues clear in a single-signal cycle. At buildout of the General Plan, which included the project site, an estimated 8,150 vehicle trips are projected resulting in a Level of Service C – meaning light congestion, occasional backup on critical approaches.

As of July 1, 2020, Senate Bill 743 went into effect. SB 743 is now the appropriate metric for assessing transportation impacts. SB 743 was codified in *Public Resources Code Section 21099* and required changes to the CEQA guidelines. Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. To that end, the *Office of Planning and Research (OPR)* proposed, and the *California Natural Resource Agency* certified and adopted, changes in the CEQA Guidelines that identify Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts.

Consequently, the past practice of automobile delay, as measured by "Level of Service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA.

IMPACTS

- a) The project would generate temporary construction traffic initially. However, this would be temporary and would not materially alter the traffic volumes along East Bennett and neighboring streets.

From a General Plan perspective, based upon the trip generation rates identified in the 10th Edition of the *Institute of Transportation Engineers (ITE)* transportation generation rates manual, trip generation rates for Land Use Code 221 (Apartments) have an average of 5.44 trips per day, 0.32 trips in the a.m. peak hour and 0.41 trips in the p.m. peak hour. Accordingly, The Pines of Grass Valley project is projected to generate: 587 total daily trips, 35 a.m. peak hour trips, and 44 p.m. peak hour trips.

The above p.m. peak trips are below the threshold of 63 p.m. peak hour trips that require a traffic study by the City of Grass Valley. Considering that the project site was included in the traffic analysis provided by the General Plan and General Plan EIR, these vehicle trips have been anticipated in the cumulative impact totals of the General Plan buildout and accounted for in the Levels of Service analysis on East Bennett Street and nearby roadways and intersections.

According to the City's General Plan Circulation Element, an analysis of roadway improvements needed to maintain a Level of Service "D" standard in the year 2020 has been

determined using the growth assumptions of the General Plan and the Nevada County Transportation Planning Agency (NCTPA) sub-region travel demand model.

However, the General Plan notes that increased traffic at build out of the General Plan citywide is a significant and avoidable cumulative impact and a Statement of Overriding Considerations was adopted concurrently with the 2020 General Plan and General Plan EIR. The fundamental reason that the EIR states that significant, adverse effects will occur even with the most feasible attempts at mitigation is that a substantial amount of traffic which impacts Grass Valley initiates or is generated outside of the City limits in Western Nevada County, Grass Valley accommodates outside traffic, but has little practical control over key variables related to external traffic generation, namely land uses and land use densities/intensities in the unincorporated Nevada County.

As noted in the City's 2020 General Plan, the City intends to mitigate any roadway deficiencies through the collection of local and regional impact fees to finance its *Capital Improvement Program*. The City of Grass Valley collects development impact fees prior to building permit issuance to fund their Capital Improvement Program. The mitigation fee programs ensure that future development will pay their fair share of traffic impact fees to partially fund the construction of planned transportation improvements identified in the City's Capital Improvement Program.

The project would not generate the need for intersection or roadway improvements above and beyond those identified in the adopted *Grass Valley Traffic Impact Fee* and *Capital Improvement Plan (CIP)* programs. No additional mitigation measures are necessary at the intersections noted above as a result of the traffic generated by The Pines of Grass Valley project. This impact is less than significant.

- b) CEQA Section 15064.3 establishes a Vehicle Miles Traveled (VMT) threshold for land use projects. Section 15064.3 notes that generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact according to the *CEQA Guidelines*. Moreover, projects that decrease vehicle miles traveled in the project area compared to existing conditions should also be presumed to have a less than significant transportation impact.

The project is an infill site located in proximity to transit stops. Specifically, there are three transit stops located along East Bennett Street in proximity to the project. There are also transit stops located along East Main Street. The project is therefore consistent with CEQA Section 15064.3 for Vehicle Miles Traveled.

Additionally, from CEQA perspective, VMT can be measured in a variety of ways depending on whether the intent is to capture the amount of vehicle travel generated by a project (i.e. number of vehicle trips multiplied by their corresponding trip lengths) or a project's effect on VMT within a defined study area. Project effect information is more meaningful for VMT analysis because land use projects and land use plans often influence the vehicle travel

associated with neighboring land uses. VMT is a preferred metric for environmental effects because it captures how a project influences the environment related to fuel consumption and emissions while also serving as an indicator of potential impacts to pedestrians, bicyclists, transit riders, and travel safety.

The *OPR Technical Advisory on Evaluating Transportation Impacts in CEQA* recognizes that areas outside of metropolitan planning areas, especially rural counties, have fewer options for reducing VMT. Analysis of projects can be undertaken using a screening process. If a project meets any of the following criteria, it may be presumed to cause a less than significant VMT impact without further study:

- The project generates less than 630 VMT per day and is consistent with the general plan.
- The project is a work-related land use, located in a TAZ with similar land uses and travel demand characteristics, and the TAZ VMT per service population is equal to or less than 14.3 below the subarea mean.

To support the screening process, a screening tool was developed for western Nevada County. The tool uses data from the *Nevada County Travel Demand Model* to compare the VMT per service population for the Travel Analysis Zone (TAZ) in which a study parcel is located to the VMT for the subarea in which the parcel is located. Thus, a project can be evaluated for screening without additional runs of the travel demand model.

The Pines of Grass Valley project was evaluated through the screening process provided by the *Nevada County Transportation Commission (NCTC)*. The following results were verified, based upon project specific screening:

- The project is located in Travel Analysis Zone (TAZ) 278. (The number of the travel analysis zone from Nevada County Travel Demand Model in which the parcel is located)
- TAZ 278 VMT is 17.1 miles per vehicle (The metric average for the entire TAZ)
- Subarea VMT is 27.2 miles per vehicle (the VMT metric average for the entire subarea)
- % Difference is -37.1 (compares TAZ results to subarea results; positive values indicate TAZ results are greater than the subarea; 0% indicates TAZ and subarea results are equal; and, negative values indicate TAZ results are less than the subarea)

Total VMT per Service Population

- Threshold 23.3 (the maximum VMT metric to pass screening)
- Within a low VMT Yes (The project passes screening)

Using the VMT screening method, the project passes the VMT thresholds established by NCTC and is therefore determined to have a less than significant impact.

Furthermore, the project would provide new sidewalks along the project frontage. In addition, pedestrian walkways would be provided throughout the project site. Thus, the proposed project would improve the pedestrian network on-site and in the project area.

Lastly, the applicant will be subject to the payment of AB 1600 traffic mitigation fees, (i.e. City of Grass Valley and regional traffic impact fees) which is the acceptable form of traffic mitigation for this type of infill project. These fees are used exclusively for projects identified in the City's Capital Improvement Program to finance needed infrastructure improvements to achieve the LOS anticipated with the City's 2020 General Plan.

The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. This impact is considered less than significant.

- c) The project will not increase hazards due to a geometric design feature (e.g. sharp curve or dangerous intersection) or incompatible uses (e.g. farm equipment). No impact will occur.
- d) The project has been reviewed by the City of Grass Valley Fire Department for emergency response. The project has been determined by the City of Grass Valley Fire Department to be in compliance with the City of Grass Valley fire standards and City Development Code. Therefore, potential impacts relating to emergency access are considered less than significant.

XVII. UTILITIES AND SERVICE SYSTEMS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The East Bennett Street property is currently a moderately vegetated area with natural slopes of varying gradients ranging between 5% and 20%. The elevation of the site ranges from approximately ±2,441 to ±2,466 along the west property line or a 25-foot grade change.

Solid waste within the project area is collected by Waste Management, a licensed private disposal company. Solid waste is transported to the company's transfer station located on McCourtney Road.

Domestic water service to the proposed development is provided by the City of Grass Valley via existing water lines that were installed following development in the project area. According to the General Plan EIR, water supplies are adequate to supply growth anticipated in the General Plan, which included The Pines of Grass Valley project site.

Sewage collection is provided by the City of Grass Valley via existing sewer lines along East Bennett Street. According to the General Plan EIR, sewage collection facilities are sufficient to supply growth anticipated in the General Plan, which included the project site.

IMPACTS

- a) Existing utilities are available to serve the project site. The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The impact is less than significant.
- b) The City's water system serves approximately sixty (60%) of the incorporated City of Grass Valley and is located at 808 Alta Vista Avenue. The City's service area is 1,357 acres, approximately 2.1 square miles, with a service area population of 5,855 persons. As an infill site, water supplies are adequate to serve the proposed development. This impact is considered less than significant.
- c)-e) New sewer connections are proposed with the project and will be served via the extension of existing utilities for the property from East Bennett Street.

Sewer Connection Fees are collected with the issuance of a building permit or at a request to connect to the City's sewer system. Sewer service connection fees for new development are currently due at the time of building permit issuance.

The proposed project will be served by a landfill with adequate permitted capacity to accommodate the project's solid waste disposal needs. This impact is considered less than significant.

The proposed project will comply with federal, state, and local statutes and regulations related to solid waste. This impact is considered less than significant.

XIX. WILDFIRES –

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIX. WILDFIRES –

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to, pollution concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or on-going impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

The Grass Valley region has a generally high potential for wildland fires of devastating intensity. This is due to the presence, particularly in less urban settings, of heavier timber, woodland and brush, the occurrence of steep slopes, dry weather conditions, and human activity. Generally, vegetative areas of over 20% slope are considered as fire hazardous areas. The City limits have a distinct urban/wildland interface area. The greatest threat for wildfire hazards is from those that may originate outside the City. Historical data on wildfires in or near Grass Valley is kept on the Firehouse Reporting Data System. Because of the extended urban/wildland interface area, the City has participated in regional efforts to reduce wildfire risks to the City. These efforts include participation in *Nevada County's Local Hazard Mitigation Plan* and the *Fire Safe Council of Nevada County Community Wildfire Protection Plan*. *Nevada County OES* and the *Fire Safe Council* also maintain historical fire records.

IMPACTS

- a) The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. No impact will occur.
- b)-c) The project will not exacerbate wildfire risks and thereby expose project occupants to pollution concentrations from a wildfire or the uncontrolled spread of a wildfire.

The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate

fire risk or that may result in temporary or on-going impacts to the environment. All utilities serving the site shall be installed underground in accordance with City of Grass Valley Development Standards. These impacts are considered less than significant.

- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. This impact is considered less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a)-c) This environmental analysis provides evaluation of the potential environmental effects of the proposed project, including project effects on the quality of the environment, fish and wildlife habitat (including special status species), and cultural resources. These potential impacts are considered less than significant with the incorporation of respective resource mitigation measures.				

REFERENCES The following references used in preparing this report have not been attached to this report. The reference material listed below is available for review upon request of the Grass Valley Community Development Department, 125 East Main Street, Grass Valley, CA 95945.

- Stream Habitat Restoration and Enhancement Plan prepared by Greg Matuzak dated December 2019
- Millennium Planning & Engineering prepared a preliminary drainage study dated December 2019

- City of Grass Valley 2020 General Plan
- City's 2020 General Plan and Certified Environmental Impact Report (SCH#98082023)
- Federal Highway Administration, 1983
- U.S. Bureau of Land Management, 1980)
- Tree Inventory prepared by Greg Matuzak,
- Association for Protection etc. Values v. City of Ukiah (1991)
- Topanga Beach Renters Assn. v. Department of General Services
- United States Department of Agriculture land inventory
- Public Resources Code Section 12220(g).
- U.S. Department of Agriculture
- California Department of Forestry and Fire Protection
- Northern Sierra Air Quality Management District's (NSAQMD)
- California Emission Estimator Model (CalEEMod) Version 2016.3.2
- Phase I Geotechnical Report prepared by Holdrege & Kull dated February 7, 2007
- Remedial Action Work Plan prepared by NV5 dated January 2020
- Biological Resources Inventory and Resource Management Plan was prepared by Greg Matuzak dated July 2019
- California Department of Fish and Wildlife (CDFW)
- United States Army Corps of Engineers
- Section 404 of the Clean Water Act
- California Department of Fish and Wildlife (CDFW) Code Section 1600 et. seq.
- California Natural Diversity Database
- United States Fish and Wildlife Service (USFWS)
- Wetlands Delineation Manual (Environmental Laboratory, 1987
- Designated Critical Habitat
- Migratory Deer Ranges Nevada County General Plan map
- USGS Topographic Quadrangle for Grass Valley
- Natural Wetlands Inventory (NWI) and HDD datasets
- Migratory Bird Treaty Act (MBTA)
- Resource Management Plan, Best Management Practices (BMPs)
- Chapter 12.36 of the City Municipal Code
- Pacific Gas and Electric (PG&E)
- California Energy Resources Conservation and Development Commission in June 1977
- California Green Building Standards Code (Part II, Title 24) was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations).
- Cultural Resources Inventory prepared by Sean Michael Jensen, M.A., dated July 2019
- Archaeological Inventory Survey prepared by Sean Michael Jensen, M.A., dated July 2019
- City's Historic Building Ordinance
- City of Grass Valley Historic Commission
- City of Grass Valley Development Review Committee
- North Central Information Center (NCIC)
- Native American Heritage Commission (NAHC)
- United Auburn Indian Community (UAIC)
- Geologic Map of the Colfax - Grass Valley Area (Tuminas, 1981).
- California Geological Survey Open File Report 96-08, Probabilistic Seismic Hazard Assessment for the State of California
- California Fault Parameters

- The 1997 edition of California Geological Survey Special Publication 43, Fault Rupture Hazard Zones in California
- Phase I Geotechnical Engineering Report was prepared by Holdrege & Kull dated February 7, 2007
- Phase II Environmental Investigation Report was also prepared dated April 13, 2007
- Cal/EPA Air Resources Board Regulation 93105
- Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM)
- City of Grass Valley Energy Action Plan
- Phase I Environmental Site Assessment (ESA), NV5 (formerly Holdrege & Kull), May 2019
- Phase II ESA, Geocon Consultants, Inc., January 2017
- Phase I ESA Geocon Consultants, Inc., November 2015
- Phase II ESA, Holdrege & Kull, April 2007
- Nevada County Airport Land Use Compatibility Plan
- Mountain Counties Hydrologic region overlay zone (DWR 2011)
- Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0633E dated February 3, 2013.
- General Plan Mineral Management Element (MME) on August 24, 1993
- Noise Equivalent Level (CNEL)
- California Airport Noise Regulations
- Public Resources Code Section 21099
- Office of Planning and Research (OPR)
- California Natural Resource Agency
- 10th Edition of the Institute of Transportation Engineers (ITE)
- Nevada County Transportation Planning Agency (NCTPA)
- Capital Improvement Program
- Grass Valley Traffic Impact Fee
- Nevada County's Local Hazard Mitigation Plan
- Fire Safe Council of Nevada County
- Nevada County OES
- Fire Safe Council
- OPR Technical Advisory on Evaluating Transportation Impacts in CEQA
- Nevada County Transportation Commission (NCTC)
- City of Grass Valley 2014-2019 Housing Element
- City of Grass Valley 2020 General Plan and General Plan EIR
- City of Grass Valley Historic 1872 Townsite
- City of Grass Valley Development Code
- CA Department of Forestry and Fire Prevention
- City of Grass Valley Municipal Code
- Nevada County General Plan
- City of Grass Valley Grading Ordinance
- Background Report, City of Grass Valley General Plan Update, November 1998
- Soil Survey of Nevada County, United States Department of Agriculture, Soil Conservation Service
- Flood Insurance Rate Map 06057C0632E dated February 3, 2010
- Online soil survey maps and data from USDA - <http://websoilsurvey.nrcs.usda.gov>

EXHIBITS

- Exhibit A** - Vicinity Map
- Exhibit B** - Aerial Photograph with Site Photograph Locations
- Exhibit C** - Site Photographs
- Exhibit D** - The Pines of Grass Valley Site Plan Illustration
- Exhibit E** - The Pines of Grass Valley Elevation Illustration
- Exhibit F** - The Pines of Grass Valley Pool Area Illustration
- Exhibit G** - The Pines of Grass Valley Lounge Area Illustration

TABLES

- Table 1** - Project Construction and Operational Emissions Estimates
- Table 2** - Project Site Wetlands

ATTACHMENTS

- Attachment 1** - Project Plans dated June 19, 2020
- Attachment 2** - Bridge Design prepared by York Bridge Concepts

ATTACHMENTS





CALIFORNIA

THE PINES OF GRASS VALLEY
PRELIMINARY GRADING AND DRAINAGE PLAN
APN'S 009-262-006 / 009-270-001 / 009-270-002

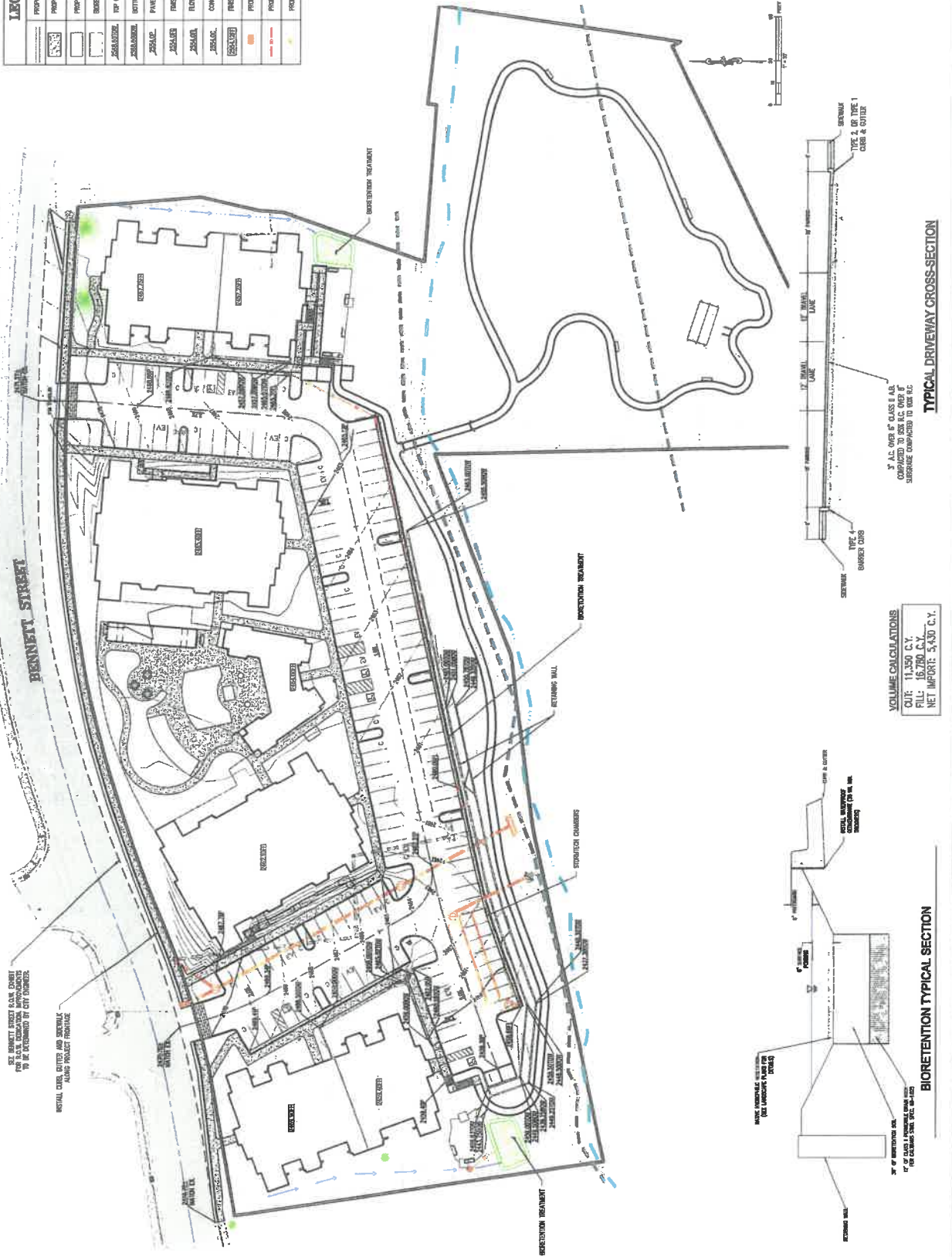
CITY OF GRASS VALLEY

DATE	DESCRIPTION	REV	DESIGNED BY	CHECKED BY	DATE
DATE: OCTOBER, 2020	DWG. SEE DWG. 001	1	DESIGNED: DEC	DESIGNED: DEC	DATE: OCTOBER, 2020

C3.0

Item # 2.

LEGEND	
	PROPOSED RETAINING WALL
	PROPOSED CONCRETE RETAINING WALL
	PROPOSED IMPACT RETAINING WALL
	BIORETENTION TREATMENT AREA
	TOP OF WALL ELEVATION
	BOTTOM OF WALL ELEVATION
	PROPOSED ELEVATION
	FINISH GRADE ELEVATION
	EXISTING GRADE ELEVATION
	PROPOSED STORM DRAIN PIPE
	PROPOSED STORM DRAIN INLET
	PROPOSED STORM DRAIN MANHOLE



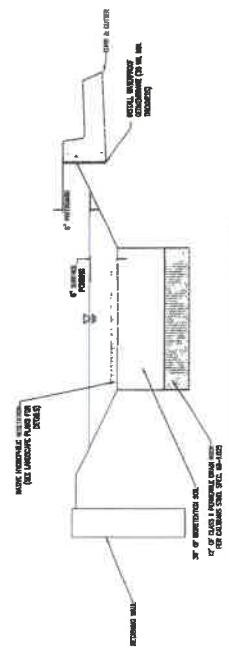
VOLUME CALCULATIONS

CUT:	11,350 C.Y.
FILL:	15,780 C.Y.
NET IMPORT:	5,430 C.Y.

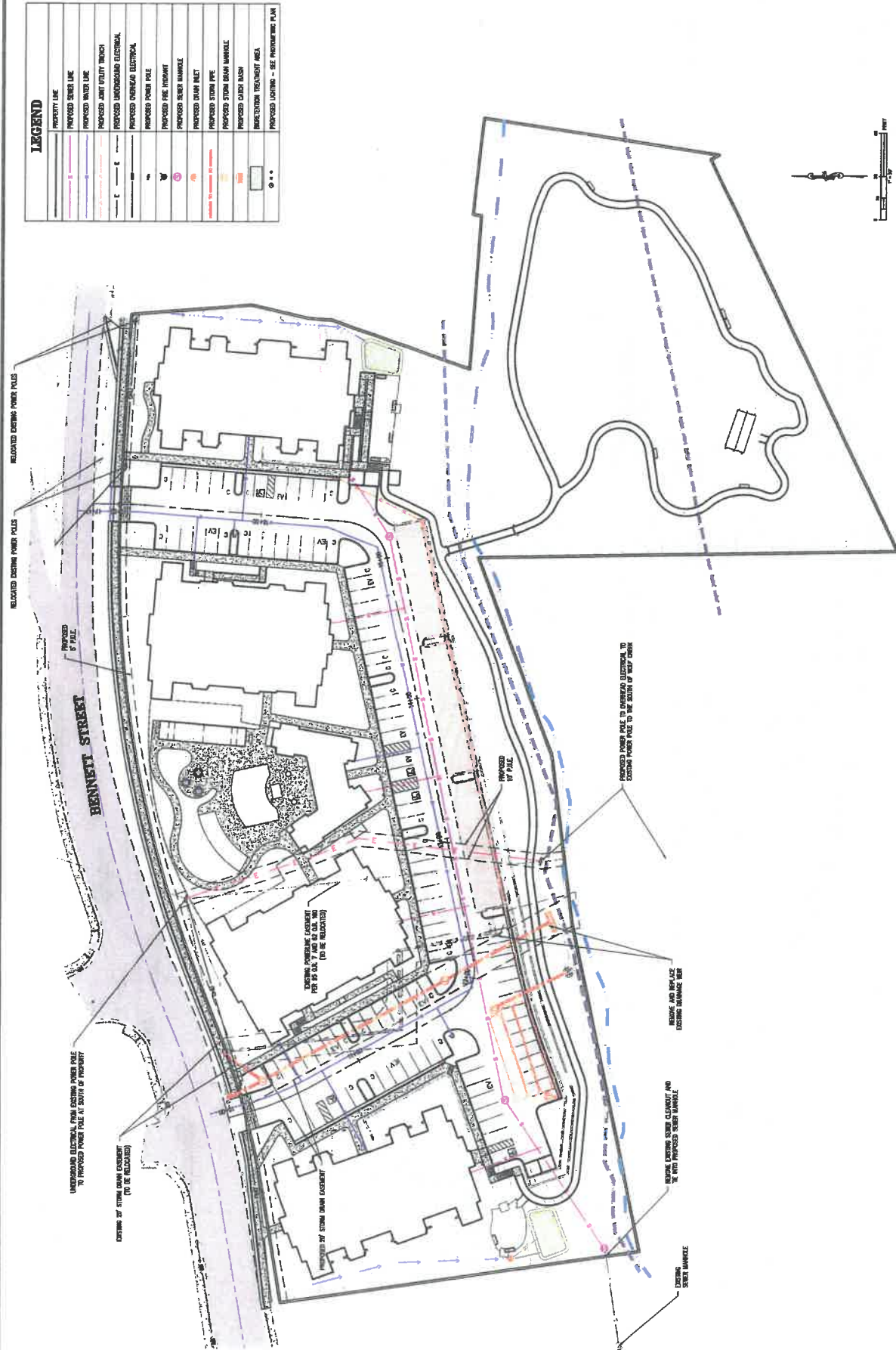
TYPICAL DRIVEWAY CROSS-SECTION



BIORETENTION TYPICAL SECTION



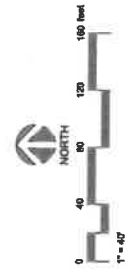
DESCRIPTION	DATE	DESCRIPTION	DATE
DRIVING DEC			
PROT. NO. 18-0318			
CRIME SCENE INVESTIGATOR			
DATE OCTOBER, 2020			



1" = 10' HORIZ.
1" = 10' VERT.

1" = 10' HORIZ.
1" = 10' VERT.

1" = 10' HORIZ.
1" = 10' VERT.

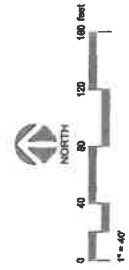
[illegible][illegible]

NOTE:

1. AN AUTOMATIC, WATER EFFICIENT IRRIGATION SYSTEM THAT MEETS IRRIGATOR REQUIREMENTS WILL BE DESIGNED WHEN THIS PROJECT RECEIVES APPROVAL.
2. 40% OF THE TREES SHALL BE SUGARMEN.
3. 50% OF THE TREES SHALL BE 3" DOCK.
4. 10% OF THE IRRIGATOR SHALL BE 8' GAL.

TREE SETBACK NOTE

THESE TREES SHALL BE AS FOLLOWS:
 1. FROM PAVED SURFACES, 3' FROM POTABLE WATER
 SYSTEMS AND WATER MAINS, 15' FROM JOINT
 TRENCHES, 15' FROM STREET LIGHTS, 15' FROM
 SANITARY SEWER LINES AND CULVERTS.
 ALL TREES PLANTED WITHIN THE REQUIRED
 UNDERGROUND UTILITY TRENCHES OUTLINED ABOVE
 SHALL RECEIVE LINEAR ROOT BARRIERS.



SHADE CALCULATIONS

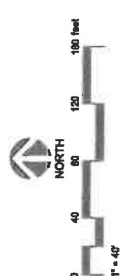
PARKING LOT

TOTAL PAVED PARKING AREA: 34,320 SQ. FT.

TOTAL SHADES REQUIRED DATA: 17,136 SQ. FT.

TOTAL SHADE PROVIDED DATA: 18,036 SQ. FT.

		100%		75%		50%
		QUANTITY	TOTAL	QUANTITY	TOTAL	
10' DIA. TREES - 35'-50' DIAMETER	0	862	0.658	2	1.443	3.350
10' DIA. TREES - 15'-20' DIAMETER	12	422	0	0	308	0
SUBTOTAL SHADING AREA:						1,642 sq. ft.
TOTAL SHADING AREA:						18,036 SQ. FT.
						CITY OF GRASS VALLEY'S SHADING REQUIREMENTS
						8,018 sq. ft.

[illegible]

OTHER ATTACHES SHALL BE AS FOLLOWS:

[illegible]

NOTE:

1. AN AUTOMATIC, WATER EFFICIENT IRRIGATION SYSTEM THAT MEETS IRRIGATION REQUIREMENTS WILL BE DESIGNED WHEN THIS PROJECT RECEIVES APPROVAL
2. 40% OF THE TREES SHALL BE EVERGREEN
3. 35% OF THE TREES SHALL BE 34" DB
4. 75% OF THE TREES SHALL BE 5' GAL



244 E Commercial St.
Nevada City, Ca 95958
(530) 364-9010
Wendy@midweststudio.com

**The Pines of
Grass Valley:
Buildings
1&2**

B&M REALTY LLC

450 / 474 / 500 Banned Store
Orleans Valley, Co 25343

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[illegible]

Proj. No.: 300-0011

Daten

Scale:

Drawn By: 5 A.M.

Drawing Title:

Drawing Number:

Item # 2.



1ST FLOOR AREA: 5,159
 2ND FLOOR AREA: 5,459
 3RD FLOOR AREA: 5,559
 4TH FLOOR AREA: 5,659

1 BEDROOMS: 15
 2 BEDROOMS: 30
 3 BEDROOMS: 15
 4 BEDROOMS: 15



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 www.wallisdesignstudio.com

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BS/M REA/

10/1/2020 10:00 AM
 10/1/2020 10:00 AM

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Date: 10/21/2020

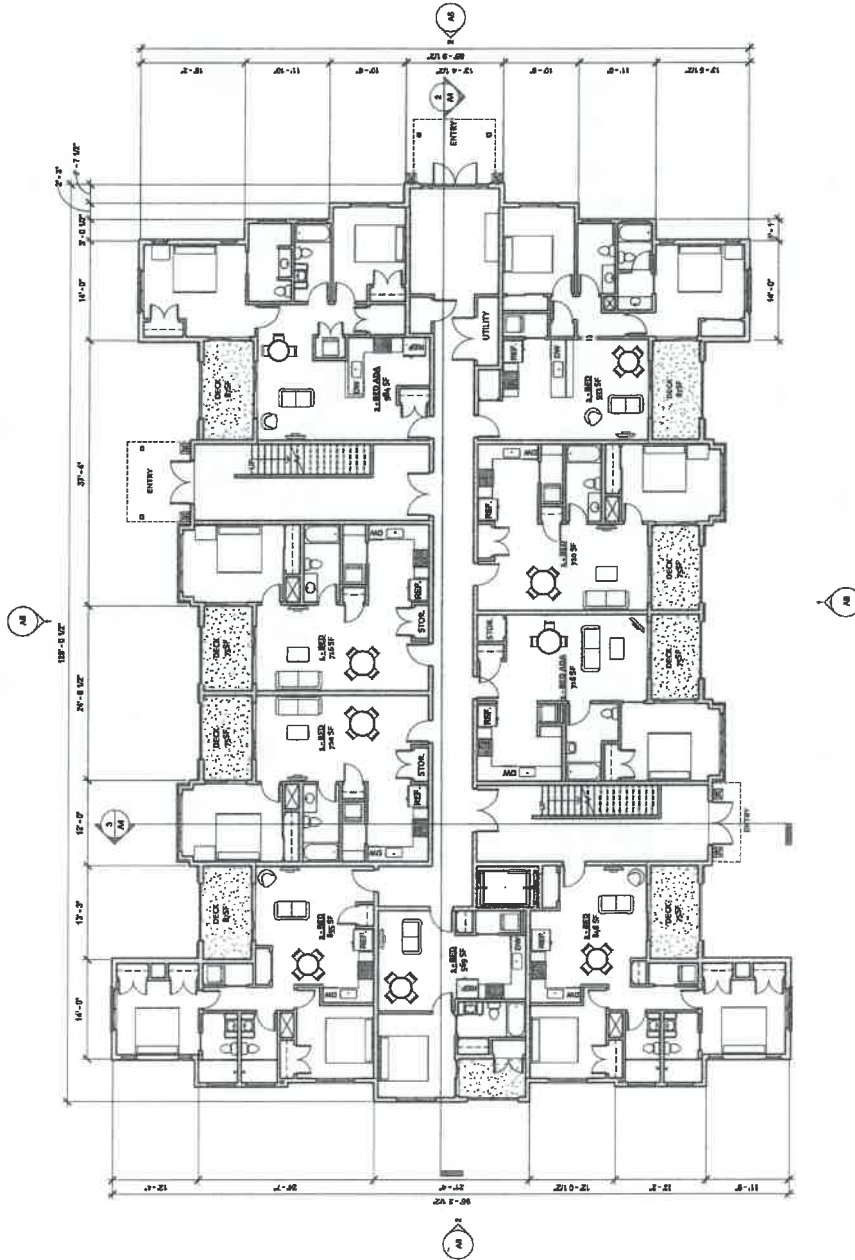
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Drawn By: S.A.M.

Drawing Title:
 SCHEMATIC-1ST
 FLOOR PLAN

Drawing Number:

Item # 2.



1ST FLOOR PLAN - SCHEMATIC
 1/8" = 1'-0"

1ST FLOOR AREA: 8,529
 2ND FLOOR AREA: 8,539
 3RD FLOOR AREA: 8,539
 TOTAL: 25,607

1 BEDROOMS: 15
 2 BEDROOMS: 12
 TOTAL: 27 UNITS



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 Grass Valley, CA 95945

SCHEMATIC DESIGN

Sheet:



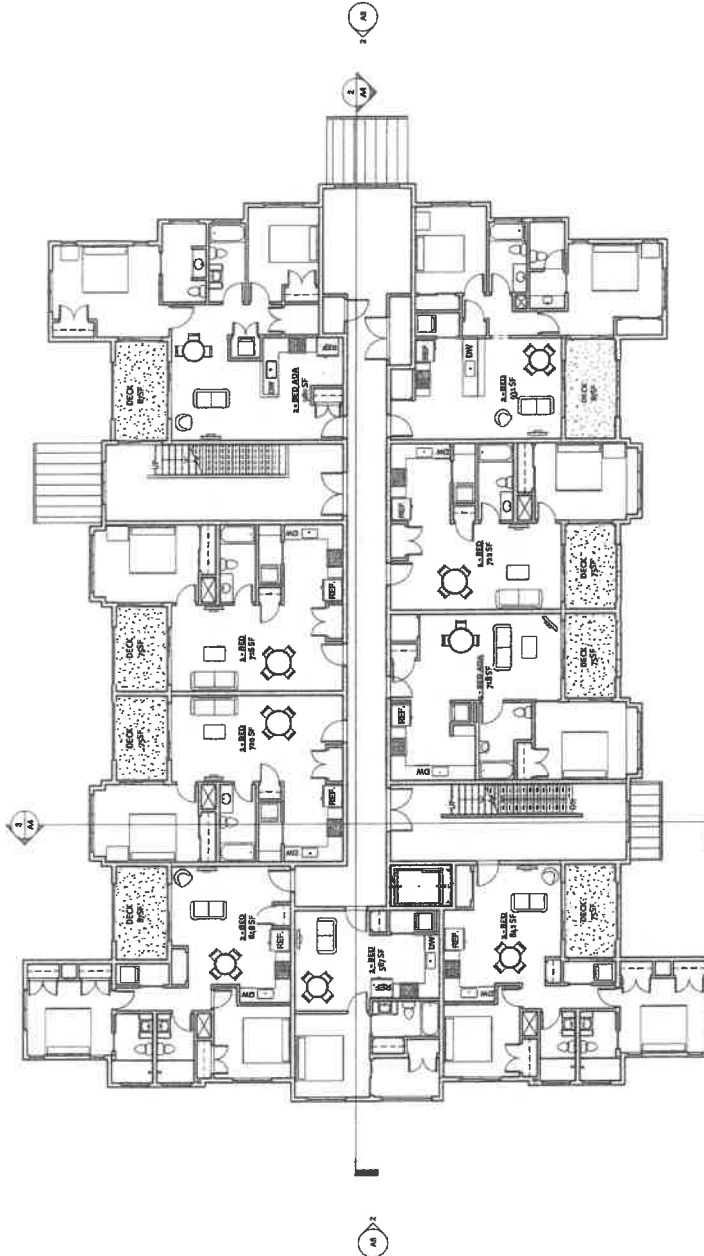
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Project No.:	1000000000
Date:	1/1/2020
Scale:	1/8" = 1'-0"
Drawn By:	S.A.M.

Drawing Title:
 SCHEMATIC
 2ND FLOOR
 PLAN

Drawing Number:

Item # 2.



2ND FLOOR - SCHEMATIC PLAN
 1/8" = 1'-0"

1ST FLOOR AREA: 9,459
 2ND FLOOR AREA: 9,459
 3RD FLOOR AREA: 9,459
 27,477

1 BEDROOMS: 16
 2 BEDROOMS: 16
 27 UNITS



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The Pines of Grass Valley: Buildings 1&2

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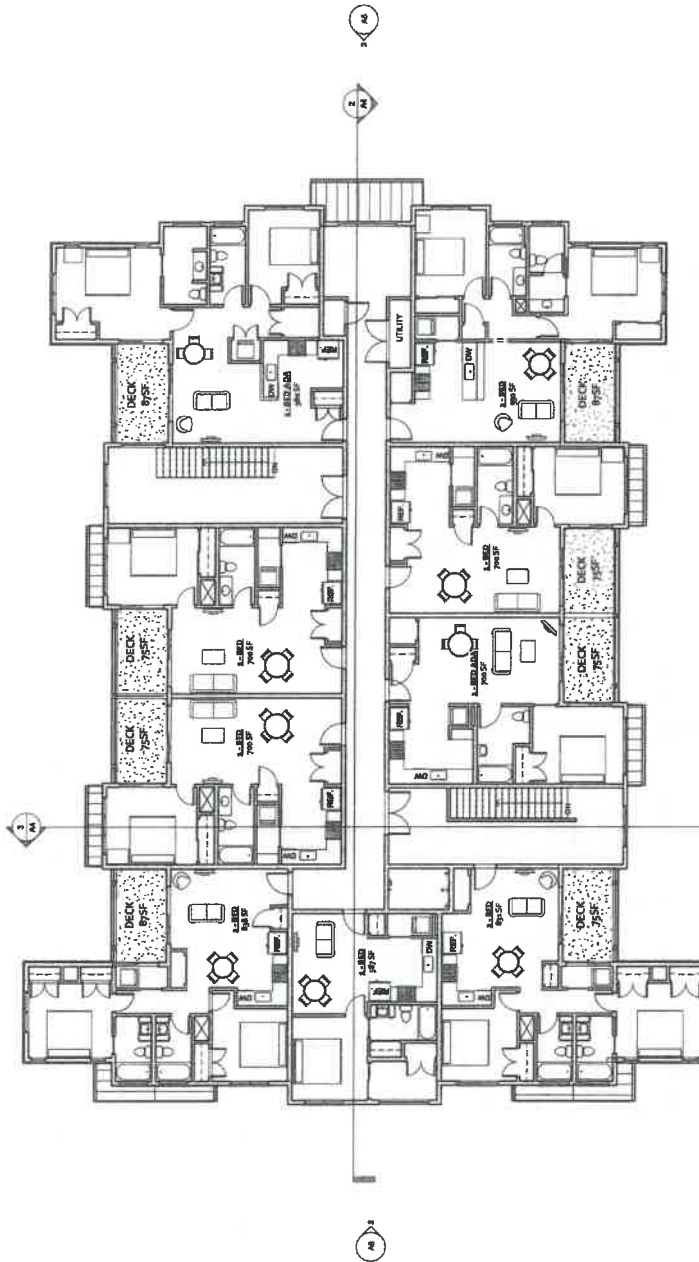


Proj. No.: 200-0011
 Date: 10/24/2020
 Scale: 1/8" = 1'-0"
 Drawn By: S.A.M.

Drawing Title:
 SCHEMATIC 3RD
 FLOOR PLAN

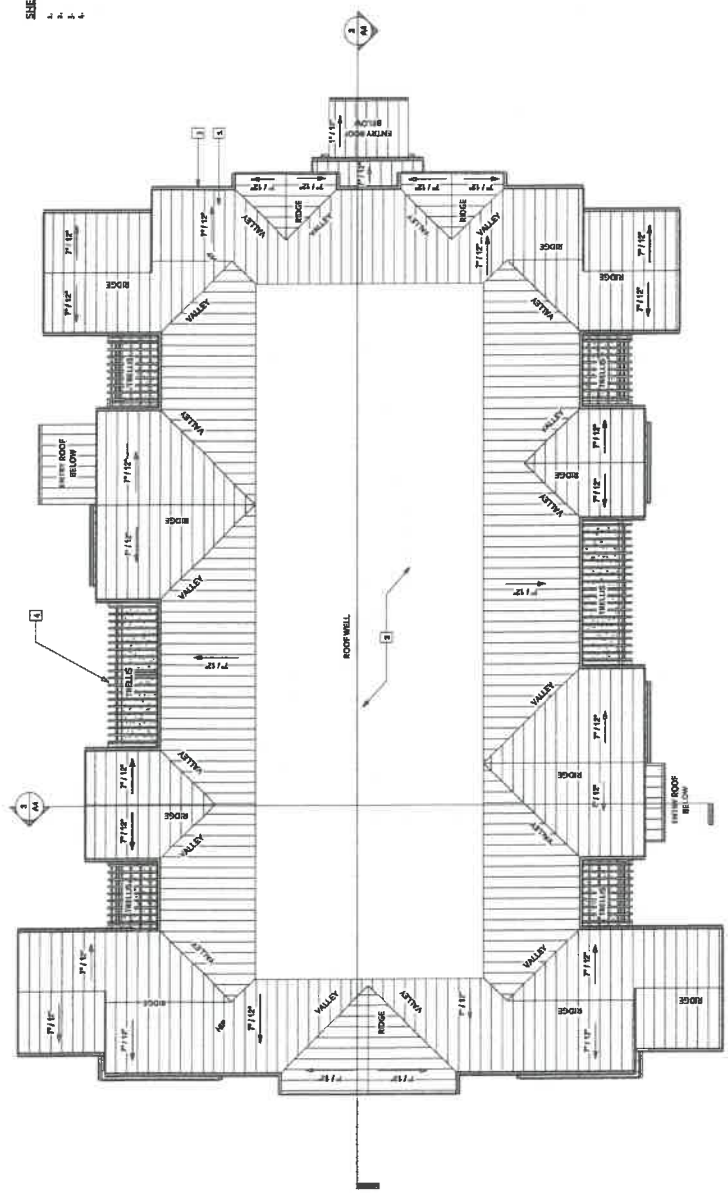
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Item # 2.

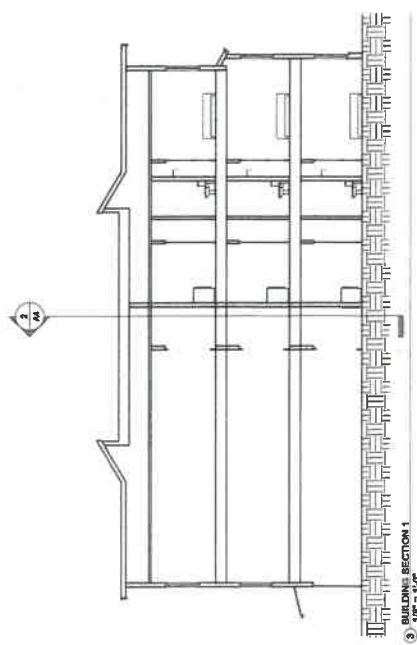


① 3RD FLOOR SCHEMATIC PLAN
 1/8" = 1'-0"

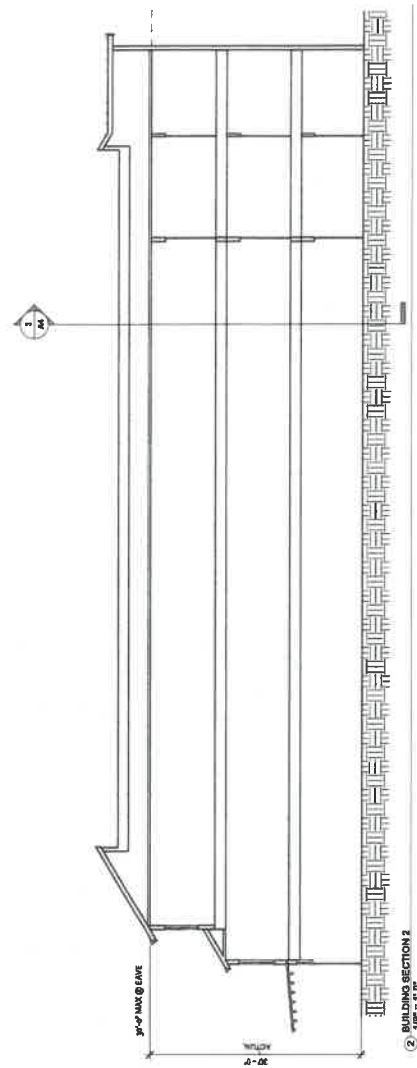
- SHEET NOTES:**
1. METAL ROOF ASSEMBLY
 2. METAL GUTTER ASSEMBLY
 3. PAINTED METAL TRUSS
 4. PAINTED METAL TRUSS



1. ROOF PLAN - SCHEMATIC PLAN
1/8" = 1'-0"



3. BUILDING SECTION 1
1/8" = 1'-0"



2. BUILDING SECTION 2
1/8" = 1'-0"

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Project No.	171
Date	1/1/20
Scale	1/8" = 1'-0"
Drawn By	S.A.J.M.

Drawing Title:
SCHEMATIC
ROOF PLAN

Drawing Number:

Item # 2.

**The Pines of
Grass Valley:
Buildings
1&2**

B&M REAL

1450 / 474 / 500 Barnard Street

SCHEMATIC DESIGN

Stamps:

These are the only two air transport services



Item No.

10/21/2020

As indicated

	CAM
...	...

100

Drawing Title:

SCHEMATIC ELEVATIONS

Drawing Number:

Item # 2.

COLOR AND MATERIALS



ROOF	METAL SALES
MANUFACTURE:	METAL ROOF
TYPE:	STANDING SEAM
PRODUCT:	MATTE BLACK
FINISH:	



WALL - PROFILE
MANUFACTURE:
TYPE:
PRODUCT:



WALL-BOARD
MANUFACTURE;
TYPE
PRODUCT:



WALL - PAINT
MANUFACTURE;
PRODUCT:



**WALL-PAPER
MANUFACTURER
PRODUCT:**



**WALL-PART
MANUFACTURE:
BENJAMIN MOORE
PRODUCT:
WALLS & GRAY**



WALL • ACCENT
MANUFACTURE:
PRODUCT:



**WALL-ACCENT
MANUFACTURE;
PROFILE:**



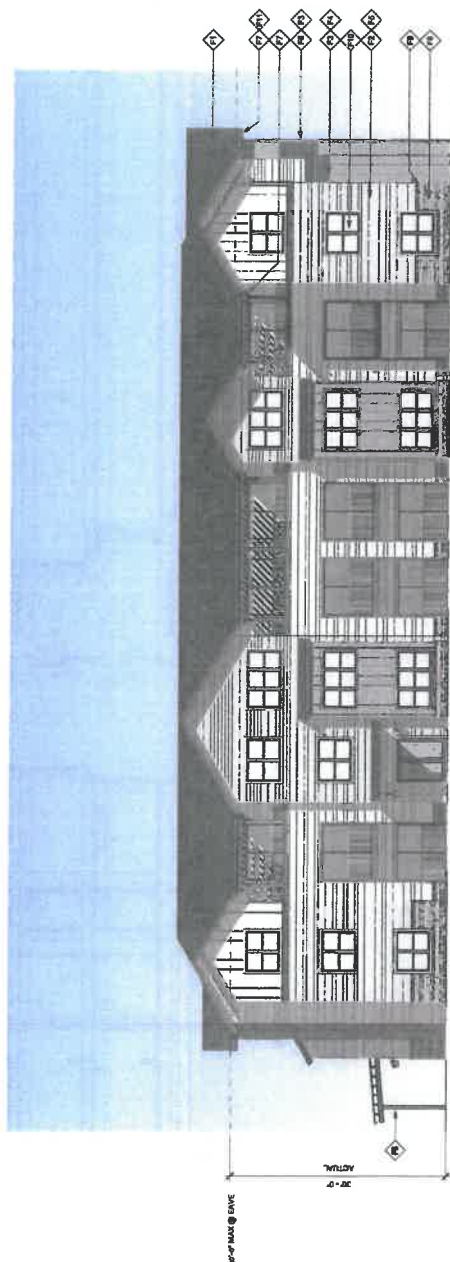
**WALL-ACCENT
MANUFACTURE:
PRODUCT:**



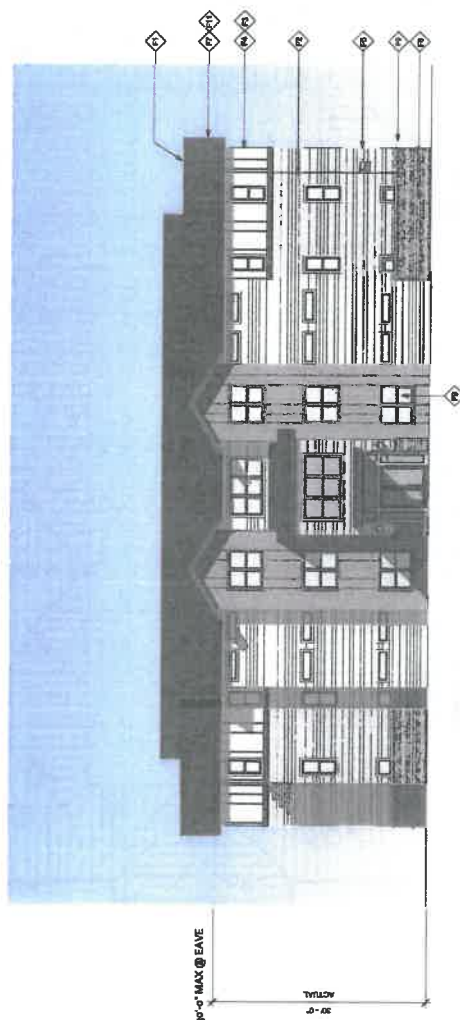
WINDOWS AND DOORS
MANUFACTURE: ANDERSON
TYPE: 500 SERIES SINGLE HUNG WINDOWS, COMMERCIAL DOORS,
 500 SERIES GLIDING PATIO DOOR
FINISH: BLACK



SPUN AND DOWNBOLT
MANUFACTURE;
PRODUCT: SMACNA STYLE F

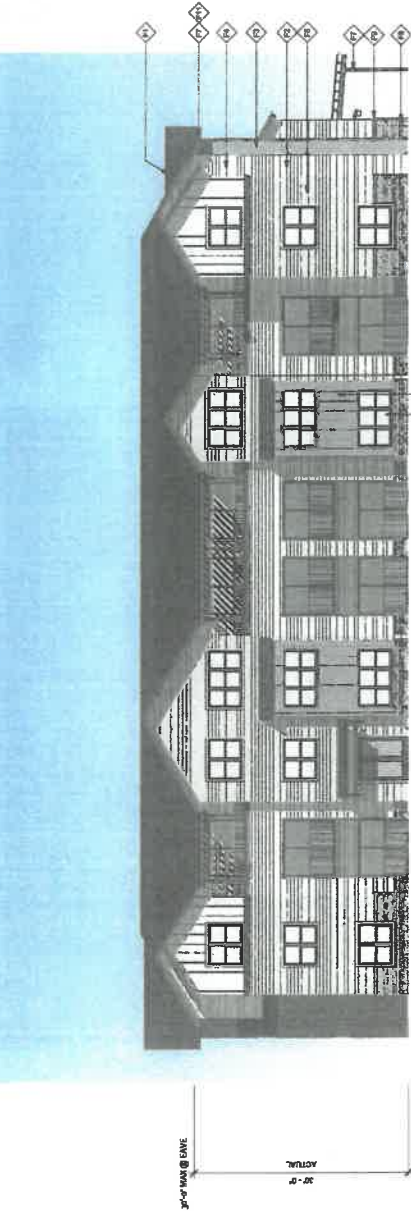


1 EAST ELEVATION - SCHEMATIC
1/8" = 1'-0"

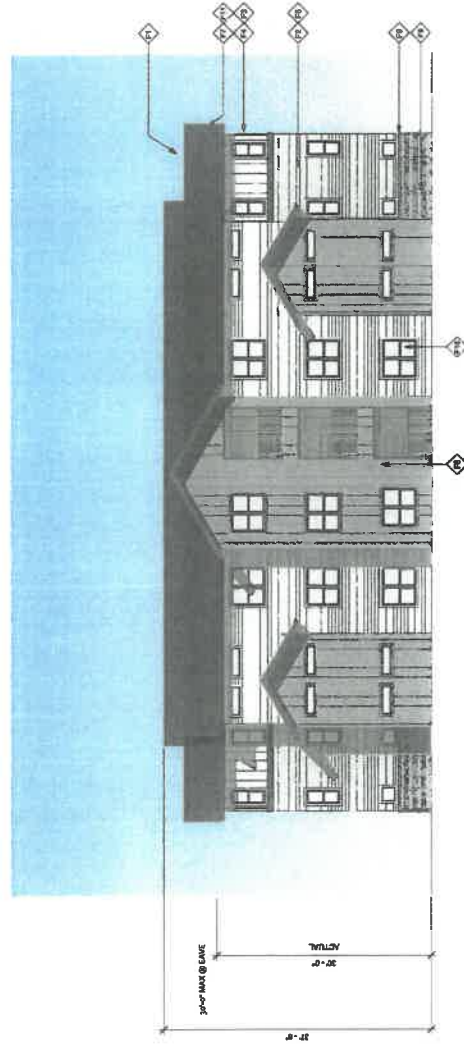


② SOUTH ELEVATION - SCHEMATIC
1/8" = 1'-0"

COLOR AND MATERIALS



① WEST ELEVATION - SCHEMATIC
1/8" = 1'-0"



③ SOUTH ELEVATION - SCHEMATIC
1/8" = 1'-0"



1
ROOF
MANUFACTURE
TYPE
PRODUCT
FINISH
METAL PAN
STANDING SEAM
MATE BLACK



2
WALL-JOIST
MANUFACTURE
TYPE
PRODUCT
CORAL
TRU-STRETCH
CORE LAP SERR



3
WALL-JOIST
MANUFACTURE
TYPE
PRODUCT
JAMES HARDIE
MASONRY
VERTICAL SERR



4
WALL-JOIST
MANUFACTURE
PRODUCT
BENJAMIN MOORE
CHARTER LACE



5
WALL-JOIST
MANUFACTURE
PRODUCT
BENJAMIN MOORE
WINDHAM GRAY



6
WALL-JOIST
MANUFACTURE
PRODUCT
BENJAMIN MOORE
WHALE GRAY



7
WALL-JOIST
MANUFACTURE
PRODUCT
PITTSBURGH PAINTS
WRIGHT IRON



8
WALL-JOIST
MANUFACTURE
PRODUCT
FINISH
ELKLAND STONE
LOGICUTS
BEADABLE



9
WALL-JOIST
MANUFACTURE
PRODUCT
FINISH
ELKLAND STONE
SLIP-ON
BLUE STEEL



10
WINDOWS AND DOORS
MANUFACTURE
TYPE
FINISH
ANDERSON
400 SERIES SINGLE HUNG WINDOWS, COMMERCIAL DOORS,
SCREENED PORCH PATIO DOOR
BLACK



11
GUTTER AND DOWNSPOUT
MANUFACTURE
PRODUCT
FASCATED
STAINLESS STEEL



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1&2

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ONE 1/4" = 1" SCALE
OVER VIEW OR 80%

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Proj. No.:
Date:
Scale: As Indicated
Drawn By: S.A.M.

Drawing Title:
SCHEMATIC
ELEVATIONS

Drawing Number:

Item # 2.



**The Pines of
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3&4**

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Crown Valley, CA 92624

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[illegible]

Proj. No.:	2019011
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Date:	10/11/2020
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Scale:

Drawn By: S.A.M.

Drawing Title

Drawing Number:

Item # 2.



LOWER FLOOR AREA: 4,584
 1ST FLOOR AREA: 9,065
 2ND FLOOR AREA: 9,397
 3RD FLOOR AREA: 9,397
 TOTAL AREA: 32,443

1 BEDROOMS: 15
 2 BEDROOMS: 12
 37 UNITS



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The Pines of
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 Buildings
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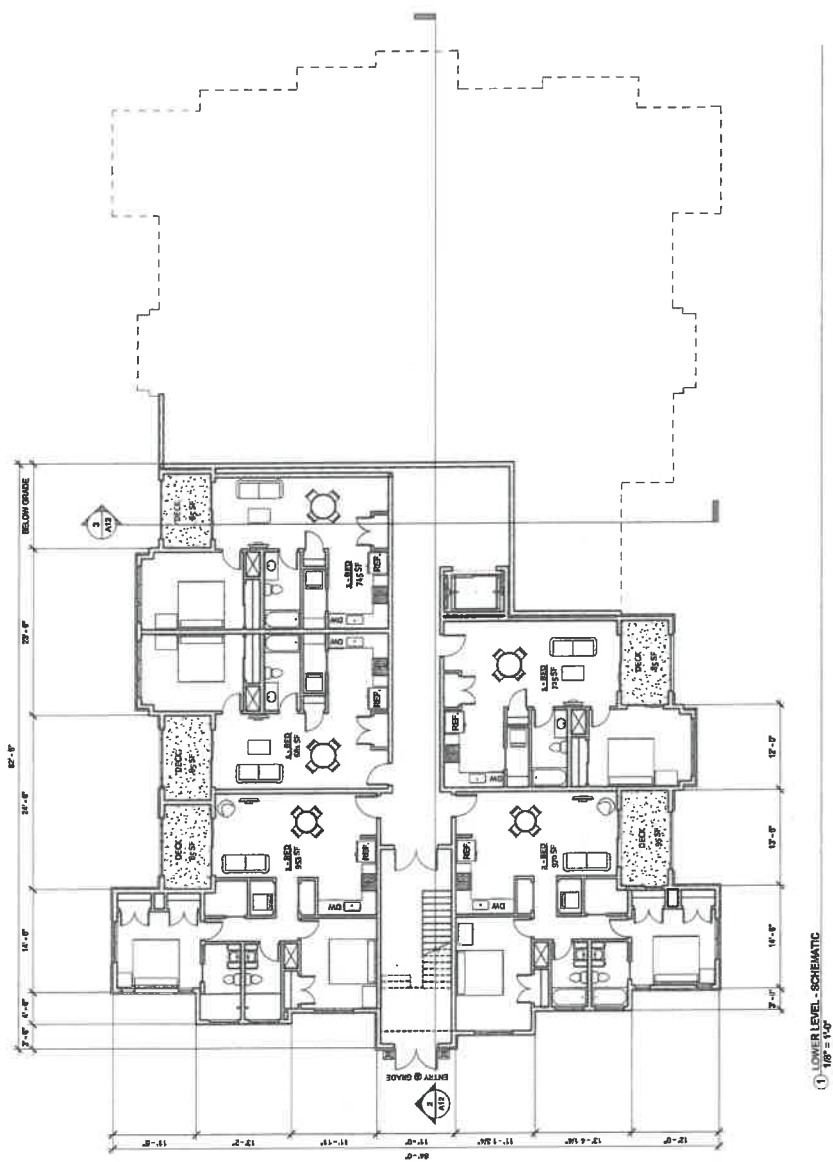
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Date:	1/1/18
Scale:	1/8" = 1'-0"
Drawn By:	S.A.M.

Drawing Title
 LOWER
 SCHEMATIC
 FLOOR PLAN

Drawing Number:

Item # 2.



LOWER FLOOR AREA: 4,984
 1ST FLOOR AREA: 9,065
 TOTAL FLOOR AREA: 14,049
 2ND FLOOR AREA: 27,345

1 BEDROOMS: 35
 2 BEDROOMS: 32
 27 UNITS



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Project No.	19003
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Scale	1/8" = 1'-0"
Drawn By	S.A.M.

Project No.

Date

Scale

Drawn By

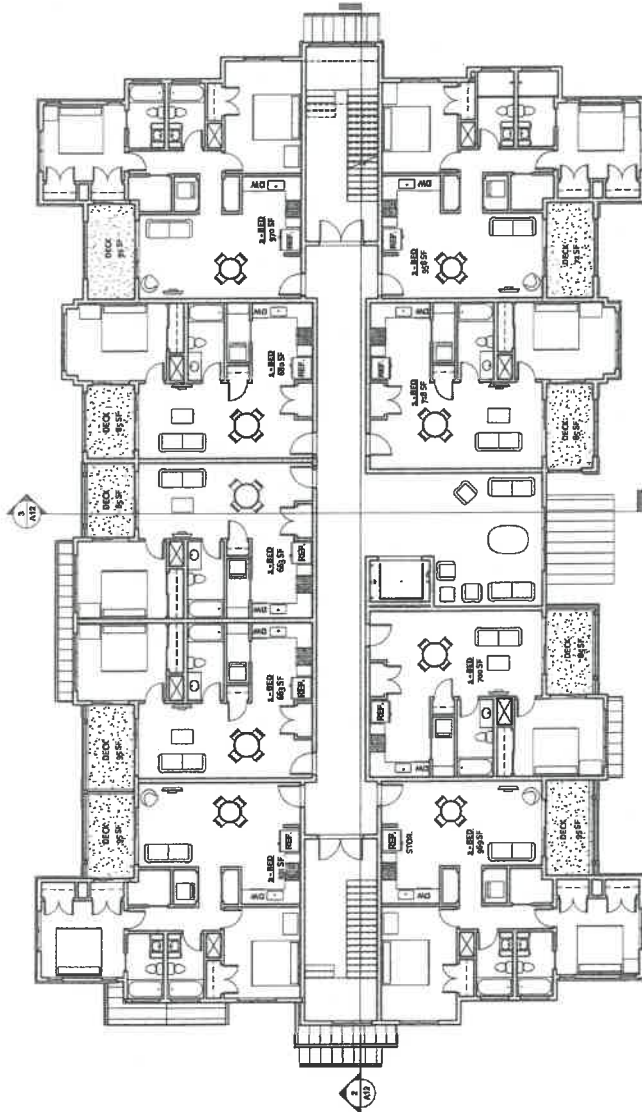
S.A.M.

Drawing Title

2ND
 SCHEMATIC
 FLOOR PLAN

Drawing Number

Item # 2.



① 2ND FLOOR - SCHEMATIC
 1/8" = 1'-0"

LOWER FLOOR AREA: 4,484
 1ST FLOOR AREA: 9,466
 2ND FLOOR AREA: 8,597
 3RD FLOOR AREA: 4,333
 77,345
 1 BEDROOMS: 15
 2 BEDROOMS: 32



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 155 S. Commercial St.
 Nevada City, CA 95959
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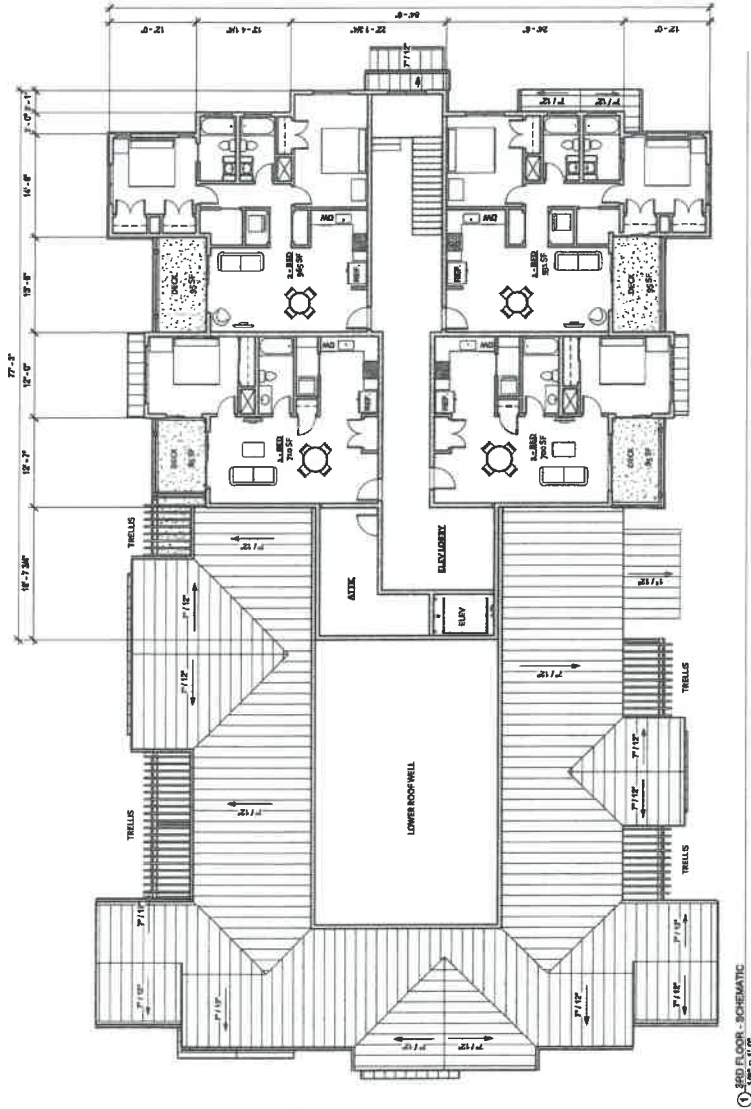
Rev	Description
1	Initial

Proj No.: 20190513
 Date: 10/21/2020
 Scale: 3/8" = 1'-0"
 Drawn By: S.A.M.

Drawing Title
 3RD SCHEMATIC
 FLOOR PLAN

Drawing Number:

Item # 2.



① 3RD FLOOR - SCHEMATIC
 1/8" = 1'-0"



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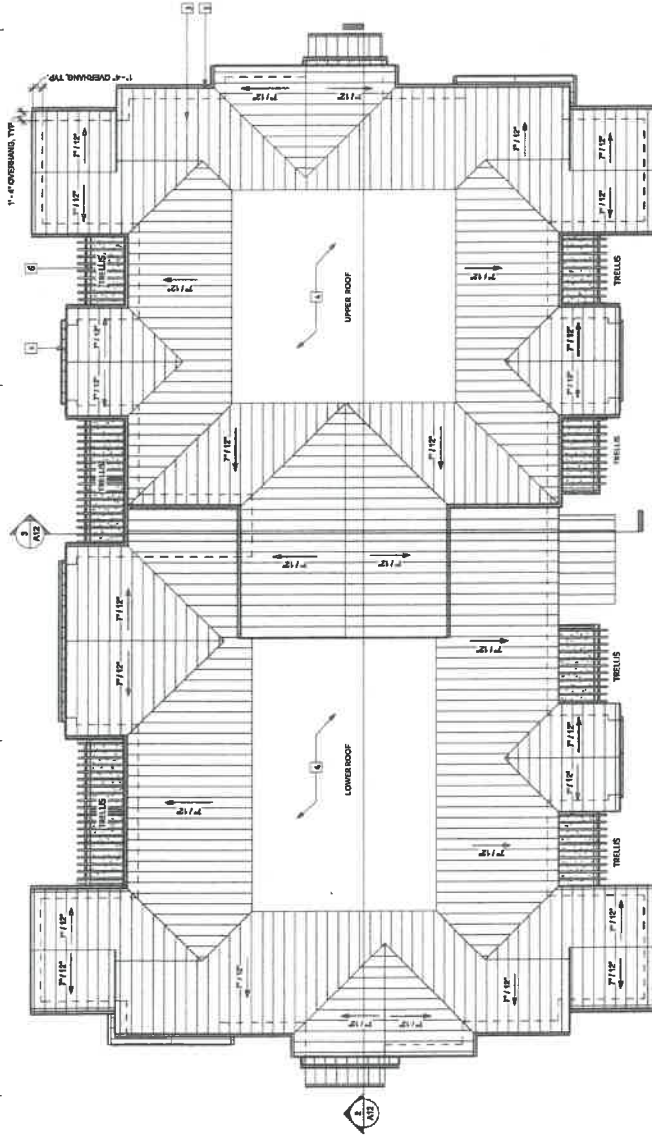
Proj. No.:	20230713
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Drawn By:	S.A.M.

Drawing Title:
**SCHMATIC
ROOF PLAN
AND SECTION**

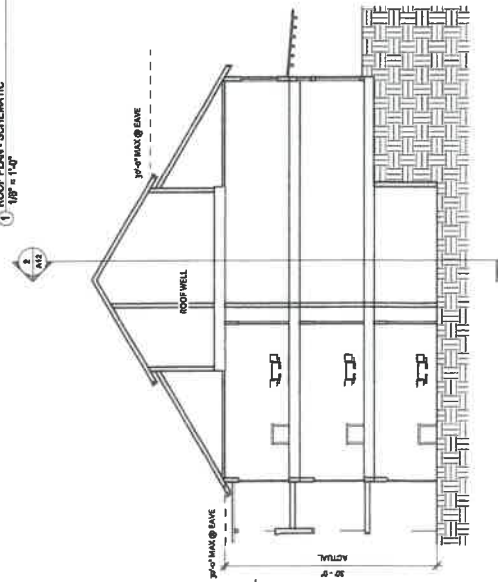
Drawing Number:

Item # 2.

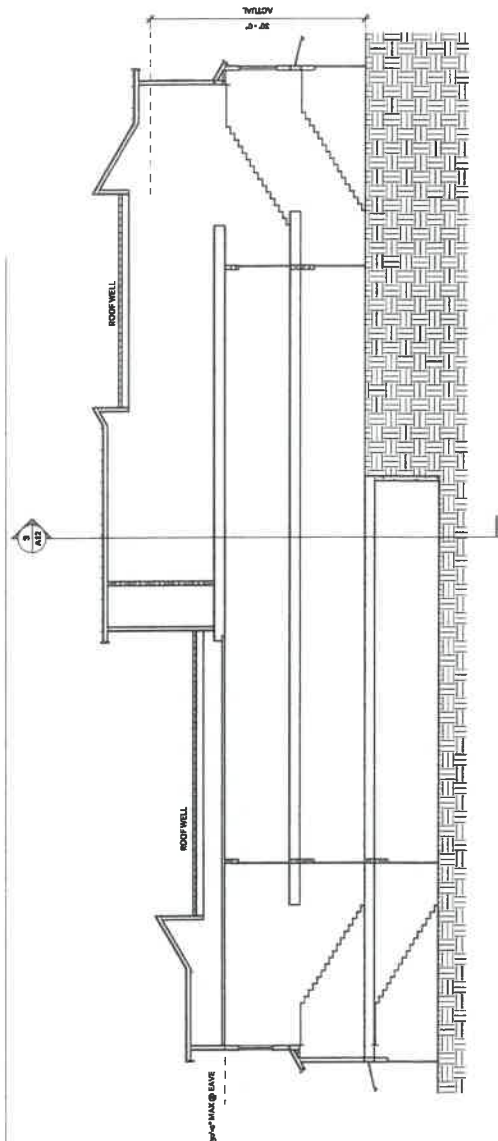
2. DUTLINE OF ROOF BEYOND.
3. DUTLINE OF WALL BELOW.
4. METAL ROOF ASSEMBLY
5. PVC ROOF ASSEMBLY
6. GUTTER ASSEMBLY
7. PAINTED METAL TRELLIS



1 ROOF PLAN - SCHEMATIC
1/8" = 1'-0"



3 BUILDING SECTION 'B' SCHEMATIC
1/8" = 1'-0"



2 BUILDING SECTION 'A' SCHEMATIC
1/8" = 1'-0"

COLOR AND MATERIALS



1
METAL SAILS
METAL ROOF
PYRAMIDING SHUM
WHITE STEEL



2
ROYAL
TEAL
TEAL
TEAL



3
JAMES HARBER
VERTICAL
VERTICAL
VERTICAL



4
BENJAMIN MOORE
CONTELL
CONTELL
CONTELL



5
BENJAMIN MOORE
WOCHMAN
WOCHMAN
WOCHMAN



6
BENJAMIN MOORE
WHITE
WHITE
WHITE



7
PYRAMIDING PAINTS
WROUGHT IRON
WROUGHT IRON
WROUGHT IRON



8
EL DORADO STONE
LIMESTONE
LIMESTONE
LIMESTONE



9
EL DORADO STONE
SPLIT EDGE
SPLIT EDGE
SPLIT EDGE



10
ANDERSON MANUFACTURING
WHITE
WHITE
WHITE



11
ANDERSON MANUFACTURING
WHITE
WHITE
WHITE



12
ANDERSON MANUFACTURING
WHITE
WHITE
WHITE



13
ANDERSON MANUFACTURING
WHITE
WHITE
WHITE



14
ANDERSON MANUFACTURING
WHITE
WHITE
WHITE



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ARCHITECTS, INC.

344 S Commercial St.
Hemet, CA 92343
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Buildings
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B&M RE-
C

4801 1911 1801 Second Street
Grass Valley, CA 95942

SCHEMATIC DESIGN

Stamp



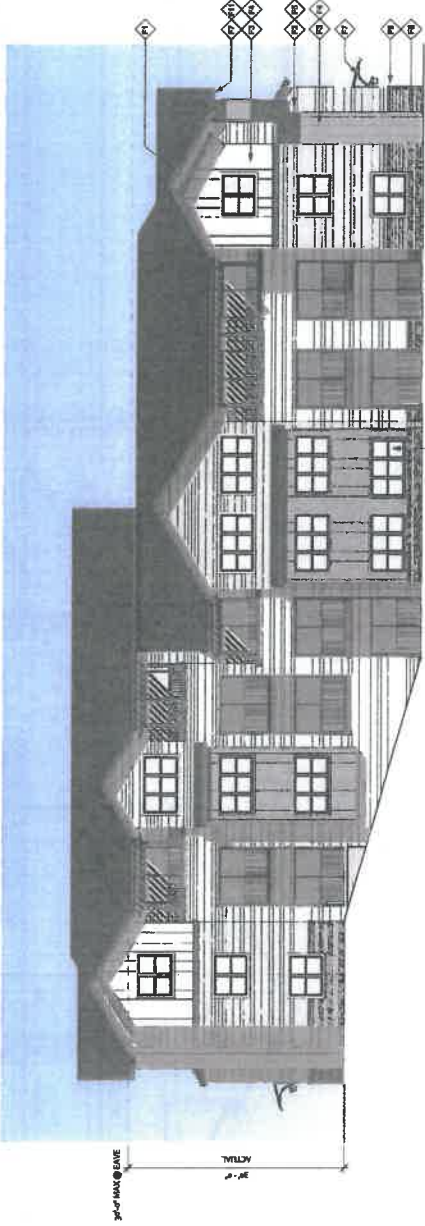
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Architects, Inc. is strictly prohibited.

Proj. No.:	2019011
Date:	10/21/2019
Scale:	As indicated
Drawn By:	S.A.M.

Drawing Title
SCHEMATIC
ELEVATIONS

Drawing Number

Item # 2.



1 EAST ELEVATION - SCHEMATIC
1/8" = 1'-0"



2 NORTH ELEVATION - SCHEMATIC
1/8" = 1'-0"



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ARCHITECTS, INC.

1418 Germannville
Huntington, CA 95819
(916) 434-0100
WallisDesignStudio.com

The Pines of Grass Valley: Clubhouse

B&M RE LC

401 J Street, Suite 200
Grass Valley, CA 95945

SCHEMATIC DESIGN

Stamps:



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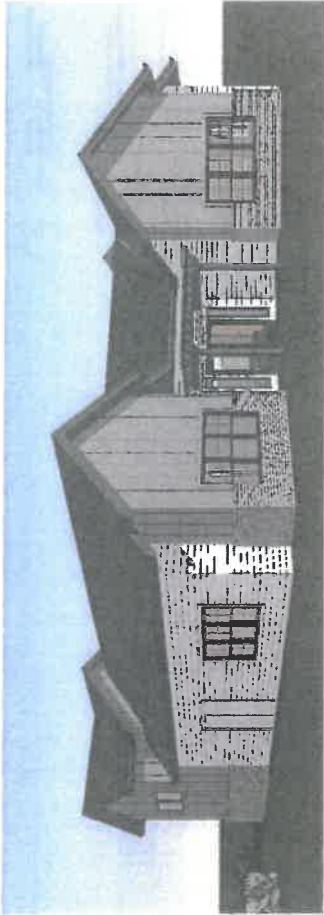
Project	Grass Valley Clubhouse
Client	B&M RE LC
Architect	Wallis Design Studio Architects, Inc.
Scale	1/8" = 1'-0"
Sheet	1 of 1

Proj. No.	20190011
Date	08/21/2020
Scale	
Drawn By	S.A.M.

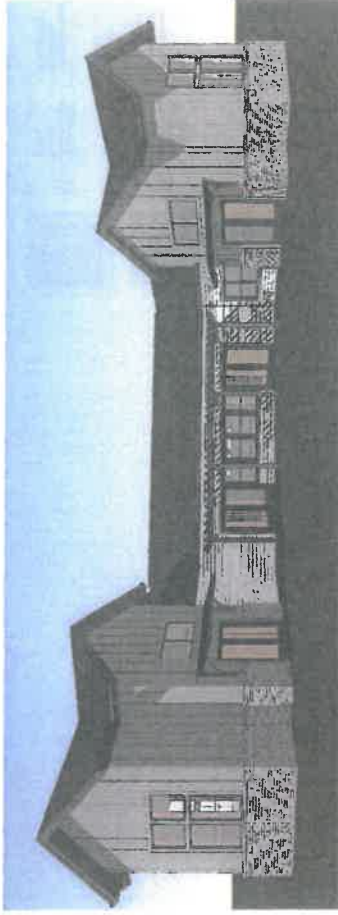
Drawing Title
**SCHEMATIC
PERSPECTIVES**

Drawing Number:

Item # 2.



1 SOUTH WEST CORNER



2 NORTH VIEW



3 EAST TOWER



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ARCHITECTS, INC.

1418 Commercial St.
Fresno, CA 93703
(559) 485-7700
Wallisdesignstudio.com

The Pines of
Grass Valley:
Clubhouse

B&M REALTY LLC

6521 FTD 10th Street Street,
Grass Valley, CA 95945

SCHEMATIC DEL

Stamp



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of the law.

Proj. No.	20190031
Date	7/20
Scale	As Indicated
Drawn By	S.A.M.

Drawing Title
SCHEMATIC
FLOOR PLAN

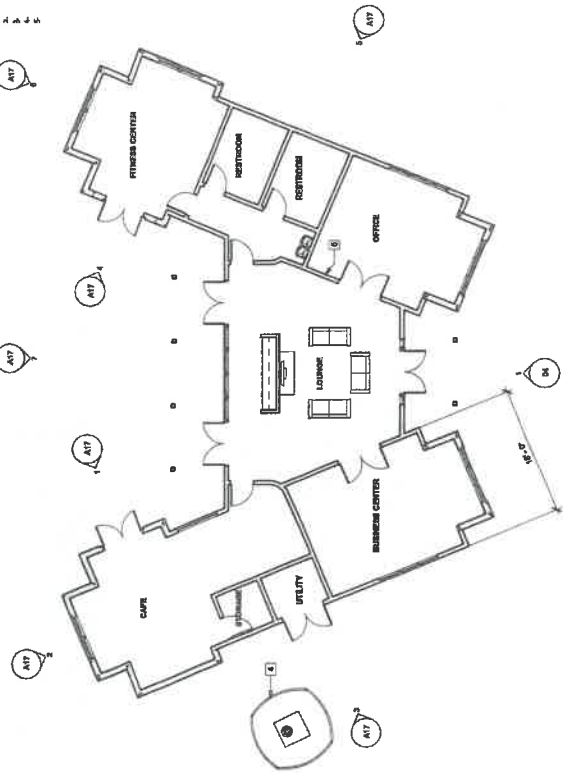
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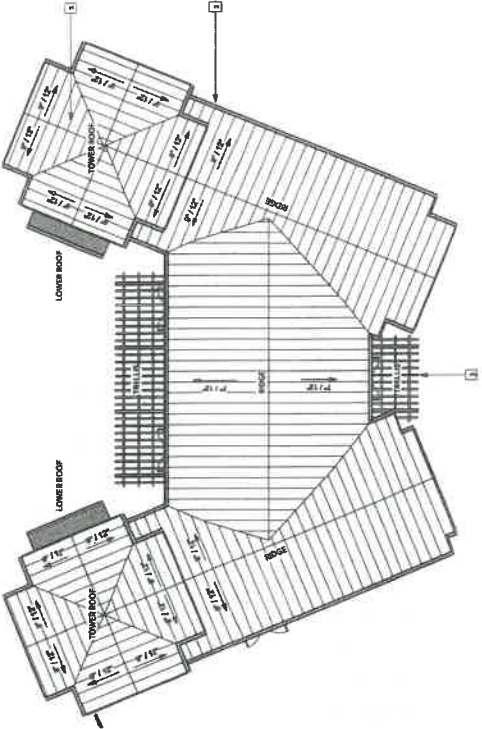
FLOOR AREA: 1,300SF

SHEET NOTES:

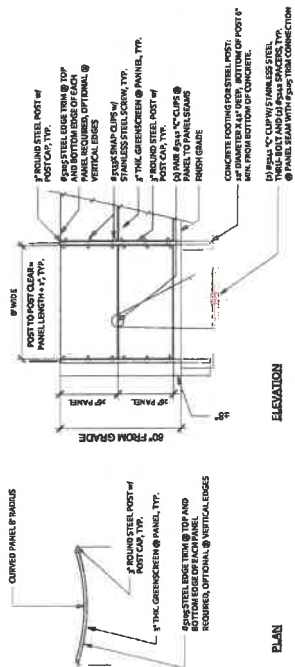
1. METAL ROOF ASSEMBLY
2. PAINTED METAL TRUSS
3. PAINTED METAL BEAMS
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1. FLOOR PLAN - SCHEMATIC
1/8" = 1'-0"















2. ROOF PLAN - SCHEMATIC
1/8" = 1'-0"



3. LANDSCAPE GREEN SCREEN
1/8" = 1'-0"

COLOR AND MATERIALS

											
ROOF MANUFACTURE: TYPED PRODUCT: FINISH:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:	WALL-JOIST MANUFACTURE: TYPE: PRODUCT:
METAL SHALS STANDING SEAM ANYTE BLACK	WALL-JOIST TELEVISION COVER LAP SEAM	JAMES HARDIE HANDSPRINT VERTICAL SEAM	BENJAMIN MOORE CHATELAIN LACE	BENJAMIN MOORE INDIAN GRAY	BENJAMIN MOORE INDIAN GRAY	PETERBURY PAINTS WROUGHT IRON	ELKONADO STONE LEOPOLDBERG BEACH PEBBLE	ELKONADO STONE SPIT BRASS WINDSCOT SILL BLUE STEEL	WINDSCOT AND DOORS MANUFACTURE: TYPE: FINISH:	WINDSCOT AND DOORS MANUFACTURE: TYPE: FINISH:	WINDSCOT AND DOORS MANUFACTURE: TYPE: FINISH:

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ARCHITECTS, INC.**
1415 Connecticut
Newport City, CA 94660
(415) 754-0100
www.wallsdesignstudio.com

**The Pines of
Grass Valley:
Clubhouse**

B&M REA
481 / 472 / 1800 Bernard Street
Grass Valley, CA 95948

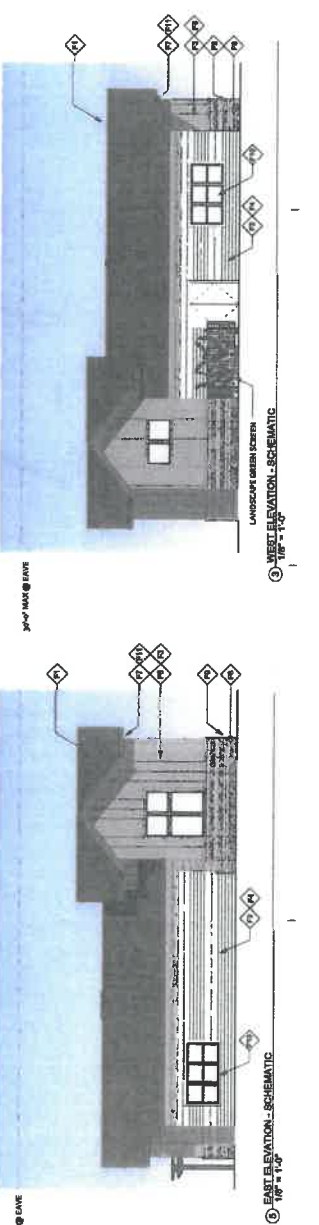
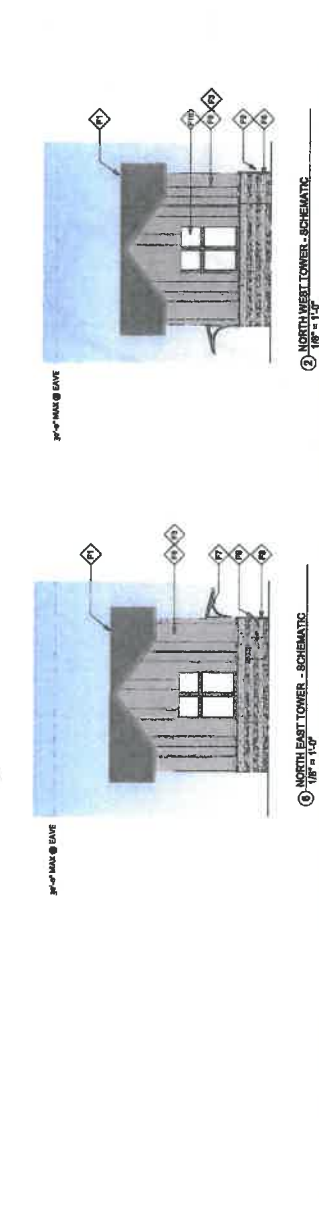
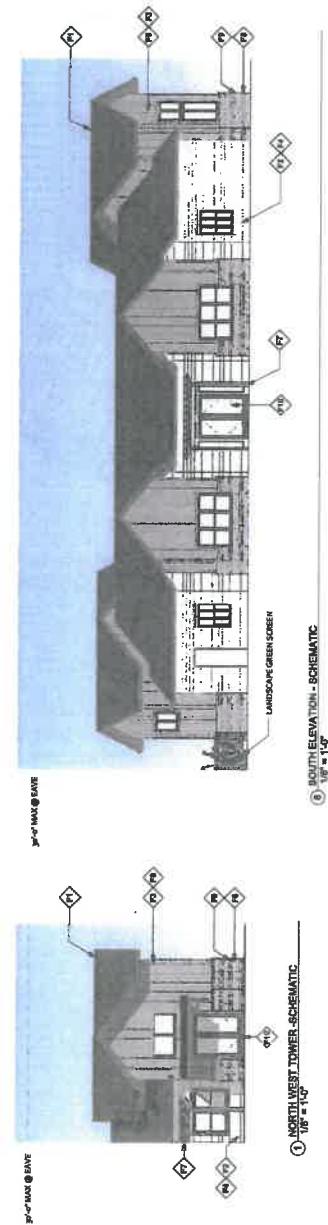
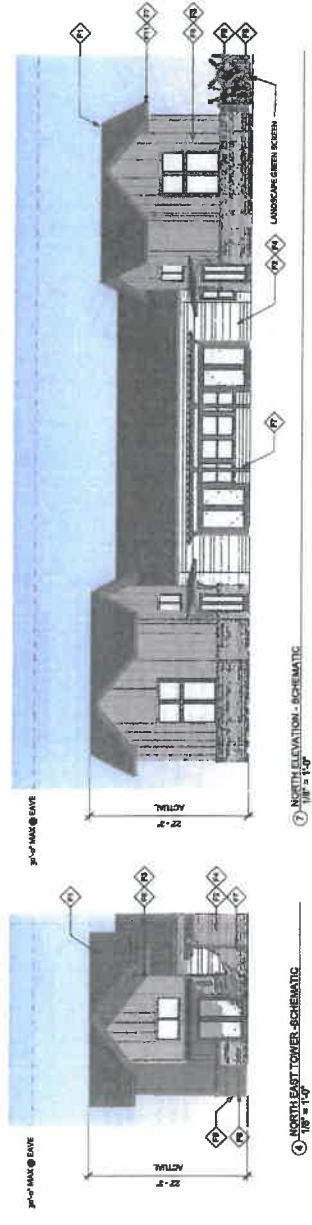
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Stamp:

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reproduced or used without the
architect's approval & safety facilities.

Proj. No.:	20190011
Date:	10/24/2019
Scale:	As Indicated
Drawn By:	S.A.M.

Drawing Title
**SCHEMATIC
ELEVATIONS**

Drawing Number:
Item # 2.





WALLS DESIGN STUDIO
ARCHITECTS, INC.
144 N. Commercial St.
Hemet, CA 92343
951.273.0888
www.wallsdesignstudio.com

The Pines of Grass Valley: Trash Enclosure

B&M REALTY LLC

4871 Oak Hill Road, Hemet
Grass Valley, CA 92343
SCHEMATIC DE.

Sheet:



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Proj. No.: 20190511
Date: 1/20
Scale: As Indicated
Drawn By: S.A.M.

SCHEMATIC PLANS & ELEVATIONS

Drawing Number:

Item # 2.

COLOR AND MATERIALS



METAL SILE
STANDING SEAM
MATTI BLACK



PERAL
TRU-EXTEND
COW LAP SIDING



JAMES HARDIE
HAND-PANEL
VERTICAL SIDING



BENJAMIN MOORE
CHANTILLY LAKE



BENJAMIN MOORE
WHOLE GRAY



BENJAMIN MOORE
WHOLE GRAY



PYSOLUX PAINTS
WINDMILL ROOF



ELKADAM STONE
LEONARDO
BEACHFRONT



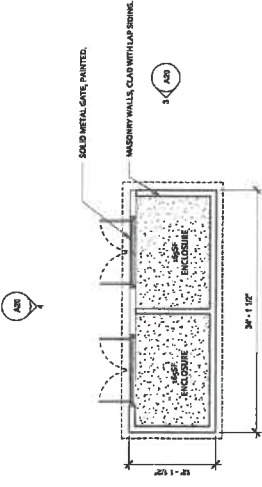
ELKADAM STONE
LEONARDO
BEACHFRONT



ANDERSON
400 SERIES SINGLE HUNG WINDOWS, COMMERCIAL DOORS,
BLACK



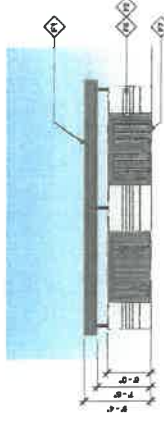
SUTTERLAND/DOVER
MANUFACTURED
JACKSONVILLE



1) 1ST FLOOR PLAN - SCHEMATIC
1/8" = 1'-0"



2) 2ND FLOOR PLAN - SCHEMATIC
1/8" = 1'-0"



3) NORTH ELEVATION - SCHEMATIC
1/8" = 1'-0"



4) EAST ELEVATION - SCHEMATIC
1/8" = 1'-0"



WALLS DESIGN STUDIO
ARCHITECTS, INC.

144 N. Commercial St.
Hayward, CA 94509
Tel: 925.781.1111
www.wallsdesignstudio.com

The Pines of
Grass Valley
- Site

B&M RE-
IC

4801 12th / 1000 Howard Street
Grass Valley, CA 95948

SCHEMATIC DESIGN

Stamp:



Not a stamp on the site plan or
any representation of work. Includes Project
Number and Date of Issuance.

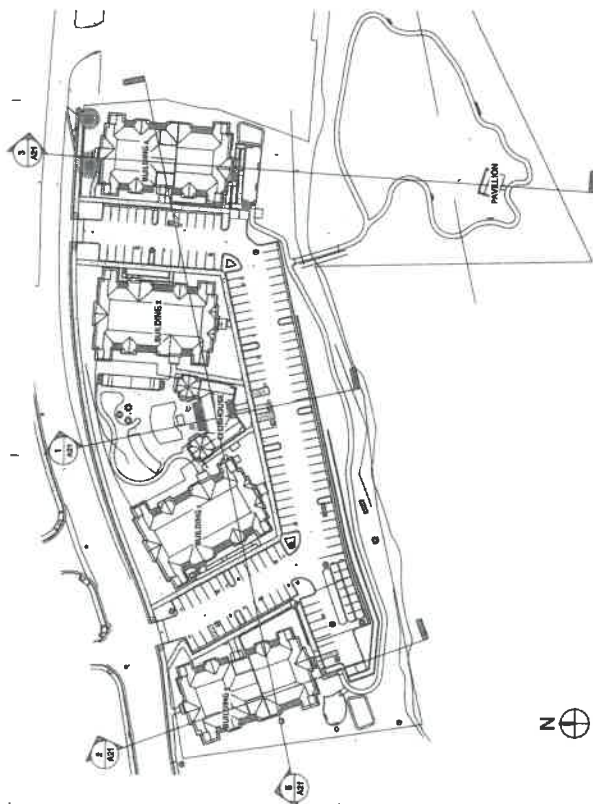
Rev.	Description	Date
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Date: 10/1/10
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Drawn By: S.A.M.

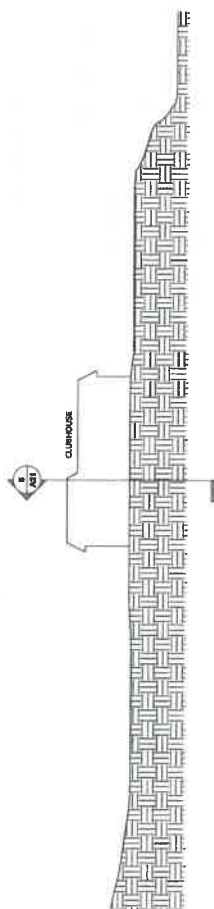
Drawing Title:
SITE SECTIONS

Drawing Number:

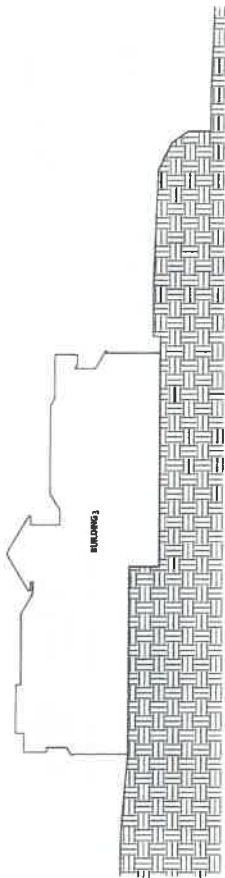
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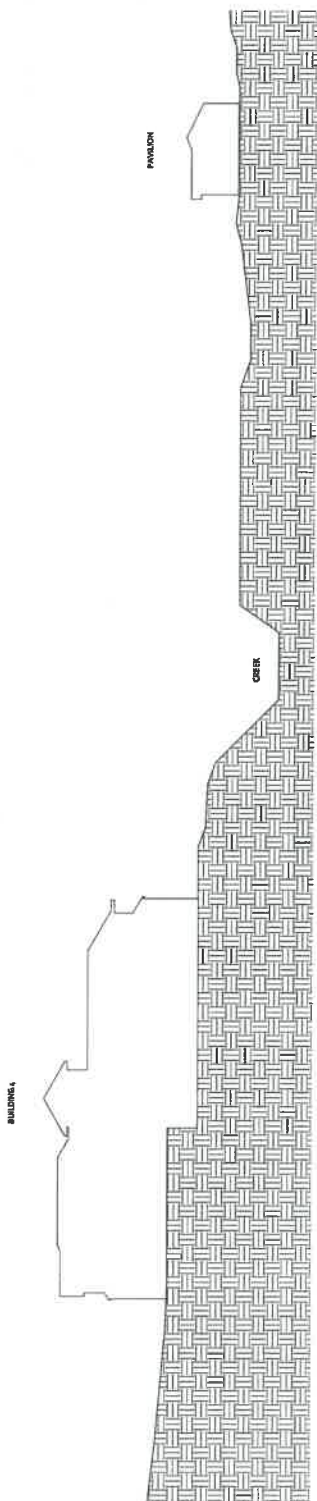
4 SITE PLAN SCHEMATIC
1" = 20'-0"



1 CLUBHOUSE SECTION
1" = 20'-0"



2 BUILDING 3 SECTION
1" = 20'-0"



3 BUILDING 4 SECTION
1" = 20'-0"



5 SITE CROSS SECTION
1" = 30'-0"

LIGHTING LEGEND



ARCHITECTURAL AREA LIGHTING
POST LIGHT
TYPE: MODERN
FINISH: DARK BRONZE

ARCHITECTURAL AREA LIGHTING
WALL LIGHT
TYPE: MODERN
FINISH: DARK BRONZE

SOLID STATE LIGHTING
EXTERIOR WALL SCONCE
TYPE: MODERN
FINISH: DARK BRONZE

LANDSCAPE
MANUFACTURE
TYPE: MODERN
FINISH: DARK BRONZE

LANDSCAPE
MANUFACTURE
TYPE: MODERN
FINISH: DARK BRONZE

LANDSCAPE
MANUFACTURE
TYPE: MODERN
FINISH: DARK BRONZE



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ARCHITECTS, INC.
144 N. Commercial St.
Hayward, CA 94520
www.wallisdesignstudio.com

The Pines of
Grass Valley
- Site

B&M REALTY LLC
400 471 1000 Street
Grass Valley, CA 95942
SCHEMATIC DES.

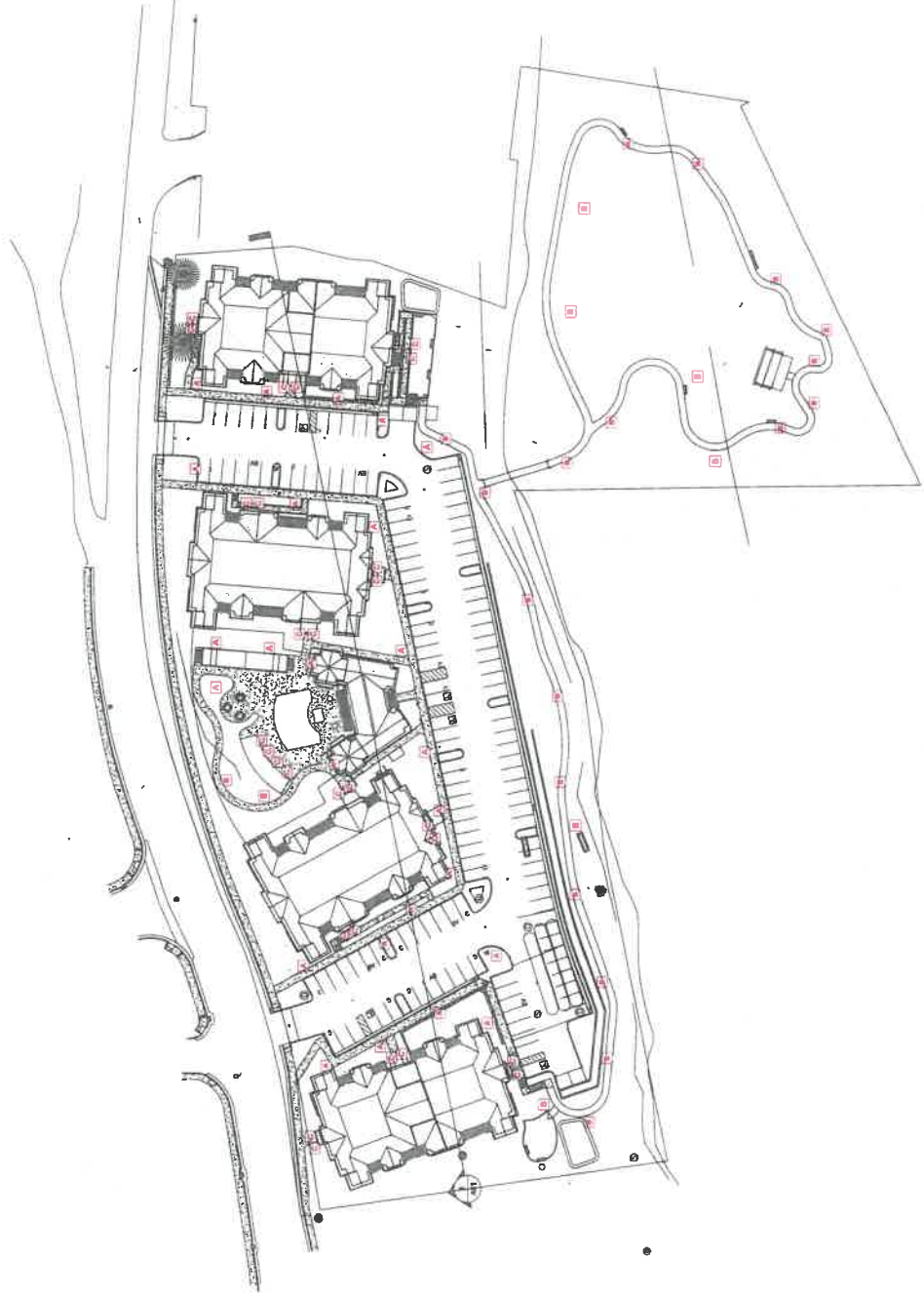


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Drawn By	S.A.M.

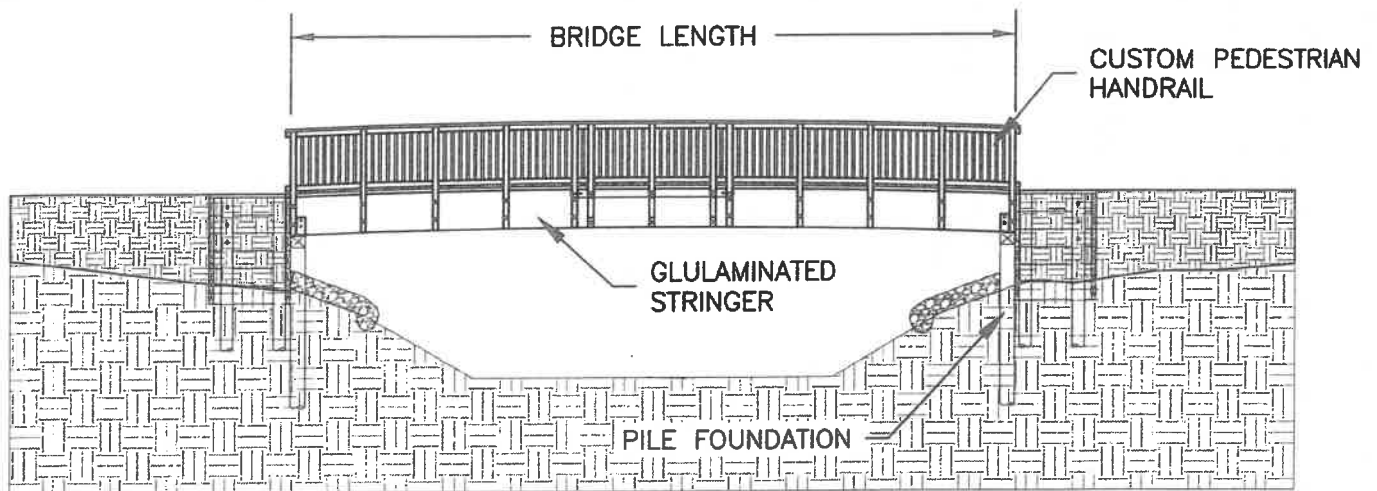
Drawing Title
SITE LIGHTING

Drawing Number
Item # 2.

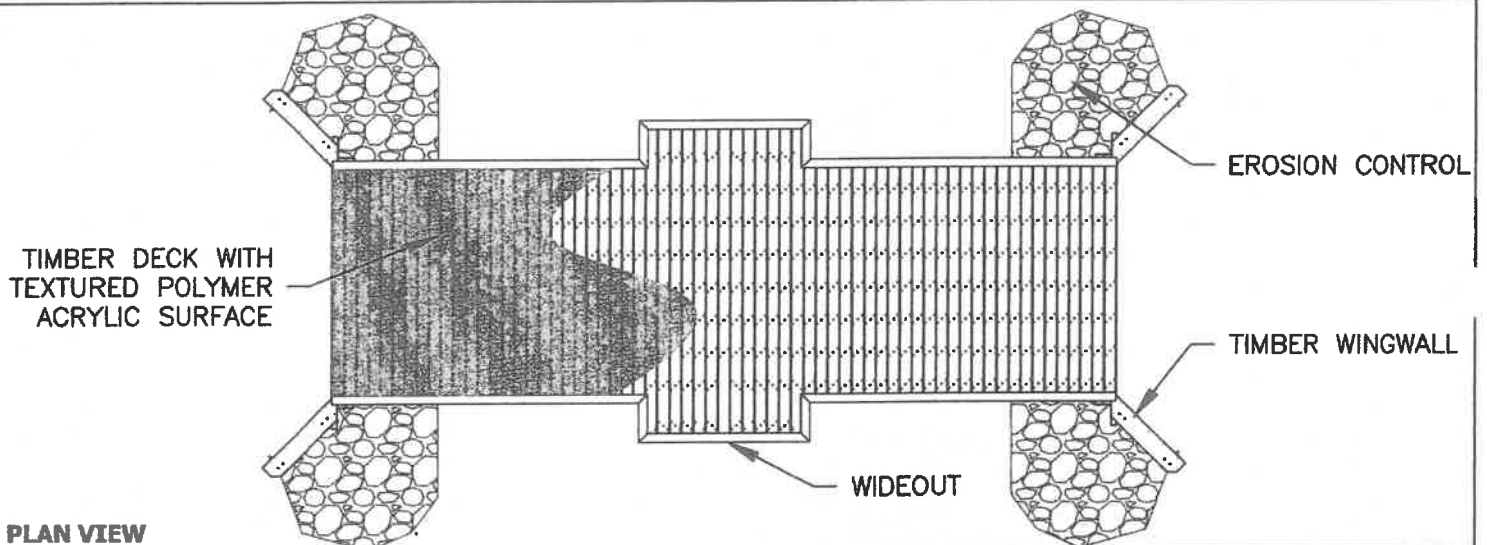


1 SITE SCHEMATIC LIGHTING PLAN
1" = 50'-0"

PEDESTRIAN FREESPAN BRIDGE



PEDESTRIAN PROFILE VIEW



PLAN VIEW

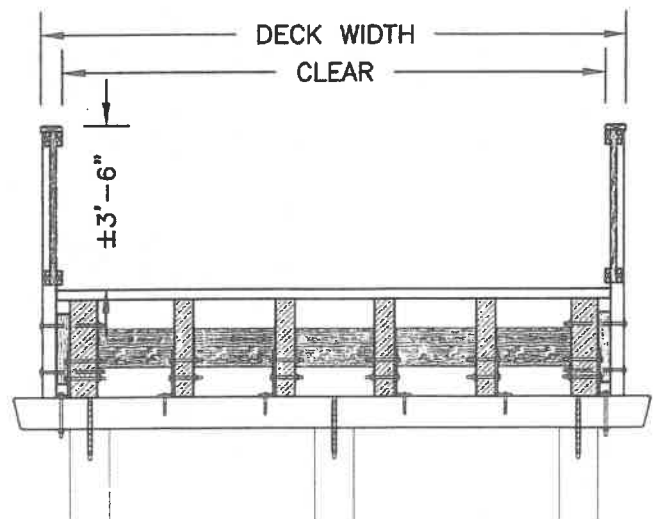
NOTES & SPECIFICATIONS:

- THIS BRIDGE DESIGNED AT 90 PSF CAPACITY
- • UPGRADE TO 100 PSF AVAILABLE.
- DECK WIDTHS AVAILABLE OF 6'-0" TO 12'-0"
- LENGTHS AVAILABLE OF 30'-0" TO 80'-0"
- ALL WOOD IS .60 CCA TREATED SOUTHERN YELLOW PINE (TREATED DOUGLAS FIR OPTION AVAILABLE FOR WESTERN APPLICATIONS)
- • RAIL CAP AND TOP RAIL ARE TREATED .23 CA-C
- COMPOSITE OR HARDWOOD DECK AVAILABLE
- ACRYLIC POLYMER PROTECTIVE SYSTEM

VENDOR CONTACT INFO

YORK BRIDGE CONCEPTS
 813.482.0613 | WWW.YBC.COM
 2420 BRUNELLO TRACE | LUTZ, FL 33558

SECTION VIEW



ATTACHMENT 2

**MITIGATION MONITORING
& REPORTING PLAN**

**THE PINES OF GRASS VALLEY - DEVELOPMENT
REVIEW PERMIT AND PLANNED DEVELOPMENT
(20PLN-02)**

SCH#2020080411

City of Grass Valley

September 15, 2020

Prepared by:

City of Grass Valley
Community Development Department
125 E. Main Street
Grass Valley, CA

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for The Pines of Grass Valley residential development located at 452, 474 and 500 East Bennett Street (APNs: 009-262-006, 009-270-001, 009-270-002).

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley Planning Commission concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The Planning Commission may direct that changes be made to the measures contained in this document prior to its adoption.

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION IMPLEMENTATION	
						Date Report Received	Notes
1.	AIR QUALITY	<p>Prior to the issuance of a grading permit, the following standard air quality mitigation measures shall be incorporated into the grading and improvement plans:</p> <p>1. The project shall be required to use Low VOC paintings and coatings.</p> <p>2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:</p> <p>a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.</p> <p>b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.</p> <p>Watering should occur at least twice daily, with complete site coverage.</p> <p>c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.</p> <p>d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.</p> <p>e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.</p>	2 & 4	CDD	OG		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
1.	AIR QUALITY	<p>f. Fill material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.</p> <p>g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.</p> <p>h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass.</p> <p>1. Prior to issuance of a grading permit, the Remedial Action Work Plan Dust Mitigation Measures shall be implemented. The Asbestos Dust Mitigation Plan shall be approved by NSAQMD. The Asbestos Dust Mitigation Plan must specify dust mitigation practices which are adequate to ensure that no equipment or operation emits dust that is visibly crossing property lines. The Asbestos Dust Mitigation Plan shall include but not be limited to the following prevention measures:</p> <p>a. Track-out prevention and control measures;</p> <p>b. Control for traffic on on-site unpaved roads, parking lots, and staging areas;</p> <p>c. Control of earthmoving activities;</p> <p>d. Control for Off-site Transportation;</p> <p>e. Post Construction Stabilization of Disturbed Areas;</p> <p>f. Air Monitoring for Asbestos;</p> <p>g. Frequency Reporting; and,</p> <p>h. Recordkeeping and Reporting Requirements</p>	2 & 4	CDD	OG		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/R eporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
1.	AIR QUALITY	<p>2. During the remedial activities, soil moisture content is to be maintained to reduce the potential for dust generation and the need for respiratory protection. General procedures are set forth in Appendix B of the Remedial Action Work Plan. The remediation contractor will be responsible for consulting with a Certified Industrial Hygienist (CIH) to determine the appropriate levels of protection and monitoring for the remediation workers.</p> <p>3. Based on the required application of water for dust suppression during soil investigation, air borne level of particulate-borne contaminants (if any) are expected to be low. If visible dust is observed during excavation, the contractor is to halt work and perform additional dust suppression. If visible dust is observed, real-time dust monitoring may be required by NSAQMD to verify that the engineering controls are effective in controlling dust emissions. Dust monitoring is typically performed at a minimum during the first two days of soil-disturbing activities, and whenever a significant change in operations takes place that may result in additional dust generation. If required, airborne dust levels are to be monitored using active, real-time, data logging aerosol monitors (e.g. a MIE pDR1200 with PM-10 inlet attached to a sampling pump).</p>	2 & 4	CDD	OG		
2.	BIOLOGICAL	<p>1. Prior to disturbance of the southern side of the South Fork Wolf Creek, a qualified biologist shall be required to conduct surveys for protected species and if present, the qualified biologist shall be required to develop a plan to protect those species, in consultation with the State Department or Federal Department of Fish and Wildlife, as applicable, during any site disturbance near where they are identified. The mitigation plans shall be to the satisfaction of the State Department or Federal Department of Fish and Wildlife.</p>	1.	CDD	OT		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
2.	BIOLOGICAL	2. In the event the wetlands are to be disturbed, prior to the issuance of a grading permit, the applicant shall acquire a Clean Water Act Section 404 permit and Section 401 Water Quality Certification from the Army Corps of Engineers. To compensate for the loss of jurisdictional wetlands associated with proposed activities, the project applicant shall: 1) restore and/or create wetland on-site; 2) create wetlands at an off-site location acceptable to the resource agencies; 3) purchase comparable mitigation credits at an agency-approved mitigation bank; or 4) a combination of 1, 2, or 3. The applicant shall develop the mitigation approach in conjunction with the resource agencies during the permitting process. The mitigation requirements shall be in compliance with federal and state Clean Water Act laws. The final mitigation ratios, design and implementation shall comply with the terms and conditions of the Section 404 permit issued by the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification.	2	CDD	OT		

Mitigation Phase Key: 1. Prior to approval of Improvement Plans/Grading Plans 2. Prior to Issuance of Grading/Building Permits 3. Prior to construction and site grading
 4. During construction 5. Prior to Occupancy 7. After construction
 Responsible Person/Agency Key: CDD -- City of Grass Valley Community Development Department; DEV -- Developer; APP -- Applicant of individual project
 Phase /Frequency of Monitoring and Reporting Key: OG -- Ongoing OT -- One-time (at each development proposal) MO -- Monthly QU -- Quarterly AN -- Annually

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION IMPLEMENTATION	
						Date Report Received	Notes
2.	BIOLOGICAL	<p>3. Prior to issuance of a grading permit, the applicant shall obtain a Section 1600 CDFW Streambed Alteration Agreement Permit from CDFW. As part of the CDFW permit process, CDFW will require a Vegetation Management Planting Plan and it shall meet CDFW minimum standards for a restoration plan for the removal of riparian vegetation in the stream environment. The Vegetation Management Planting Plan would be coordinated with the landscaping plans for the project and include:</p> <p>a. A detailed description of existing conditions, including the existing habitat functions and values;</p> <p>b. A description of the anticipated target functions and values of the restored riparian corridor, and minimum success criteria, and guidelines for measuring success;</p> <p>c. A detailed planting guideline, including hydrologic zones and plant palette by zone, planting hold specifications, soil preparation and fertilizing specifications and installation guidelines for tree shelters to protect plantings from herbivores, and specifications and installation guidelines for weed cloth and mulches;</p> <p>d. A detailed maintenance guideline, including weeding and irrigation during the five-year establishment phase;</p> <p>e. Guidelines for monitoring and reporting; and,</p> <p>f. A contingency plan in the event the plantings do not meet the minimum success criteria for species composition and density at the end of the five-year monitoring period.</p>	2	CDD	OT		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
2.	BIOLOGICAL	<p>4. If construction or development activities occur during the nesting season (February 1—through August 30) a pre-construction nesting bird survey shall be completed by a qualified biologist, within 250 feet of any potential nesting migratory birds and raptors habitat. If nesting raptors or migratory birds are identified during surveys, active nests should be avoided, and a no disturbance or destruction area shall be established by a qualified biologist and kept in place until after the nesting season or a wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of avoidance, minimization, or additional conditions.</p> <p>5. Prior to the issuance of a grading permit, the goals and objectives of the South Fork Wolf Creek Riparian Area Habitat Restoration Plan shall be incorporated into the improvement and landscaping plans for the project to the satisfaction of the Community Development Director, City Engineer and CDFW.</p> <p>The Restoration Plan prepared for the project serves as the foundation and basis for any required replanting and/or restoration planting associated with the South Fork Wolf Creek by the City of Grass Valley and/or CDFW's 1600 Stream Alteration Permit. Therefore, minimal additional information would be required for local and state permitting requirements.</p>	2	CDD	OT		
			2	CDD	OT		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION IMPLEMENTATION	
						Date Report Recieved	Notes
3.	CULTURAL	<p>1. Inadvertent Discoveries - If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources are encountered, work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe.</p> <p>If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.</p>	4	CDD	OG		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
3.	CULTURAL	<p>2. Inadvertent Discoveries - In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.</p> <p>If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.</p>	4	CDD	OG		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION IMPLEMENTATION	
						Date Report Received	Notes
4.	GEOLOGY/SOILS	<p>1. Stockpiled soil that contains ultramafic rock and serpentinite will be subject to regulation under Cal/EPA Air Resources Board Regulation 93105 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM). Site grading or disturbance of the ultramafic soil must be performed in accordance with approved asbestos dust mitigation plan.</p> <p>2. Areas of existing untested fill will likely be subject to settlement and may contain suitable materials. Per the grading requirements of California Building Code, fill must be compacted to a minimum relative compaction of 90 percent, based upon the ASTM D1557 dry density.</p> <p>3. The existing fill should be over excavated to reveal native soil conditions. The fill should be replaced and compacted. The subsurface investigation revealed areas of trash, rubble, construction debris and other deleterious materials within the soil stockpile and on-site fill. Deleterious material, including organic material, trash, rubble, household trash and construction debris, must be removed from proposed fill material, segregated, and disposed of off-site. Additionally, the use of stockpiled soil and fill is subject to NCDEH approval.</p> <p>4. Existing fill should not be relied upon to support proposed improvements. Options for mitigating areas of existing fill include the use of deepened footings, pier-and-grade beam foundations, mat foundations, or dynamic deep compaction in accordance with the approved Remedial Action Work Plan and Geotechnical Report.</p>	2 & 4	CDD	OG		

THE PINES OF GRASS VALLEY MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
5.	HAZARDS	1. Prior to the issuance of a grading permit, an amended Remedial Action Work Plan shall be approved by RWQCB and NCEHD. The work plan shall describe the proposed remedial activities and present verification sampling and an analysis plan, health and safety plan and dust mitigation plan. The work plan shall also include, but not be limited to the recommendations of the Phase I and Phase II ESAs prepared for the property and review comments provided by RWQCB and NCEHD.	1	CDD	OT		
6.	HYDROLOGY	1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division. 2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.	1	CDD	OT		
7.	NOISE	Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby residential uses. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.	1 & 4	CDD	OT/OG		

Findings and Conditions of Approval – The Pines of Grass Valley Development Review Permit and Planned Development (20PLN-02)

FINDINGS:

In accordance with Sections 17.72.30 J (Development Review Permit) and 17.72.050 F (Planned Developments) of the Development Code, the Planning Commission is required to make the following specific findings before it approves Development Review and Planned Development Permits.

1. The City received a complete application for The Pines of Grass Valley Project (20PLN-02).
2. The Community Development Department prepared an Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.
3. The Planning Commission has independently reviewed, analyzed and considered the Initial Study/Mitigated Negative Declaration prior to making its decision on the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.
4. The 2020 General Plan designates the project site as Urban High Density. The Pines of Grass Valley Project is consistent with the General Plan or any applicable Specific Plan.
5. The proposed project is allowed within the applicable zone and complies with all other applicable provisions of the Development Code and the City Municipal Code.
6. The design, location, size, and characteristics of the proposed project is in compliance with any project-specific design standards in effect and any standards and guidelines for Development Review Permits.
7. The project complies with all applicable requirements of the City's Development Code other than those modified by the Planned Development Permit, including building stories and number of parking spaces.
8. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts.
9. The project complies with all applicable provisions of the City's Design Guidelines.
10. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities.

Findings and Conditions of Approval – The Pines of Grass Valley Development Review Permit and Planned Development (20PLN-02)

Item # 2.

11. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood.
 12. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses, and development intended for the surrounding neighborhood by the General Plan.
 13. The site is adequate for the project in terms of size, shape, topography, and circumstances.
 14. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 15. The project meets standards of density of dwelling units, light and air, open space, and pedestrian and vehicular circulation which are similar to those required by the regulations of the zone in which the development is located.
 16. The project permanently establishes undisturbed or replanted land as open space in compliance with the General Plan.
- A. GENERAL/DESIGN CONDITIONS OF APPROVAL** *(Edited Conditions of Approval resulting from the October 27, 2020, DRC hearing are noted in **bold** for inserted text and ~~strikeout text~~):*
1. The approval date for this project is *November 17, 2022*. This project is approved for a period of two (2) years and shall expire on *November 17, 2024*, unless the project has been effectuated (i.e. a building permit has been issued) or the applicant requests a time extension that is approved pursuant to the Development Code.
 2. The project shall be constructed in accordance with the Development Review Permit and Planned Development (20PLN-02) approved by the Planning Commission. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the Development Review Permit and Planned Development. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.
 3. The Pines of Grass Valley Project shall be constructed in two Phases as described in the project description. Phase I will consist of overall site work, Buildings 1 and 2 and the Clubhouse plus project amenities including pedestrian trail and pedestrian bridge across the creek. All underground utilities will be installed in Phase I. Phase

- 2 includes construction of buildings 3 and 4. Phasing may be altered subject to approval of the Community Development Director.
4. Except for Planned Development deviations (i.e. 3 stories and number of parking spaces) The Pines of Grass Valley shall be in compliance with the standards for the Neighborhood General 3 (NG-3) Zone.
 5. Retaining walls heights shall be limited to the extent practicable. Retaining walls shall be stepped, with a minimum separation of 5 feet between walls. The design for any retaining walls abutting the public right-of-way shall be shown on the improvement plans. All exposed portions of the retaining wall shall be constructed of split face, slump stone, other decorative block or stained concrete. **Colors shall be earth tone colors** ~~Colors and materials shall be~~ subject to the approval of the Director of Public Works and the Community Development Director.
 6. To delineate pedestrian pathways for the connection of sidewalks crossing streets, decorative paving shall be installed at all pedestrian crossings. Decorative paving and pedestrian striping shall be to the satisfaction of the Public Works and Community Development Directors.
 7. Prior to the issuance of a Certificate of Occupancy for building 3, wood fencing shall be installed along the western property line. Fencing shall not exceed three (3) feet in height in the front yard. Fencing shall be constructed of cedar or redwood and shall not exceed six (6) feet in height in the side and rear yards.
 8. The Pines of Grass Valley Property Management shall be responsible for maintenance of the common areas including the open space area south of the walking trail in accordance with the Habitat Restoration & Enhancement Plan prepared for the project.
 9. Except for the trees required to be removed for sight visibility, the trees identified on the improvement plans dated October 2020 (Sheet C2.0) shall be retained for the project. During construction, protective fencing shall be installed around the trees in accordance with the City's Tree Preservation Ordinance, Chapter 12.36 of the City's Municipal Code.
 10. Prior to the construction of the monument sign, the applicant shall submit a monument sign application for Development Review Committee review and approval. The monument sign design shall be in compliance with the City's community design standards and Chapter 17.38 of the City's Development Code.
 11. Prior to improvement plan approval and issuance of a grading permit, a revocable offer of dedication of a public access easement, sufficient in width to accommodate a 5-foot walking trail, shall be established along South Fork Wolf Creek for public use. The access easement shall be shown on the approved improvement plans and shall be reflected in the title of the property. Access to South Fork Wolf Creek

need not be obtained through the project property. The public access easement shall be to the satisfaction of the City Engineer and Community Development Director.

12. The South Fork Wolf Creek improvements shall be completed concurrently with site improvements in accordance with the South Fork Wolf Creek Riparian Area Restoration Plan. Said improvements shall be to the satisfaction of the City Engineer and Community Development Director.
13. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
14. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.
15. **Guardrails within the development shall be black decorative tubular steel or equivalent. The design shall be shown on the improvement plans to the satisfaction of the Community Development Director.**

B. PRIOR TO ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. The applicant shall submit to the Building Department for review and approval, an improvements and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with City Improvement Standards.

2. The project plans shall include the following note:

All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot tall mesh safety fencing in a bright color. The fencing shall be tied to six-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.

3. If trees to be removed are 6" or greater in diameter, are classified to be in Group A or B per the California Forest Practice Rules, and are on timberland, the applicant shall obtain on the following harvest document(s) from the California of Forestry and Fire Protection and submit a copy of the approved document to the City.

- a. **Less Than 3 Acre Conversion Exemption.** Any project with less than 3 acres of land disturbance may qualify (see 14 CCR 1104.1 (a)(2) for conditions).
 - b. **Timberland Conversion (PRC4621) and Timber Harvest Plan (PRC.4581).** Any project with 3 acres or greater or that do not meet the conditions in 14 CCR 1104.1 (a)(2).
4. Prior to the removal of trees, the applicant shall obtain a tree removal permit from the Grass Valley Public Works Department.
5. The applicant shall submit to the Building Department for review and approval two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.
6. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
 - a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height will require a Building Permit prior to being constructed.
 - b. Submit design calculations for the wall(s) for review and acceptance.
 - c. If the proposed wall(s) are to be constructed against a cut slope, in a manner of which will not meet minimum OSHA requirements, submit:
 1. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
 2. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the City prior to any excavation on the site and that a qualified OSHA Approved Inspector or Professional Civil Engineer will: 1) be onsite during excavation and construction of the retaining walls; 2) be onsite at least once a day during inclement weather; and 3) will submit daily reports to the City.

7. The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification number, issued by the state, to the Engineering Division.
8. If a streambed crossing, new connection or disturbance to a creek is proposed, the applicant shall obtain a Streambed Alteration Permit from the California Department of Fish and Game or obtain a letter of exemption. A copy of the approved Streambed Alteration Permit and associated documents, or letter of exemption shall be submitted to the Engineering Division.
9. The applicant shall submit to the City Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the City of Grass Valley Improvement Standards and Storm Drainage Master Plan & Criteria.
10. (If the project creates and/or replaces 5,000 sf. or more of impervious surfaces) measures must be implemented for site design, source control, runoff reduction, storm water treatment, and baseline hydromodification management measures per the City of Grass Valley Design Standards.
11. If any new structure is in the Floodplain, the plans shall indicate the pad elevation for the structure so that the resulting first floor elevation will be at least one foot higher than the base flood elevation.
12. An Improvement Performance Security shall be submitted (if a subdivision improvement agreement is not in place). The amount of the security shall be for the sum of: 1) 100% of the cost of public improvements necessary to restore the public right of way back to existing conditions or the cost of the public improvements, whichever is less; 2) 10% of the cost of erosion and sedimentation control necessary to stabilize the site; 3) 10% of the cost of tree replacement; and 4) 100% of the cost to address any features which could cause a hazard to the public or neighboring property owners if left in an incomplete state. The minimum-security amount shall be \$500.00. The cost estimate shall be provided to the Engineering Division for review and approval as part of plan submittal. All costs shall include a ten (10) percent contingency.
13. A detailed grading, permanent erosion control plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by the deposit.
14. The applicant shall submit sewer calculations for the proposed development and any calculations necessary to verify the existing sewer system's ability to carry the additional flow created by the development.

15. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e. NID), prior to receiving City Engineer approval.
16. Per the Development Code, the Grading Permit shall expire one (1) year from the effective date of the permit unless an extension is granted by the City Engineer (for up to 180 days).

C. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS, THE DEVELOPER SHALL INITIATE THE FOLLOWING:

1. That prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency.
2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Planning and Engineering Divisions of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Planning and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.
3. Placement of construction fencing around all trees designated to be preserved in the project shall be completed.
4. Submit for review and approval by the Fire Department, a Fire Safety Plan.
5. Submittal of two copies to the Engineering Division of the signed improvement/grading plans.

D. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

1. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
2. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the solid and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.

3. No trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the City's Standards Specifications.
4. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.
5. For any public work, the contractor shall comply with all Department of Industrial Relations (DIR) requirements including complying with prevailing wage requirements.

E. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND EXONERATION OF BONDS, OR OTHER FORM OF SECURITY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. A Warranty and Guarantee security guaranteeing the public improvements for a period of one year in the amount of 10% of the total improvement costs.
2. The applicant shall offer to dedicate to the City for public use, all the public streets right-of-way or easements necessary to install, maintain, and re-install all public improvements described on the improvements and grading plans, if any. All offers of dedication must be recorded and a copy provided to the Engineering Division.
3. The applicant shall sign and record a covenant and agreement to ensure that the onsite storm water facilities will be maintained by the property owner(s).
4. The applicant shall submit "As-built" plans, signed by the Engineer of Record, to the Engineering Division on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.
5. Submit a final report prepared by the soils engineer, in accordance with the California Building Code, to the Engineering Division.
6. The grading contractor shall submit a statement of conformance to the as-built plans and specifications. Statement must meet intent of the California Building Code. An example follows: "As the grading contractor, I confirm that all improvements were constructed as shown on these improvement plans. Include the signature, company and date.

G. SPECIAL CONDITIONS:

1. No structures shall be constructed over Storm Drainage Easements. **Existing City storm drain improvements bisecting the property shall be relocated and a new 20-foot-wide storm drain easement shall be dedicated, clear of**

structures and obstructions. Drivable access shall be provided to all City maintained storm drain facilities.

2. ~~Read improvements shall comply with the City of Grass Valley Construction Standards Detail ST-179 "Modified Collector Street 2" ROW may need to be dedicated and/or property lines adjusted so that the back of sidewalk and property lines match.~~ **Road improvements shall comply with the City of Grass Valley Construction Standards Detail ST-17 "Collector Street (No parking)" with attached sidewalk. Half width right of way (29') shall be dedicated to the City and frontage improvements (street widening, restriping, curb, gutter, sidewalk and drainage improvements) shall be constructed along the entire frontage with tapered transitions to existing improvements at either end, as approved by the City Engineer.**
3. Street lighting shall be installed per the City of Grass Valley Design and Construction Standards.
4. A new sewer manhole shall be constructed to City Standards at the tie-in point (it is currently a clean-out). A construction easement shall be required for this work.
5. A private Sewer Easement is required for the new sewer line that will be connecting into the new manhole (the tie-in point).
6. A minimum of 5-foot-wide Public Utility Easement shall be dedicated behind the back of sidewalk.
7. Prior to the issuance of a Certificate of Occupancy for building 1, the applicant shall record a Lot Line Adjustment/Lot Merger with the County Recorder's Office. A copy shall be provided to the Community Development Department.

H. PRIOR TO THE CITY ISSUING A CERTIFICATE OF OCCUPANCY:

1. The landscaping within the development shall be consistent with the landscaping plans submitted. The final landscape plans shall incorporate the following:
 - a. **A planter island shall be added to the southwest end of the parking lot, approximately 8 spaces to the west of the island planter adjacent to the covered parking structures.**
 - b. Preference should be given to the use of native plant species for landscaping. Utilize mulch in planting areas to maximize moisture retention. The developer shall incorporate existing trees into the landscape when feasible.
 - c. Preference should be given to the use of natural and indigenous stone and wood building materials for landscape structures, site walls, and outdoor areas. Integrate outdoor site features with the natural topography and vegetation where possible.

- d. Incorporate natural cooling by utilizing shading from tree canopies for east and west-facing windows where possible.
2. The applicant's landscape architect shall submit a letter specifying that the landscaping and irrigation has been installed in accordance with the approved landscape plans.
3. If required, the applicant shall conduct an irrigation audit pursuant to the requirements of the MWELO. This shall be conducted by a third party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWELO requirements.
4. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering and building divisions.

I. MITIGATION MEASURES

AQ 1 – Mitigation Measures:

Prior to the issuance of a grading permit, the following standard air quality mitigation measures shall be incorporated into the grading and improvement plans:

1. The project shall be required to use Low VOC paintings and coatings.
2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
 - a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
 - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
 - c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
 - e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

- g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
- h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass

AQ – 2 Mitigation Measures

1. Prior to issuance of a grading permit, the Remedial Action Work Plan Dust Mitigation Measures shall be implemented. The Asbestos Dust Mitigation Plan shall be approved by NSAQMD. The Asbestos Dust Mitigation Plan must specify dust mitigation practices which are adequate to ensure that no equipment or operation emits dust that is visibly crossing property lines. The Asbestos Dust Mitigation Plan shall include but not be limited to the following prevention measures:
 - a. Track-out prevention and control measures;
 - b. Control for traffic on on-site unpaved roads, parking lots, and staging areas;
 - c. Control of earthmoving activities;
 - d. Control for Off-site Transportation;
 - e. Post Construction Stabilization of Disturbed Areas;
 - f. Air Monitoring for Asbestos;
 - g. Frequency Reporting; and,
 - h. Recordkeeping and Reporting Requirements
2. During the remedial activities, soil moisture content is to be maintained to reduce the potential for dust generation and the need for respiratory protection. General procedures are set forth in Appendix B of the Remedial Action Work Plan. The remediation contractor will be responsible for consulting with a Certified Industrial Hygienist (CIH) to determine the appropriate levels of protection and monitoring for the remediation workers
3. Based on the required application of water for dust suppression during soil investigation, air borne level of particulate-borne contaminants (if any) are expected to be low. If visible dust is observed during excavation, the contractor is to halt work and perform additional dust suppression. If visible dust is observed, real-time dust monitoring may be required by NSAQMD to verify that the engineering controls are effective in controlling dust emissions. Dust monitoring is typically performed at a minimum during the first two days of soil-disturbing activities, and whenever a significant change in operations takes place that may result in additional dust generation. If required, airborne dust levels are to be monitored using active, real-time, data logging aerosol monitors (e.g. a MIE pDR1200 with PM-10 inlet *attached to a sampling pump*).

BIO 1 – Mitigation Measure:

Prior to disturbance of the southern side of the South Fork Wolf Creek, a qualified biologist shall be required to conduct surveys for protected species and if present, the qualified biologist shall be required to develop a plan to protect those species, in consultation with the State Department or Federal Department of Fish and Wildlife, as applicable, during any site disturbance near where they are identified. The mitigation plans shall be to the satisfaction of the State Department or Federal Department of Fish and Wildlife.

BIO 2 – Mitigation Measure:

In the event the wetlands are to be disturbed, prior to the issuance of a grading permit, the applicant shall acquire a Clean Water Act Section 404 permit and Section 401 Water Quality Certification from the Army Corps of Engineers. To compensate for the loss of jurisdictional wetlands associated with proposed activities, the project applicant shall: 1) restore and/or create wetland on-site; 2) create wetlands at an off-site location acceptable to the resource agencies; 3) purchase comparable mitigation credits at an agency-approved mitigation bank; or 4) a combination of 1, 2, or 3. The applicant shall develop the mitigation approach in conjunction with the resource agencies during the permitting process. The mitigation requirements shall be in compliance with federal and state Clean Water Act laws. The final mitigation ratios, design and implementation shall comply with the terms and conditions of the Section 404 permit issued by the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification.

BIO 3 – Mitigation Measure:

Prior to issuance of a grading permit, the applicant shall obtain a Section 1600 CDFW Streambed Alteration Agreement Permit from CDFW. As part of the CDFW permit process, CDFW will require a Vegetation Management Planting Plan and it shall meet CDFW minimum standards for a restoration plan for the removal of riparian vegetation in the stream environment. The Vegetation Management Planting Plan would be coordinated with the landscaping plans for the project and include:

- a. A detailed description of existing conditions, including the existing habitat functions and values;
- b. A description of the anticipated target functions and values of the restored riparian corridor, and minimum success criteria, and guidelines for measuring success;
- c. A detailed planting guideline, including hydrologic zones and plant palette by zone, planting hold specifications, soil preparation and fertilizing specifications and installation guidelines for tree shelters to protect plantings from herbivores, and specifications and installation guidelines for weed cloth and mulches;
- d. A detailed maintenance guideline, including weeding and irrigation during the five-year establishment phase;

- e. Guidelines for monitoring and reporting; and,
- f. A contingency plan in the event the plantings do not meet the minimum success criteria for species composition and density at the end of the five-year monitoring period.

BIO – 4 Mitigation Measure:

If construction or development activities occur during the nesting season (February 1-through August 30) a pre-construction nesting bird survey shall be completed by a qualified biologist, within 250 feet of any potential nesting migratory birds and raptors habitat. If nesting raptors or migratory birds are identified during surveys, active nests should be avoided, and a no disturbance or destruction area shall be established by a qualified biologist and kept in place until after the nesting season or a wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of avoidance, minimization, or additional conditions.

BIO – 5 Mitigation Measures:

Prior to the issuance of a grading permit, the goals and objectives of the South Fork Wolf Creek Riparian Area Habitat Restoration Plan shall be incorporated into the improvement and landscaping plans for the project to the satisfaction of the Community Development Director, City Engineer and CDFW.

The Restoration Plan prepared for the project serves as the foundation and basis for any required replanting and/or restoration planting associated with the South Fork Wolf Creek by the City of Grass Valley and/or CDFW's 1600 Stream Alteration Permit. Therefore, minimal additional information would be required for local and state permitting requirements.

CUL 1 – Mitigation Measure:

Inadvertent Discoveries – If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources are encountered, work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful

and request materials not be permanently curated, unless requested by the Tribe.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occur, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines Section 15370 should occur.

CUL 2 – Mitigation Measure:

Inadvertent Discoveries – In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.

GEO 1 – Mitigation Measures:

1. Stockpiled soil that contains ultramafic rock and serpentinite will be subject to regulation under Cal/EPA Air Resources Board Regulation 93105 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM). Site grading or disturbance of the ultramafic soil must be performed in accordance with approved asbestos dust mitigation plan.
2. Areas of existing untested fill will likely be subject to settlement and may contain suitable materials. Per the grading requirements of California Building Code, fill must be compacted to a minimum relative compaction of 90 percent, based upon the ASTM D1557 dry density.

3. The exiting fill should be over excavated to reveal native soil conditions. The fill should be replaced and compacted. The subsurface investigation revealed areas of trash, rubble, construction debris and other deleterious materials within the soil stockpile and on-site fill. Deleterious material, including organic material, trash, rubble, household trash and construction debris, must be removed from proposed fill material, segregated, and disposed of off-site. Additionally, the use of stockpiled soil and fill is subject to NCDEH approval.
4. Existing fill should not be relied upon to support proposed improvements. Options for mitigating areas of existing fill include the use of deepened footings, pier-and-grade beam foundations, mat foundations, or dynamic deep compaction in accordance with the approved Remedial Action Work Plan and Geotechnical Report.

HAZ – 1 Mitigation Measure:

Prior to the issuance of a grading permit, an amended Remedial Action Work Plan shall be approved by RWQCB and NCEHD. The work plan shall describe the proposed remedial activities and present verification sampling and an analysis plan, health and safety plan and dust mitigation plan. The work plan shall also include, but not be limited to the recommendations of the Phase I and Phase II ESAs prepared for the property and review comments provided by RWQCB and NCEHD.

HY/WQ 1 – Mitigation Measures:

1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.
2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

NOISE 1 – Mitigation Measure:

Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby residential uses. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.

Date: February 20, 2020

To: Grass Valley Community Department
Attention Lance Lowe, AICP, Principal Planner

Grass Valley Planning Commission Members:

Greg Bulanti
Elizabeth Coots
Terry McAteer
Tom Ivy
James Arbaugh

From: Board of Directors
Ironhorse Home Owners Association
C/O Paul Law Property Management
1721 E. Main St. #3
Grass Valley, CA 95945

Re: APN's 009-262-006, 009-270-001, and 009-270-002
Street Address: 500 Bennett Street, Grass Valley, CA 95945

We, the Board of Directors of Ironhorse Townhome Association, are submitting the following comments and recommendations in regard to the proposed development, hereafter called "Site", on 500 Bennett Street.

1. USE OF THE LAND: The Site calls for 96 units on 5.61 acres. The units are tightly compacted into four buildings of three stories each, all of which are on the north side of Wolf Creek. The Site currently exceeds the 2 ½ stories and 30 foot height that are currently allowed, as per Grass Valley Planning Department staff. This Site calls for a large green space on the south side of Wolf Creek. This green space amounts to 28% of the total land use (some of this area is within the 100 year floodplain).

From the prospective of appearance, it is in Grass Valley's best interest to maintain the existing zoning for such an extremely dense development. Maintaining the existing standards would make the site more visually friendly to the entire community and help to promote a rural appearance for the neighbors. The existing zoning of Urban High Density (UHD) is very generous and shouldn't be compromised as proposed.

Recommendation: If the developer still wants to maintain a very high unit density, then using some of the green space for apartment units could spread out the units creating a more amicable community appearance. This Site would then comply with height and story requirements of Grass Valley.

2. PARKING: The Site currently calls for a total of 135 parking places. It also has several amenities for families and children. This suggests that this Site will probably have numerous families. It appears that there will be insufficient parking to accommodate the families and guests. With a total of 96 units, and guest parking in 10 spaces, only 20% of the units will be able to park two vehicles. Excess parking of approximately 50 cars could very well be on Bennett Street, which could cause safety as well as traffic problems. Currently, there would be no option for parking in the open area on the south side of Wolf Creek.

Recommendation: While our society and community are moving towards alternate transportation, we are not there yet, especially in rural areas such as Grass Valley. Realistically, to accommodate what is likely to be the actual number of vehicles used by the residents, the parking needs to be increased by at least 50 additional parking spaces somewhere on the property, perhaps in the green area.

3. SAFETY ALONG BENNETT STREET: Parking along Bennett Street would create a safety issue especially for families with children entering and exiting a vehicle. The school bus parking lot for Grass Valley is directly adjacent to the Site. Because buses park on the east side of the Site, all school buses driving into the City of Grass Valley would be passing in front of this Site at least four times each day. There would also be a considerable amount of traffic entering and exiting the Site from the residents of the 96 units.

Recommendation: For Safety reasons, as stated above, create at least 50 additional off-road parking spaces. Additionally, due to the added congestion and for safety reason, we ask the City of Grass Valley to designate No Parking for at least some of Bennett Street on both sides.

4. LANDSCAPING: Part of the charm of Grass Valley is its large, old growth trees. As much as possible, the landscaping near Bennett Street should have native plantings that would survive reasonably well in the event of a drought or if they aren't properly maintained.

Recommendation: Maintain old growth trees and require native plantings in the landscaped areas as much as possible. Ensure that there is a fully functional automatic watering system throughout the development, especially in the street setback area.

5. PROPOSED REDUCTION OF SETBACK FROM BENNETT STREET: The rural, natural character that Grass Valley is so well known for should be preserved as much as possible. This property has a strip of land next to Bennett Street that is currently undefined. The Planning Department is currently looking into this strip of land. This strip of land should enure to the City of Grass Valley to maintain the road standards and rural character of the area. It should NOT, in any, way be considered as part of the developer's setback obligations from the property line.

This very high density Site is requesting a reduction in the required setback that would allow the buildings to be even closer to Bennett Street. Bennett Street can be quite busy at times, especially with the added traffic from this Site as well as the existing school bus traffic.

Recommendation: Maintain the current required zoning setback from the property line for this very high density Site. So not grant any type of setback reduction. Reducing the setback for this Site would decrease safety for children and increase traffic noise for tenants.

6. GREEN SPACE AREA: This Site calls for a large green space area that would be available to Site residents only. Reducing the green space area for reallocation of some of the units and additional parking could allow the Site to comply with the height and story restrictions of Grass Valley as well as maintain the required setback.

Recommendation: Encourage the use of some of the green space area for additional apartment units and parking. Naturally, the Site would need to comply with any restrictions in or near a floodplain area. The large green space area for residential use only should not come at the expense of the entire city's overall design and character.

IN CONCLUSION: Grass Valley is known as a charming and charismatic location that is surrounded by natural forestation. We are aware that Grass Valley is working to comply with the housing crisis in California as well as in our area. Existing restrictions on this UHD Site are not unreasonable and already afford the developers an extremely dense development that will be quite financially lucrative.

We ask that Grass Valley have the developers comply with existing restrictions and zoning on this Site as it would be beneficial to the character, architectural design and aesthetics that are so much a part of Grass Valley.

With extension of the project to the south side of Wolf Creek, it could increase the desirability of these units by providing more space between units, more parking, increased retention of large trees and last, but not least, increased safety for the children living in this Site.

Please help preserve Grass Valley's natural rural aesthetics by keeping focus on the overall goals of promoting a high density site that is also a high quality development and compliments the existing life style.

We look forward to hearing your responses to what we think are reasonable requests to help maintain Grass Valley's high quality of development.

Respectfully submitted by:

Jan Fleming

Jan Fleming, President, Ironhorse Home Owner's Association

Email: juanitanica@yahoo.com. Phone: (916) 410-5344

Barbara Johnson, Vice President

Kerrin Murphy, Secretary/Treasurer

Jim Carlson, Member at Large

Scot Marsters, Member at Large

Cc: Dick Law, Paul Law Property Management

Email: law@dicklaw.com; (530) 274-7653

Date: July 29, 2020

To: Grass Valley Community Department
Attention Lance Lowe, AICP, Principal Planner

Grass Valley Planning Commission Members:

Greg Bulanti
Elizabeth Coots
Terry McAteer
Tom Ivy
James Arbaugh

From: Board of Directors
Ironhorse Home Owners' Association
C/O Paul Law Property Management
1721 E. Main St. #3
Grass Valley, CA 95945

Re: APN's 009-262-006, 009-270-001, and 009-270-002
Street Address: 500 Bennett Street, Grass Valley, CA 95945

We, the Board of Directors of Ironhorse Homeowners' Association, located directly across the street from the proposed development, have reviewed the revised proposal (Site) submitted by Rob Wood for the project on 500 Bennett Street. From what we can see, the only changes include:

- Number of units: The Site increased the proposed number of units from 96 to 108 units. The Site eliminated all three bedroom/2 bath units and increased both one and two bedroom units.
- Parking: While the revised Site has the same number of parking spaces as the original Site proposal, this represents a decrease in parking /unit. The original Site proposal included 135 spaces for 96 units; the revised Site proposal includes 135 spaces for 108 units.

We continue to have the same concerns as listed in our letter dated February 20, 2020 that was previously submitted to the Planning Commission. The following items are a summary of our concerns:

1. PARKING & SAFETY ALONG BENNETT STREET: Parking along Bennett Street would create a safety issue especially for families with children entering and exiting a vehicle. The school bus parking lot for Grass Valley is directly adjacent to the Site. Because the school bus parking yard is located on the east side of the Site, **all** school buses driving into the City of Grass Valley (in a non-pandemic year) would be passing in front of this Site at least four times each day. There would also be a considerable amount of traffic entering and exiting the Site from the residents of the 108 units.

Realistically, based on the amount of parking available and the observant resultant on-street parking needs for other apartment complexes in the area, it seems reasonable and even necessary to have approximately 1.5 parking places per unit. That would help mitigate the on-street parking problem that is very likely to occur if this development is approved with the parking amount as currently proposed by the developer.

Recommendation: For Safety reasons, as stated above, create at least 27 additional off-road parking spaces for a total of 162 spaces. Additionally, due to the added congestion and for safety reasons, we ask the City of Grass Valley, as a condition to any approval, to designate No Parking for at least some of Bennett Street on both sides.

2. PROPOSED REDUCTION OF SETBACK FROM BENNETT STREET: This very high density Site is requesting a reduction in the required front setback of 10 feet to 7.5 feet. This would allow the buildings to be even closer to Bennett Street. In a non-pandemic year, Bennett Street has a considerable amount of traffic from school buses.

The requested reduced Site setback from 10 feet to 7.5 feet would reduce two steps along the sidewalk next to Building 3. While this would make it easier, by two steps, to meet ADA compliance to the South entrance of Building 3, it increases safety risks for all residents residing in the units facing Bennett Street. These children and adults would now be 2.5 feet closer to Bennett Street.

Given Grass Valley's rural nature, a 10 foot setback is the very least that should be required for this type of development. A 10 foot setback conforms to the well-established City of Grass Valley setback requirements and should be maintained, especially considering the high density of this project.

Recommendation: Maintain the current required zoning setback from the property line for this Site. Do not grant any type of setback reduction. Reducing the setback for this Site would decrease safety for children.

3. PROPOSED INCREASE IN HEIGHT FROM 2 1/2 STORIES TO 3 STORIES: Grass Valley is known as a charming and charismatic location that is surrounded by natural forestation. Existing restrictions on this UHD Site are not unreasonable and already afford the developers an extremely dense development. The existing height limitations were established with good reason and should be adhered to, especially considering the high density of this Site. It is not unreasonable, nor is it a burden, for the developer to conform to the well-established standards already set by the City.

Recommendation: Have the developers comply with existing restrictions and zoning on this Site as it would be beneficial to the character, architectural design and aesthetics that are so much a part of Grass Valley. To grant these exceptions to the well thought out City guidelines is in effect to downgrade the quality of development in the lovely town of Grass Valley, and shouldn't happen for any of the reasons being presented by the developer of this Site.

IN CONCLUSION: Please help preserve Grass Valley's natural rural aesthetics by keeping focus on the overall goals of promoting a high density site that is also a high quality development and compliments the existing life style in Grass Valley.

Respectfully submitted by,

Jan Fleming

Jan Fleming, President, Ironhorse Homeowners' Association

Email: juanitanica@yahoo.com. Phone: (916) 410-5344

Jim Carlson, Vice President

Barbara Johnson, Secretary/Treasurer

Scot Marsters, Member at Large

Cc: Dick Law, Paul Law Property Management

Email: law@dicklaw.com; (530) 274-7653

Date: October 5, 2020

To: **Grass Valley Community Department**
Attention Lance Lowe, AICP, Principal Planner

Grass Valley Development Review Committee

Thomas Last, Community Development Director
Darrin Hutchins, Fire Marshal
Zachary Lake, Senior Civil Engineer
Liz Cootz, Planning Commission Representative
Robert Wallis, City Architect
Andrew Pawlowski, Alternate City Architect

From: Board of Directors
Ironhorse Townhomes Association
C/O Paul Law Property Management
1721 E. Main St. #3
Grass Valley, CA 95945

Re: APN's 009-262-006, 009-270-001, and 009-270-002
Street Address: 500 Bennett Street, Grass Valley, CA 95945

We, the Board of Directors of Ironhorse Townhomes Association, located directly across the street from the proposed development, have reviewed the proposal and attended the Neighborhood Meeting for the project (Site) on 500 Bennett Street. We are submitting the following comments and recommendations:

1. PROPOSED REDUCTION OF SETBACK FROM BENNETT STREET:

This Development is an Urban High Density (UHD) site. The Developer is requesting a reduction in the required front setback of 10 feet to 7.5 feet with three story high buildings, which is higher than the General Plan allows.

The City of Grass Valley spent considerable time and effort in choosing a height limitation of 2 1/2 stories for residential development. We ask that the City comply with its own well established standards for the buildings facing Bennett Street. This is a reasonable request, especially considering that the City may be granting height concessions to the Developer on other parts of the project. This limitation to the City's standard height of 2 1/2 stories will improve the overall appearance of the Project and be consistent with the City's semi-rural nature as folks travel along Bennett Street.

RECOMMENDATION: Comply with existing setback requirements.

2. PROPOSED INCREASE IN HEIGHT FROM 2 1/2 STORIES TO 3 & 4 STORIES:

Grass Valley is known as a charming and charismatic location that is surrounded by natural forestation. Existing restrictions on this Site are not unreasonable and already afford the developers an extremely dense development. However, this Proposed Project is an infill project that slopes down a hill. Allowing 3 stories on those units that are further down the hill may not be detrimental to the aesthetics of Grass Valley.

Additionally, this project is requesting approval for 4 stories on one of the buildings. This one building sits quite a way down the hill from Bennett Street and would be less visible than the other buildings from Bennett Street. This project has numerous positive amenities that would increase the quality of life for the residents. Allowing a 4th story to accommodate space for these amenities would be an asset for the tenants and may not be a detriment to aesthetics in Grass Valley.

RECOMMENDATION: Maintain the City's existing height requirements of 2 ½ stories for those units directly facing Bennett Street with the City's standard 10 foot setback. Allow 3 and 4 stories for those units farther down the hill and/or away from Bennett Street.

3. PARKING:

When you drive down Bennett Street, you will see numerous cars parked on both sides of the street. A significant reason for this is because of insufficient parking at other projects that were built without sufficient parking for their actual needs. This Project proposes 1.25 spaces per unit. This exceeds the City's requirement of 1 parking space per unit. However, it does leave 81 individual units without the option of onsite parking for a second vehicle. Obviously, not all units will need 2 parking spaces.

However, an additional 50 tenants may need parking for a second vehicle. Parking in front of this Site will not be allowed due to the narrow width of Bennett Street in this area. Therefore, tenants will be forced to park their cars in front of other homes or apartments along Bennett Street. This would have a significant impact on the safety of Bennett Street for children, adults and bicycle riders.

RECOMMENDATION: In exchange for the City compromising on the 3rd and 4th story buildings away from Bennett Street, we recommend that an additional 40 parking spaces be provided on site.

Additionally, we recommend that the City of Grass Valley address the parking issues that will be created by the existing requirement that only 1 parking space is required for UHD units. Parking is an issue that will only increase along with the growth of the City of Grass Valley.

IN CONCLUSION: Please help preserve Grass Valley's natural semi-rural aesthetics by keeping focus on the overall goals of promoting a high density site that is also a high quality development and importantly, compliments the existing life style in Grass Valley.

Respectfully submitted by,

Jan Fleming

Jan Fleming, President, Ironhorse Townhomes Association
 Email: juanitanica@yahoo.com. Phone: (916) 410-5344
 Jim Carlson, Vice President
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Wolf Creek Community Alliance
“Grass Valley – A Creek Runs Through It”

January 28, 2020

Lance Lowe, Principal Planner
 Thomas Last, Community Development Director
 City of Grass Valley
 125 E. Main Street
 Grass Valley, CA 95945
lancel@cityofgrassvalley.com
toml@cityofgrassvalley.com
 530-274-4712

Re: Comments for proposed Bennett Street Apartments

Thank you for inviting us to provide comments.

It should be noted that the stream mentioned in this project proposal is actually South Fork Wolf Creek, not “Wolf Creek” as noted on the plans. South Fork Wolf Creek (SFWC) is a very important tributary, and just upstream of the project it runs through the Bennett Street Meadow, which is probably the original “grassy meadow” from which Grass Valley got its name. This meadow is on property currently owned by the Empire Mine State Historic Park, and the meadow serves vital ecological and hydrological functions. Prior to purchase by the State of California, this meadow was inhabited by the local Nisenan people in a town known as Yolosyan.

It is not clear from the plans that the project is in full compliance with Section 17.50 of the Grass Valley’s Development Code. As you know, the purpose of this section is to provide “standards for the protection of watercourse and riparian resources within the City”. The primary requirement: “each proposed structure shall be set back 30’ from the top of bank (see Figure 1)”. It is incumbent on the Planning Department to ensure that any development being proposed will maintain the 30’ setback requirement. It is not clear to us from the documents provided that this has been done.

We do recognize that trails are allowed within the minimum setback, and we applaud the applicant’s proposal of an open-space natural area on the south side of the creek and restoration of the riparian area. At this time we have not seen the proposed Creek Restoration Plan, and so reserve our comments until we are able to review it. We assume that the goal of this plan is to protect and enhance the riparian zone, and that it will specify that the riparian corridor will be maintained for both

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flora and fauna. It should allow for riparian habitat connectivity upstream to the State Park meadow, and downstream as well. For example, no fences should intersect the riparian corridor.

We also assume that there will be a public access easement to and along the creek, both upstream and downstream. This would be an ideal time to create a path along the creek to the meadow upstream, and downstream to Colfax Avenue and Memorial Park. As you know, the City is currently planning major improvements in Memorial Park, and this would enhance both projects.

At the very least, a public easement for future connectivity is vital.

Thank you for your consideration.

Jonathan Keehn

For the Board of Directors
Wolf Creek Community Alliance



Central Valley Regional Water Quality Control Board

23 September 2020

Lance E. Lowe
City of Grass Valley
Community Development Department
125 East Main Street
Grass Valley, CA 95945

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PINES OF GRASS VALLEY PROJECT, SCH#2020080411, NEVADA COUNTY

Pursuant to the State Clearinghouse's 24 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Pines of Grass Valley Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4709 or Greg.Hendricks@waterboards.ca.gov.



Greg Hendricks
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

In response to the comments received on The Pines of Grass Valley (20PLN-02), staff offers the following for Development Review Committee and Planning Commission consideration. The following pages identify the comments received followed with a staff response addressing the specific environmental issue raised. The comments provided herein, summarized in *italic text*, are listed by correspondent and date.

Letters 1 – Correspondence from Iron Horse Homeowner’s Association dated February 20, 2020

1.1 Use of Land – Concerns regarding density and building height.

Response: The Urban High-Density Residential Land Use Designation promotes a density of 8.01 to 20.0 units per gross acre. The Pines of Grass Valley Project is located on 3 legal parcels encompassing ±5.61 acres. At ±5.61 gross acres and 108 multiple family dwellings, the project is at a density of ±19.25 units per gross acre consistent with the Urban High-Density Residential designation.

The project is in compliance with the 30-foot height standards in the NG-3 Zone, measured from grade to the eaves. Total height of the buildings is ±40 feet from proposed grades to the top of the ridge. However, an increase in the height of the buildings from 2 1/2 stories to 3 stories for all buildings is proposed. A small segment of the building is at 4 stories to accommodate the elevator and elevator lobby. Accordingly, the applicant is requesting additional stories than are permitted in the NG-3 Zone.

The Planned Development to allow additional stories, in excess of 2 ½ stories, allows the project to achieve the same density with fewer buildings. Additional buildings would require development closer to South Fork Wolf Creek, which will substantially increase the amount of grading and height of retaining walls. The additional impervious surfaces from asphalt and roofs would also increase stormwater runoff. The increase in building stories allows greater setbacks of the creek, trails, and open space.

1.2 Parking – Concerns regarding the number of parking spaces.

Response: A total of 135 parking spaces or 1.25 spaces per unit is proposed for the 108 units, including 5 ADA and 11 EV parking spaces. Of the 135 parking spaces, 23 or 17 percent are compact parking spaces. Of the 135 parking spaces, a total of 29 parking spaces are proposed to be covered with carports.

The parking standard in the NG-3 Zone is one parking space per unit or 108 parking spaces for the project. The City’s Development Code discourages a land use being provided more off-street parking spaces than required in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.

The provision of off-street parking spaces in excess of 20% is only allowed when additional landscaping, pedestrian amenities, and necessary storm drain improvements are provided to the satisfaction of the review authority.

The project is in compliance with the parking standards in the NG-3 Zone and the additional parking provided, in excess of the minimum standard, provides for additional landscaping and pedestrian amenities.

1.3 *Safety Along East Bennett Street - Concerns regarding traffic and parking along Bennett Street*

Response: The project site access and circulation are in accordance with City Standards. East Bennett Street is considered a Collector Street according to the City's General Plan. The site plan has been adjusted along the East Bennett Street frontage to accommodate the street section and additional right-of-way. Condition of Approval No. G – 2 requires right-of-way and road improvements in accordance with the City's Modified Collector Street 2 standard. The road standard includes three 12 – foot travel lanes with 6-foot shoulders and curb, gutter and sidewalk on each side of the street. At a minimum, a 58-foot right-of-way will be maintained along the project frontage.

A sight visibility analysis was prepared by A Sight Distance Analysis was prepared by TJKM Traffic Consultants dated October 9, 2020. The project plans dated October 2020 reflect the recommendations of the sight visibility analyses.

The north side of East Bennett Street curbing is painted red – no parking. The south side, fronting the project, will likewise be painted red – no parking.

Engineering staff have reviewed the project in compliance with City standards. The posted speed limit on East Bennett Street is 35 mph. No design or sight visibility concerns regarding traffic safety along East Bennett Street are anticipated.

1.4 *Landscaping – Maintain Old Growth Trees and Ensure Landscaping is Drought Tolerant*

Response: Due to the sight visibility requirements additional trees are required to be removed along East Bennett Street. Development of the site requires that 32 of the 36 trees existing trees to be removed. However, significant trees consisting of two Blue Spruces of 64 and 84 inches; one 23 inch Legume; and one 20 inch Cedar are proposed to remain. Condition of Approval No. A – 9 requires these trees to be fenced and preserved during construction.

The landscaping plan is in accordance with the State's Model Efficiency Landscaping requirements, which includes low water use plantings.

1.5 *Reduction in Setback from Bennett Street*

Response: Due to the sight distance analysis, the buildings were required to be moved further south in compliance with the 10-foot front yard requirement in the NG-3 Zone.

1.6 *Greenspace Area should be used for additional buildings and parking*

Response: A majority of the 1.5 acres on the south side of South Fork Wolf Creek is within the FEMA designated flood zone. Additionally, development of this area requires a vehicular bridge for access in compliance with fire district standards. Elevating the site out of the flood zone coupled with the vehicle bridge renders the south side of South Fork Wolf Creek infeasible.

As noted above, the project complies with the parking standards in the NG-3 Zone.

Letters 2 – Correspondence from Iron Horse Homeowner’s Association dated July 29, 2020

2.1 *Parking and Safety along East Bennett Street*

Response: See response noted above in 1.3.

2.2 *Setback reduction along East Bennett Street*

Response: See response noted above in 1.5.

2.3 *Increase in Height from 2 ½ stories to 3 stories*

Response: See response noted above in 1.1.

Letters 3 – Correspondence from Iron Horse Homeowner’s Association dated October 5, 2020

3.1 *Reduction in Setback from Bennett Street*

Response: See response noted above in 1.5.

3.2 *Increase in height from 2 ½ stories to 3 and 4 stories*

Response: See response noted above in 1.1.

3.3 *Parking*

Response: See response noted above in 1.2.

Letter 4 – Correspondence from Wolf Creek Community Alliance

2.1 *Setbacks from South Fork Wolf Creek should be 30 feet in compliance with Section 17.50 of the City’s Development Code and public access trails should be provided along South Fork Wolf Creek.*

Response: As noted, Chapter 17.50 requires a 30-foot setback except where the setback would preclude development of the property to the extent permitted by zoning. Where a setback is less than 30 feet, a resource management plan shall be prepared for consideration by the Planning Commission.

To the extent permitted by zoning speaks to the density of development and meeting the minimum development standards permitted in the N3 Zone. That is, a project should develop in accordance with the NG-3 Zone standards, while balancing the need to protect the riparian resource of South Fork Wolf Creek with adequate setbacks.

For clarification, the 30-foot setback is measured from the top of bank to the face of the residential structure as shown below.

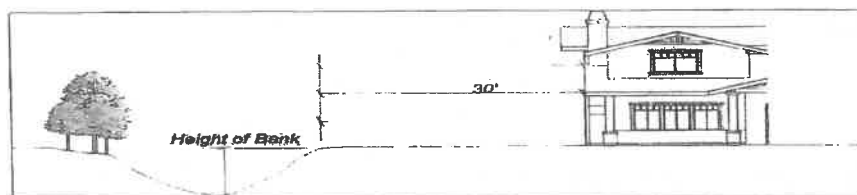


Figure 1- Watercourse Setback Requirement

Except for the walking trail and segments of the retaining wall along the eastern end of the site, all buildings and improvements are located outside of the 30-foot setback. Notwithstanding, a South Fork Wolf Creek Riparian Area Restoration Plan was prepared for the project. The Restoration Plan is designed to enhance the quality and functions of the stream riparian environment and to minimize the impact of project development.

Per Condition of Approval No. A – 12, the Stream Habitat Restoration and Enhancement Plan will be incorporated into the grading and landscaping plans for the project. Improvement to the north bank of South Fork Wolf Creek will be completed concurrently with site improvements. The south bank is located outside of the project area boundaries.

With respect to public access to the creek, Condition of Approval No. A – 11 requires a revocable offer of a public access easement along South Fork Wolf Creek.

Letter 5 – Correspondence Received on September 23, 2020, from Central Valley Regional Water Quality Control Board

- 3.1 *Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction Activities. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).*

Response: Condition of Approval B – 7 and Mitigation Measure Hydrology/Water Quality 1 – requires the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP) with the Regional Water Quality Control Board prior to the issuance of a grading permit.