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## GRASS VALLEY

### Planning Commission Meeting

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Tuesday, February 15, 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](mailto:info@cityofgrassvalley.com) Web Site: [www.cityofgrassvalley.com](http://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

Chairman Kimberly Warren-Rhodes, Vice Chair Eric Robins, Commissioner James Arbaugh,  
Commissioner Greg Bulanti, Commissioner Liz Coots

### VIRTUAL MEETING NOTICE

In response to Governor Newsom's Assembly Bill 361 and Resolution 2020-09 Declaring the Existence of a Local Emergency related to the COVID-19 pandemic, public participation in the Planning Commission Meetings shall be electronic only, and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. Planning Commission welcomes you to attend the meetings electronically, which are scheduled at 7:00 p.m. on the 3rd Tuesdays 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](http://www.cityofgrassvalley.com), or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwdN8iTz8bI7SCuPQ>. Indexed archives of meetings are available via this link as well.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to [public@cityofgrassvalley.com](mailto: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. Commissioners 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 of Grass Valley website: [www.cityofgrassvalley.com](http://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](http://www.cityofgrassvalley.com) subject to City staff's ability to post the documents before the meeting.

If you do not have the means to participate in meetings electronically, contact the City at (530) 274-4390 and staff will be happy to identify alternative means for you to participate.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AGENDA APPROVAL**

**ACTION MINUTES APPROVAL**

1. Minutes for the January 18th, 2022 meeting.

**PUBLIC COMMENT** - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to [public@cityofgrassvalley.com](mailto: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. Tentative Subdivision Map, Development Review and Planned Development Permits for Berriman Ranch Phase III (21PLN-43) for the division of a ±75.3-acre parcel into 60 duet style lots ranging in size from ±4,000 square feet (Lot 33) to ±8,741 square feet (Lot 57). The project also includes seven remainder parcels designated as Lots A - G.
3. Tentative Parcel Map (21PLN-47) Map for the division of a ±2-acre parcel into two 1-acre parcels at 322 Hubbard Rd

**OTHER BUSINESS**

4. Review of City Council Items.
5. Future Meetings, Hearings and Study Sessions

**BRIEF REPORTS BY COMMISSIONERS**

**ADJOURN**

**POSTING NOTICE**

This is to certify that the above notice of a Public Planning Commission Meeting, scheduled for Tuesday, February 15, 2022 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, February 11, 2022.

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Taylor Day, Deputy City Clerk




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## GRASS VALLEY

### Planning Commission Meeting

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 Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California  
 Telephone: (530) 274-4310 - Fax: (530) 274-4399  
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## MINUTES

### **CALL TO ORDER**

Chairman Arbaugh called meeting to order at 7:02 pm.

### **PLEDGE OF ALLEGIANCE**

Chairman Arbaugh led the pledge of allegiance.

### **ROLL CALL**

#### **PRESENT**

Commissioner Greg Bulanti  
 Commissioner Liz Coots  
 Commissioner Eric Robins  
 Vice Chairman Kimberly Warren-Rhodes  
 Chairman James Arbaugh

#### **1. Election of Officers for 2022 - Chair and Vice-Chair**

Nomination of Kimberly Warren-Rhodes for Chairman to take effect at next meeting in February 2022 made by Commissioner Bulanti, Seconded by Commissioner Coots.  
 Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

Nomination of Eric Robins for Vice Chairman to take effect at next meeting in February 2022 by Commissioner Coots, Seconded by Vice Chairman Warren-Rhodes.  
 Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

#### **2. Appointment of Members to Special Committee for 2022: Primary and Alternate to Development Review Committee (DRC)**

Nomination for appointment of Liz Coots to Development Review Committee by Chairman Arbaugh, Seconded by Commissioner Bulanti.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

Nomination for appointment of Eric Robins as the alternate to the Development Review Committee by Vice Chairman Warren-Rhodes, Seconded by Commissioner

Bulanti.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

### **AGENDA APPROVAL**

Motion made to approve the agenda by Commissioner Coots, Seconded by Vice Chairman Warren-Rhodes.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

### **ACTION MINUTES APPROVAL**

#### **3. Minutes for December 21, 2021**

Motion made to approve the minutes by Commissioner Robins, Seconded by Commissioner Coots.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

### **PUBLIC COMMENT -**

Attached.

### **PUBLIC HEARING ITEMS**

4. **Tentative Subdivision Map for 455 Mill Street (20PLN-49)** the division of a  $\pm 0.84$ -acre parcel into 5 single family lots ranging in size from  $\pm 5,021$  square feet (Lot 5) to  $\pm 6,881$  square feet (Lot 1) and an undeveloped sixth parcel of  $\pm 8,364$  square feet.

Motion made for the approval of Tentative Subdivision Map for 455 Mill Street (20PLN-49) the division of a  $\pm 0.84$ -acre parcel into 5 single family lots ranging in size from  $\pm 5,021$  square feet (Lot 5) to  $\pm 6,881$  square feet (Lot 1) and an undeveloped sixth parcel of  $\pm 8,364$  square feet by Commissioner Bulanti, Seconded by Commissioner Robins.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

5. **Tentative Subdivision Map at 190 Upper Slate Creek (21PLN-44)** for the division of a  $\pm 2.59$ -acre parcel into 10 single family lots ranging in size from  $\pm 6,581$  square feet (Lot 9) to  $\pm 20,397$  square feet (Lot 6).

Motion made to approve the Tentative Subdivision Map at 190 Upper Slate Creek (21PLN-44) for the division of a  $\pm 2.59$ -acre parcel into 10 single family lots ranging in size from  $\pm 6,581$  square feet (Lot 9) to  $\pm 20,397$  square feet (Lot 6) by Commissioner Robins, Seconded by Commissioner Coots.

Voting Yea: Commissioner Bulanti, Commissioner Coots, Commissioner Robins, Vice Chairman Warren-Rhodes, Chairman Arbaugh

## **OTHER BUSINESS**

### **6. Review of City Council Items.**

Council approved the Southern Sphere annexation, and acted on the Cal Recycle requirements. In the spring, the parking lot project on 309 Mill Street will be moving forward.

### **7. Future Meetings, Hearings and Study Sessions**

There will be a meeting in February.

## **BRIEF REPORTS BY COMMISSIONERS**

## **ADJOURN**

Meeting adjourned by Chair Arbaugh at 8:20 pm

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Kimberly Warren-Rhodes, Chairman

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Taylor Day, Deputy City Clerk

**Taylor Day**

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**From:** AUSTIN CATHERIN  
**Sent:** Tuesday, January 11, 2022 1:13 PM  
**To:** Public Comments  
**Subject:** Voice Mail (1 minute and 6 seconds)  
**Attachments:** audio.mp3

Hello, my name is Catherine Austin. I am located at one two seven five Zero Ridge Road, Baron Grass Valley. I have a question regarding the tentative subdivision map. The twenty one P L N dash forty four subdivision that is going up for proposal. I'm trying to figure out what the environmental determination the categorial exemption is and how they would be able to do that. Uhm, if you could give me some more feedback on this and how it might be affecting my property, positive or negative, the map that I found on your website is very hard to determine and there's not many details that I can find even on the city of Grass Valley site. So I'm trying to get some more details about this subdivision and how it came about. Please give me a call back in area code, two zero nine, five, two, four, six, nine, three, three again, two zero nine, five, two four six, nine three three. Thank you bye bye.

You received a voice mail from [AUSTIN CATHERIN](#).

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[Set Up Voice Mail](#)



**Taylor Day**

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**From:** WIRELESS CALLER  
**Sent:** Tuesday, January 18, 2022 7:00 PM  
**To:** Public Comments  
**Subject:** Voice Mail (1 minute and 55 seconds)  
**Attachments:** audio.mp3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi, this is Matthew Coulter trying to comment on the Planning Commission meeting tonight and I see it's not being broadcast anywhere and I'm wondering how we can see it. Public comment. I hope that the Planning Commission can consider Assembly bill of 43 January 1st It kicked in and implement that as many places in town as possible. The condition of the sidewalks is atrocious in this town. And no, we dump it on the property owners, but they don't even know that, and I would like the city to start the city on properties and fixing the sidewalks on the city owned properties. That would be great. There are some of the worst ones actually as well as crosswalks. I had a petition signed with every business between the roundabout and Hughes Rd. Both sides of the street for a crosswalk put in an east and West Berry Hill crossing east Main and the city never did anything with it. I still have my copy of it and I'd like something considered about that or traffic calming. The offset intersections that you keep putting in everywhere and improving on Ridge Rd, we have plenty of old offset intersections. We don't need a new offset intersections. We need actually four way intersections with crosswalks that are safer to move across the streets and the variances that have been put through by the planning department on many occasions is a little bit out of control. I hope that you can reel that back in and get back to the fact that some people have to live here and not just have a second, third or fourth house here. Thank you public comment.

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## Taylor Day

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**From:** WIRELESS CALLER  
**Sent:** Tuesday, January 18, 2022 7:04 PM  
**To:** Public Comments  
**Subject:** Voice Mail (2 minutes and 30 seconds)  
**Attachments:** audio.mp3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Common questions. Matthew Coulter, January 18th, 2020. Planning Commission meeting. Item number 5 Upper Slate Creek Rd. Rustic woods. They were supposed to be park access along the lower Grass Valley Canal over to Demartine Park, Alta Hill Park. Through that area and I'm hoping that the city can still do that because I believe the NID easement is still there before they sell off that piece of property and it gets blocked off even further at the end of Slate Creek Rd, Upper Slate Creek Rd. It used to connect with dirt Doris and when the property was purchased at the end of doors the guy blocked it off and it seems like some kind of access would be appropriate through there. Also, I'm not talking necessarily vehicle access, but it's a three quarter mile longer walk to get to high school from Grass Valley. With that being blocked which is was the main thoroughfare for Grass Valley kids go into high school. I said Pepper Slate Creek Rd. Old photos being used in the packet or five 6-7 years old I guess. I wonder why that's being done. And again, right next door Ryans Lane and he can Rd another offset intersection access is on the main thing to the park to get all these subdivisions over to the park without having to go down a road with no sidewalks on it. That's like a 50 mile an hour Rd Ridge Rd to get to Alta and we know somebody was just killed on Alto 15 year old. So we really need to consider when we're doing these developments, not just their borders, but the connection of how all these little developments that you guys are OK ING all these keyhole developments can possibly connect. Or electric bicycles, wheelchairs walking skateboards, electric scooters. Some people do like to move around that way. More and more people all the time. Rustic Woods public comment. Thank you.

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**Taylor Day**

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**From:** WIRELESS CALLER  
**Sent:** Tuesday, January 18, 2022 7:06 PM  
**To:** Public Comments  
**Subject:** Voice Mail (1 minute and 41 seconds)  
**Attachments:** audio.mp3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Planning Commission meeting public comment item number 4 this is Matthew Coulter and the one lot into five lots. I had some questions and I hope that when I am asking these questions that they are being answered and not 'cause it's not just me that wants to know a lot of people want to know and they're watching but they don't participate because they've been so shut down by our local government that it's not enjoyable to participate. But the one lot split into five baking five small ghettos. Is there a hoac? What's the parking? How many cars per unit are going to be available? Is it now hooked to the sewer system and the sewer pits in the backyard have been filled in? I hope a Creek easement is Wolf Creek Trail going to run on that side of the Creek or the other side of the Creek and is the driveway going to be shared by the next unit over which is for sale. For a commercial building they're joining lot. Those are some questions that I hope the Planning Commission honors their duty and answers questions that the public sets forth to them instead of just blowing past them and rubber stamping project after project after project, as well as Loma Rica, nothing has been done about the erosion control. Nothing since October. Thank you.

You received a voice mail from [WIRELESS CALLER](#).

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**PLANNING COMMISSION  
STAFF REPORT  
February 15, 2022**

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

**DATA SUMMARY**

**Application Number:** 21PLN-43  
**Subject:** Berriman Ranch Phase III Tentative Subdivision Map, Development Review and Planned Development for the division of a  $\pm 75.3$ -acre parcel into 60 duet style lots ranging in size from  $\pm 4,000$  square feet (Lot 33) to  $\pm 8,741$  square feet (Lot 57). The project also includes seven remainder parcels designated as Lots A – G.  
**Location/APN:** East of Picadilly Lane/APNs: 022-140-053 & 057  
**Applicant:** Martin Wood, SCO Planning & Engineering  
**Zoning/General Plan:** Two-Family (R-2) Zone/Urban Medium Density  
**Entitlements:** Tentative Subdivision Map, Development Review and Planned Development Permits  
**Environmental:** Statutory Exemption

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**RECOMMENDATION:**

Staff recommends the Planning Commission approve the Berriman Ranch Phase III Duet Project Tentative Subdivision Map, Development Review and Planned Development, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Determine the project Statutorily Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of Southern Sphere of Influence and Annexation Project Mitigation Monitoring & Reporting Plan (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, Development Review and Planned Development as presented in the Staff Report; and,
4. Approval of the Tentative Subdivision Map, Development Review and Planned Development in accordance with the Conditions of Approval as presented in the Staff Report.

**BACKGROUND:**

The initial Berriman Ranch residential project of 30 single-family residential homes was approved in 2010 and is nearing completion.

The Berriman Ranch Phase II Project of 12 duet units was approved on April 20, 2021, with construction pending.

An updated Southern Sphere of Influence and Annexation Project, including certification of a Subsequent Environmental Impact Report (SCH#2013052057) was approved by the City Council on December 14, 2021. Within the Plan, the City identified  $\pm 10$  acres to be developed with 60 duet lots (**Attachment 4 – Figure 2.7 – Southern Sphere of Influence and Annexation Project**). The Project was funded by Senate Bill 2 grant funds, which are aimed to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production.

### **PROJECT DESCRIPTION:**

The Berriman Ranch Phase III Duet Project consists of entitlements including a Tentative Subdivision Map, Development Review and Planned Development as outlined:

*Tentative Subdivision Map* – The Tentative Subdivision Map divides the  $\pm 75.3$ -acre parcel into 60 duet style lots ranging in size from  $\pm 4,000$  square feet (Lot 33) to  $\pm 8,741$  square feet (Lot 57) in the Two-Family (R-2) Residential Zone (**Attachment 5 – Berriman Ranch Tentative Subdivision Map**).

The project also includes seven remainder parcels designed as Lots A – G. Lot A is  $\pm 7.57$ -acre parcel designated for Open Space and Recreational purposes. Lot B is a  $\pm 2.8$ -acre parcel that will be offered for dedication to the City of Grass Valley for roadway, drainage, and public utility purposes. Lots C – F are HOA parcels of  $\pm 0.22$ ,  $\pm 0.76$ ,  $\pm 0.13$ , and  $\pm 1.18$ -acres respectively to facilitate landscaping, HOA uses, and drainage retention/treatment facilities. Lot G of  $\pm 49.3$ -acres is designated as a remainder parcel for future development and contains easements necessary to facilitate the construction of a regional sewer lift/pump station to be dedicated to the City of Grass Valley.

*Access, Parking & Circulation* – Access is provided via an extension of Picadilly Lane, a two-lane residential street with monolithic curb, gutter with sidewalk on both sides of the street. The roadway includes a 42-foot right-of-way and  $\pm 32$ -foot road section consisting of  $\pm 10$ -foot travel lanes with 9-foot parking on one side of the road. Picadilly Lane connects with Orchard Lane and Roads B, C & D (yet to be named) providing two connections to Taylorville Road to the east.

*Open Space/Trails* – Lot G of  $\pm 49.3$  acres includes  $\pm 35$  acres designated as Open Space. The developer proposes to construct trails concurrently with residential development and will grant the trails to the Bear Yuba Land Trust who will be responsible for trail maintenance. The ultimate alignment will be determined prior to construction in coordination with the Bear Yuba Land Trust and City. The remainder of the Open Space area will be maintained by a Homeowners Association or other similar private entity (**Attachment 6 – Berriman Ranch Project Phasing and Preliminary Trail Alignment**).

*Fencing, Landscaping & Lighting* – Fencing will be installed around the perimeter of the properties. Rear and side yard fencing adjoining open space areas consists of a six-foot black metal fence with wood fencing elsewhere. Fencing will be constructed concurrently

with home construction. Individual lot owners would be responsible for maintenance of the fence.

Typical lot landscaping will be submitted with building permits for front yard landscaping. The front yard landscaping will be installed by the developer prior to issuance of a Certificate of Occupancy for each of the homes. The rear yard landscaping will be the responsibility of the respective homeowner.

Street lighting will be installed in accordance with City standards along Picadilly Lane, Orchard Lane and Roads, B, C and D.

*Grading/Retaining Walls* – The site slopes from north to south with elevations of  $\pm 2,370$  at the north end of the site and  $\pm 2,330$  at the south end. The developed area slopes are an approximate 10% to 15% slope throughout. The remainder of the property contains areas of  $\pm 20$  to  $\pm 30$  percent slopes from north to south, with the steeper slopes immediately south of the proposed detention basin and to the east.

The applicant is proposing to grade all the residential lots for slab on grade foundations. Pad elevations range from  $\pm 2,336$  feet at Picadilly Lane to  $\pm 2,366$  feet at the east end of the development. To accommodate the pad grading, 2:1 slopes are necessary to shore up the pads for each of the residences. Accordingly, the rear yard useable spaces are limited. However, installing retaining walls throughout is cost prohibitive. Ultimately, the improvement of the backyards will be the responsibility of the respective homeowner should they decide to further landscape their backyard.

*Tree Removal* – According to the Tree Removal Map with the original project, a total of  $\pm 443$  trees are located within the development area. Of the  $\pm 443$  trees, the Berriman Ranch Projects are anticipated to remove  $\pm 210$  trees from the site or (47%) of the trees. For Phase III, six trees are to be removed (See Tree Removal Inset, page 3 of 3).

*Drainage* – The proposed project includes a detention basin  $\pm 1.18$  acres in size on Lot F. The detention basin is to be graded to capture storm drainage, but will be designed to be as shallow as possible. 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 detention basin will contain landscaping and will be maintained by a private Homeowner's Association or similar private entity.

*Development Review Permit* – The project is located R-2 Zone District. The R-2 Zone permits single-family, duet, triplexes and fourplexes on 5,000 square foot lots contingent upon Development Review Permit (i.e., Design Review) approval for architectural building design in accordance with the City's Design Guidelines and Development Code Standards.

*Residential Floor Plan and Elevations* – The floor plans are those used for Berriman Ranch Phase II, which includes three floor plans with six elevations: Plan 1, Plan 2, and combination Plan 1 & 2 (**Attachment 7** – Floor Plans and *Architectural Elevations*).

*Plan 1* – ±1,660 square feet for each unit with ±400 square foot garages. Plan 1 includes elevation options A & B. Elevation A includes 4/12 gable roofs with faux out-lookers. The siding material is a combination stucco and lap siding.

Elevation B includes 6/12 gable roofs with dormers. Materials include a combination stucco and board and batt siding.

*Plan 2* – ±2,045 square feet for each unit with ±400 square foot garages. Plan 2 includes elevation options A & B. Elevation A includes 6/12 gable roofs with faux out-lookers and roof dormers. The siding material is a combination stucco and lap siding.

Elevation B includes 6/12 gable roofs with 4/12 porch roofs. Materials include a combination stucco and board and batt siding.

*Plan 3* – ±1,660 & ±2,045 square feet units with ±400 square foot garages. Plan 3 includes elevation options A & B. Elevation A includes 4/12 gable roofs with faux out-lookers and roof dormer atop the larger unit. The siding material is a combination stucco and horizontal lap siding.

Elevation B includes 6/12 gable roofs with 4/12 porch roof and roof dormers. Materials include a combination stucco and board and batt siding.

Small front porches are provided for each of the elevations. Garage door elevations extend beyond the porch elevation ±3-5 feet.

*Planned Development Permit* – A Planned Development is requested to allow for a reduction in minimum ±5,000 square foot parcel size; building setbacks from 15 feet to 10 feet in the front yards; rear yard setback at 10 feet; and side yard setbacks of 5 feet reduced to 0 feet on one side to accommodate the duet style units.

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 Planned Development request is twofold: First, the attached housing product provides a greater diversity of housing in the area and less expensive price point than a detached single family unit product. Secondly, the PD request permits clustering of the units thereby requiring less grading and infrastructure to accommodate the necessary



building pads while increasing the amount of permanent open space and greater setbacks to natural features on-site.

### **SITE DESCRIPTION AND ENVIRONMENTAL SETTING:**

The site is located west of Taylorville Road and east of the Gazebos and Carriage House residential projects. The project site consists of rolling to steep terrain, generally sloping towards the southeast. The area is a Ponderosa pine woodland and forest area dominated by ponderosa pines, incense cedars, and black oaks. The property also contains annual grasslands, with several wetland and riparian habitats. Highway 49 is located just east of the project site. Urban residential development is located to the northwest, and rural residential uses are located to the south. A commercial shopping center and industrial uses exist to the north and east (**Attachment 3 – Site Photographs**).

### **GENERAL PLAN AND ZONING:**

**General Plan:** The ±10 acres of UMD requires between 4.01 and 8.0 residential units per acre. UMD is intended to accommodate single family detached and attached homes, single family patio homes, duplexes, and town houses. Both single family and multi-family housing types are facilitated by the UMD designation.

The Berriman Ranch Phase III Duet Project at ±10 acres and 60 residential units is at a density of 6 units per gross acre.

Multiple 2020 General Plan policies, goals, and objectives support both in-fill development and preservation of existing neighborhoods including, but not limited to:

- 3-LUO – Reduction in the amount of land necessary to accommodate future growth.
- 3-CG – Provide for the safe and efficient movement of people and goods in a manner that respects existing neighborhoods and the natural environment.
- 3-COSP – Encourage clustering, density averaging, and other techniques in large-scale new developments, as a means of preserving open space and natural systems.
- 4-LUG – Protect and enhance the character of established single-family neighborhoods.
- 5-LUG – Provide for a broad range of housing opportunities, including opportunities for low, moderate and middle income households.
- 8-CDP – Provide opportunities for attached housing units in single-family residential areas, subject to appropriate development standards and design criteria.
- 8-LUO – Provision of a full range of housing opportunities and types.
- 10-LUO – Preservation of existing neighborhoods.
- 11-LUP – Where feasible, treat newly developing areas as Planned Developments.
- 12-LUO – Designation of residential building sites sufficient in number and variety to meet projected demand.
- 12-CDP – Provide a mixture of residential unit designs in all major new residential developments.

- 12-LUP – Permit increases in residential density (clustering) on portions of development areas while maintaining high design standards.
- 13-LUO – Provision of sufficient affordable housing units for those working in Grass Valley.
- 23-LUP – Encourage mixed developments incorporating a variety of densities on infill sites and in areas proposed for annexation.
- 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 construction costs.
- 28-LUP – Promote the construction of affordable housing utilizing the techniques and approaches described in this General Plan.

*2019-2027 Housing Element* – The 2019-2027 Housing Element was adopted by the City Council in August and Certified by the State Department of Housing and Community Development shortly thereafter.

The project is anticipated to provide 60 dwelling units for moderate income housing (80% to 120% of County Median Income). The moderate-income category represents 125 units of the City's 743 units to accommodate its regional share (16.8%) during the 2019-2027 Planning period (2019-2027 Housing Element Table II-32).

**Zoning:** The project is in the R-2 Zone district. The R-2 Zone is applied to areas of the City that are appropriate for a mixture of both single and two-family dwellings. The R-2 Zone is consistent with and implements the Urban Low Density and Urban Medium Density designations of the City's 2020 General Plan.

### **ENVIRONMENTAL DETERMINATION:**

A Subsequent Environmental Impact Report (SEIR) was certified by the City Council on December 14, 2021, for the Southern Sphere of Influence Planning and Annexation Project. The EIR was a program EIR that evaluated the 60-unit duet project. Where an EIR has been prepared for a residential project, the project is Statutorily Exempt from further environmental review in accordance with CEQA Section 21083.3.

According to the EIR, Air Quality, Biological Resources, Greenhouse Gases, Cultural and Paleontological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Circulation, 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 of the CEQA Guidelines, the SEIR 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. Applicable Mitigation Measures of the SEIR will be applied to the project in accordance with the adopted Mitigation Monitoring and Reporting Program (**Attachment 8 – Sphere of Influence and Annexation Project Mitigation Monitoring and Reporting Plan**).

**ANALYSIS:**

The Planning Commission reviewed this project previously as a component of the Southern Sphere of Influence Planning and Annexation Project. Presently, the project entitlements before the Planning Commission include a Tentative Subdivision Map, Development Review and Planned Development. The Map divides the subject ±75.3-acre property. Development Review is required for the design of the attached single-family homes. A Planned Development is proposed to deviate from the City's minimum parcel size and setbacks in the R-2 Zone.

Findings required for approval of the Berriman Ranch Phase III Duet Project include: 1) CEQA compliance relating to environmental impacts stemming from and specific to the project; 2) General Plan Consistency; 3) Zoning Consistency; 4) Subdivision Map Act; 5) Design Guidelines Consistency; and, 6) Planned Development addressing design modifications due to site constraints including Findings for same.

Findings in the affirmative to the above six criteria are necessary for approval of the Berriman Ranch Phase III Duet Project. Conversely, the Planning Commission is required to find, based upon substantial evidence in the record, that the project does not meet the six criteria to deny the entitlements. The Berriman Ranch Phase III Project complies with the above Findings as conditioned.

*Tentative Subdivision Map* – The TSM and Planned Development provide deviation in the minimum lot sizes of 5,000 square feet for ±26 of the lots; reduction of rear yard setbacks for ±13 of the lots; and reduction of lot width for ±32 of the lots. Deviation allows a more compact development thus reducing infrastructure costs and amount of site grading overall. Such deviations are consistent with the City's General Plan Policies relating to clustering, diversity of housing product and quality design.

*Access and Improvements* – To provide connectivity of the sidewalks throughout the development, Condition of Approval A – 9 requires the pedestrian pathways and the connection of sidewalks to be decorative paving to delineate pedestrian ways. Decorative paving will be installed along Picadilly Lane and Orchard Lane in a minimum of three locations.

*Open Space/Trails* – The property immediately south of the proposed Berriman Ranch Phase III consists of a ±49.3-acre parcel of which ±35 acres is reserved in Open Space. The Open Space parcel will be left in its natural state except for the pedestrian trails. Condition of approval G – 1 requires the developer to construct the plans prior to acceptance of the public improvements in consultation with the Bear Yuba Land Trust and City.

The remainder of the Open Space area will be maintained by a Homeowners Association, a similar private entity, or Bear Yuba Land Trust provided an endowment is maintained.

*Drainage & Open Space Parcels* – In accordance with Condition of Approval A – 8, Parcels C, D, E, F, and the noise berms shall be designed with the following elements:

- a. Natural vegetation, landscaping and trees shall be installed;
- b. The connection to Lot F shall include trees and bushes on both sides adjoining Lots 16 and 17; and,
- c. All common lots shall be maintained by a Homeowners Association or other private entity.

*Residential Designs* – Overall, staff is supportive of the mix of residential designs proposed. The designs include a mix of floor plans and elevations, natural materials with variation, and, variety of roof pitches and roof types. However, staff recommends the following architectural modifications consistent with the Phase II conditions:

- a. An additional floor plan and elevation shall be submitted consistent with the square footages and elevations presented.
- b. The porch should be extended/enlarged so that it is useable (i.e., 6 feet by 8 feet) with wall line extending beyond the garage a minimum of five feet.
- c. Natural materials such as horizontal lap siding and board and batt siding should be the predominate material on the front elevations. An additional material such as veneer is also recommended. The front elevation materials should wrap around the side elevation to the fence line.
- d. Garages shall be setback from the living area a minimum of 5 feet and shall be setback from the front property line a minimum of 20 feet.

*Planning Commission Conditions of Approval* – At the public hearing for Berriman Ranch Phase II Project, the Planning Commission imposed three additional Conditions of Approval. Condition of Approval relating to sidewalk on both sides of the street along Picadilly Lane. The Berriman Ranch Phase III project plans reflect this prior condition of approval. Condition of Approval D – 8 requires, except for personal use vehicles, all commercial heavy construction vehicular traffic to gain access to the site from Taylorville Road. This is an ongoing Condition of Approval. Condition of Approval E – 6 requires coordination with the Yuba Land Trust or other entity that will assume responsibility of trail maintenance. Coordination will occur prior to acceptance of the trail by Yuba Land Trust or other private entity.

#### **ATTACHMENTS:**

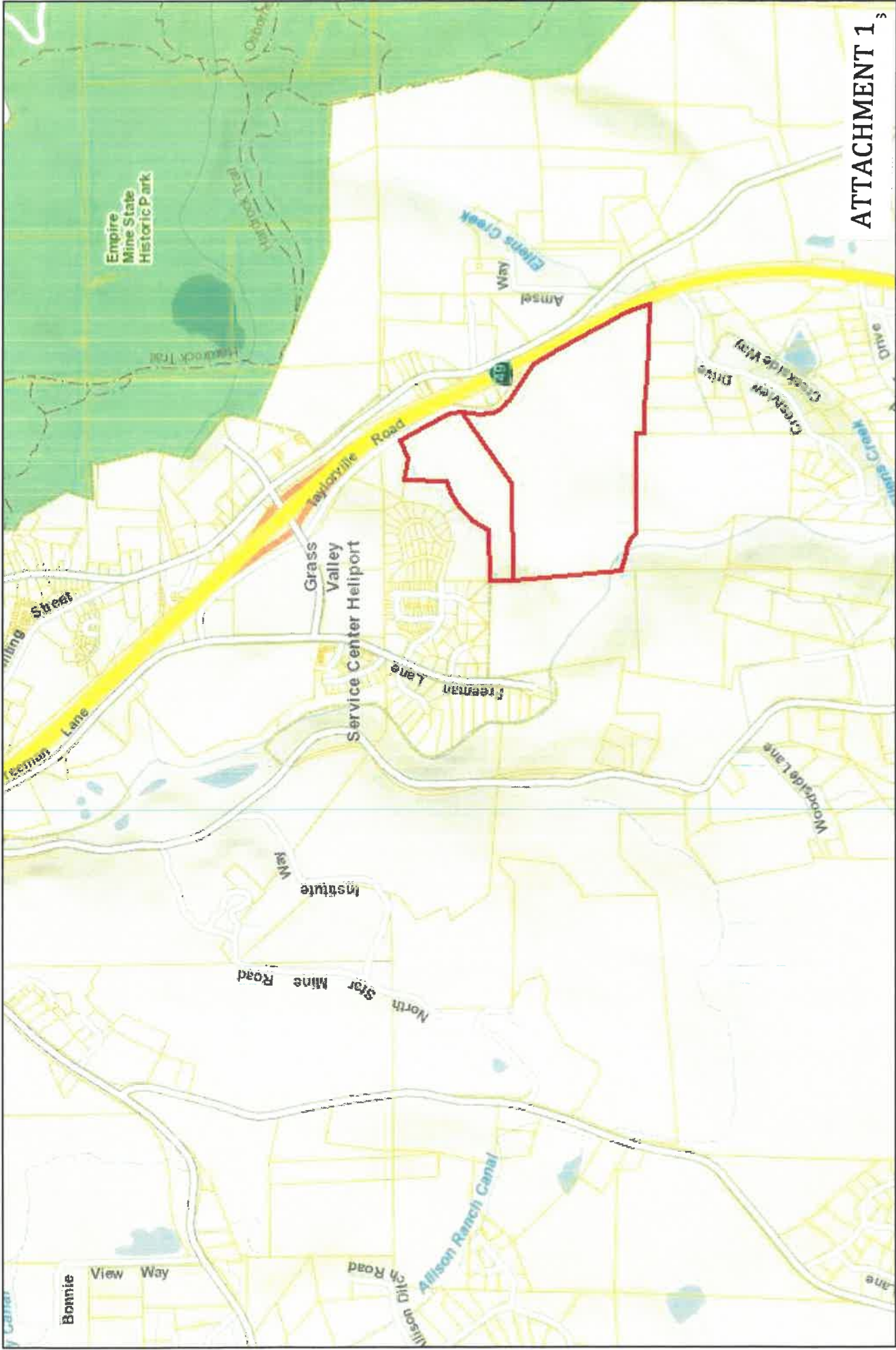
- Attachment 1** – Vicinity Map
- Attachment 2** – Aerial Photograph
- Attachment 3** – Site Photographs
- Attachment 4** – Figure 2.7 Southern Sphere Residential Development Area Conceptual Site Plan
- Attachment 5** – Tentative Subdivision Map
- Attachment 6** – Berriman Ranch Project Phasing and Preliminary Trail Alignment
- Attachment 7** – Floor Plans and Architectural Elevations
- Attachment 8** – Mitigation Monitoring and Reporting Program
- Attachment 9** – Project Findings & Conditions of Approval

# ATTACHMENTS





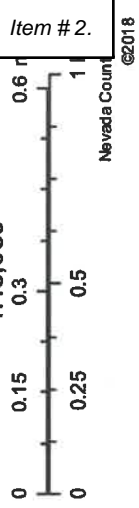
Berriman Ranch Phase III



ATTACHMENT 1

February 2, 2022

1:18,056



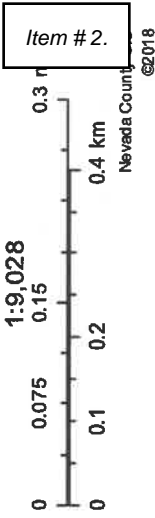


Berriman Ranch Phase III



ATTACHMENT 2

February 2, 2022



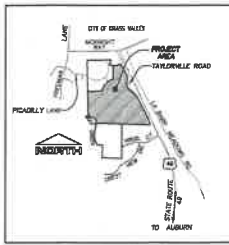


ATTACHMENT









**LOCATION MAP**  
Not to Scale

**NOTES:**

1. BUILDING OUTLINES ARE SHOWN APPROXIMATE.  
MINIMUM BUILDING SETBACKS  
FRONT - 5' (TO BUILDING FACADE)  
SIDE - 5'  
REAR - 10'
2. THIS IS A PHASED PROJECT. THE ORDER OF PHASING MAY BE  
MODIFIED AND/OR COMBINED WITH OTHER PHASES.
3. THIS PHASE 3 DEVELOPED AREA IS ZONED R-2 AND COVERS 10.83 AC.  
(EXCLUDES LOT A, AND LOT F)

**LEGEND:**



**LOT COUNT:**

SINGLE FAMILY -80 DUPLEX LOTS  
ON STREET PARKING AVAILABLE - 80 SPACES

PROJECT INFORMATION:

**OWNER / APPLICANT:**  
ASSET PROPERTY MANAGEMENT, INC.  
7969 ENGINEER ROAD, SUITE 108  
SAN DIEGO, CA 92111  
(858) 782-5500  
CONTACT PERSON(S): FRED OLIVER & SANDY KAHN

**PLANNING & ENGINEERING:**  
SCD PLANNING & ENGINEERING, INC.  
140 LITTON DRIVE SUITE 240  
GRASS VALLEY, CA 95945  
(530) 272-5841  
CONTACT PERSON: MARTIN WOOD P.L.S.

**ASSESSOR'S PARCELS:**  
022-140-053 AND 022-140-057

LAND AREA:

TOTAL AREA: 75.3 ± ACRES  
ZONING DESIGNATION:  
R1, R2, R3, OS

GP DESIGNATION:  
ULD, UMD, UHD, QS

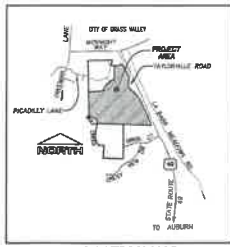
WATER:  
NEVADA IRRIGATION DISTRICT

SEWER:  
CITY OF GRASS VALLEY

## ATTACHMENT 5



# TENTATIVE MAP BERRIMAN RANCH PHASE 3 JUNE, 2021



LOCATION MAP  
NOT TO SCALE

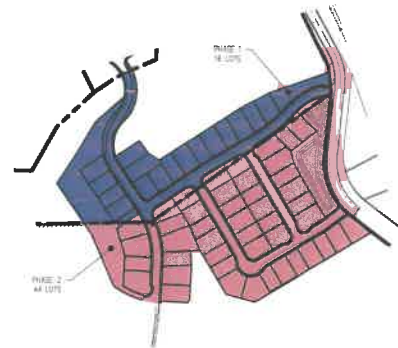
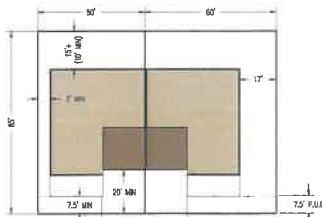
## LEGEND:

- SOFT SURFACE TRAIL
- SEASONAL TRIBUTARY
- P.D.E. PUBLIC DRAINAGE EASEMENT



## NOTES:

1. BUILDING OUTLINES ARE SHOWN APPROXIMATE. MINIMUM BUILDING SETBACKS: FRONT - 10', SIDE - 5', REAR - 10'.
2. THIS IS A PHASED PROJECT. THE ORDER OF PHASING MAY BE MODIFIED AND/OR COMBINED WITH OTHER PHASES.

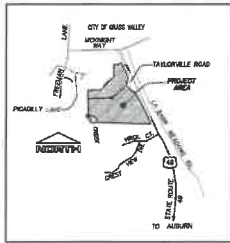


PHASING NOTE: LOTS 1-60 AND ROADWAY INFRASTRUCTURE TO BE CONSTRUCTED IN 2 PHASES. IMPROVEMENTS ARE PROPOSED IN 2 PHASES MAXIMUM AND WILL BE BUILT IN 1 PHASE BASED ON THE TIME OF ANNEXATION. ADDITIONALLY, RESIDENCES AND VERTICAL CONSTRUCTION WILL BE BUILT BASED ON MARKET DEMAND.

NO.	REVISIONS	DATE	DESIGNED: MOW
			DRAWN: KST
			PROJ. NO: 0121
			DWG. SET: DAY STAMP
			DATE: JUNE 2021

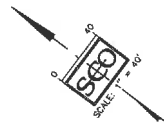
PRELIMINARY GRADING & DRAINAGE

**BERRIMAN RANCH**  
PHASE 3  
JUNE, 2021



**LEGEND:**

- SOFT SURFACE TRAIL
- SEASONAL TRIBUTARY
- OVERHEAD POWER LINES
- 8" GRAVITY SEWER LINE
- 12" AND 16" SEWER FORCE MAIN
- PUBLIC TRAIL AND OPEN SPACE EASEMENT
- P.D.E. PUBLIC DRAINAGE EASEMENT

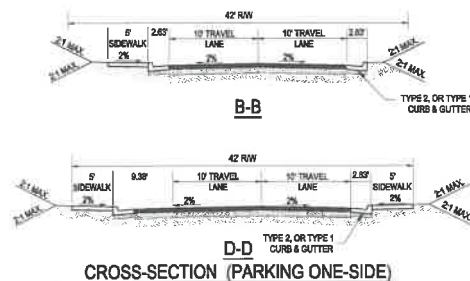


**NOTES:**

1. BUILDING OUTLINES ARE SHOWN APPROXIMATE. MINIMUM BUILDING SETBACKS: FRONT - 5' (TO BUILDING FACADE) SIDE - 5' REAR - 10'
2. THIS IS A PHASED PROJECT. THE ORDER OF PHASING MAY BE MODIFIED AND/OR COMBINED WITH OTHER PHASES.

**LOT COUNT:**

SINGLE FAMILY - 60 DUPLEX LOTS  
ON STREET PARKING AVAILABLE - 60 SPACES

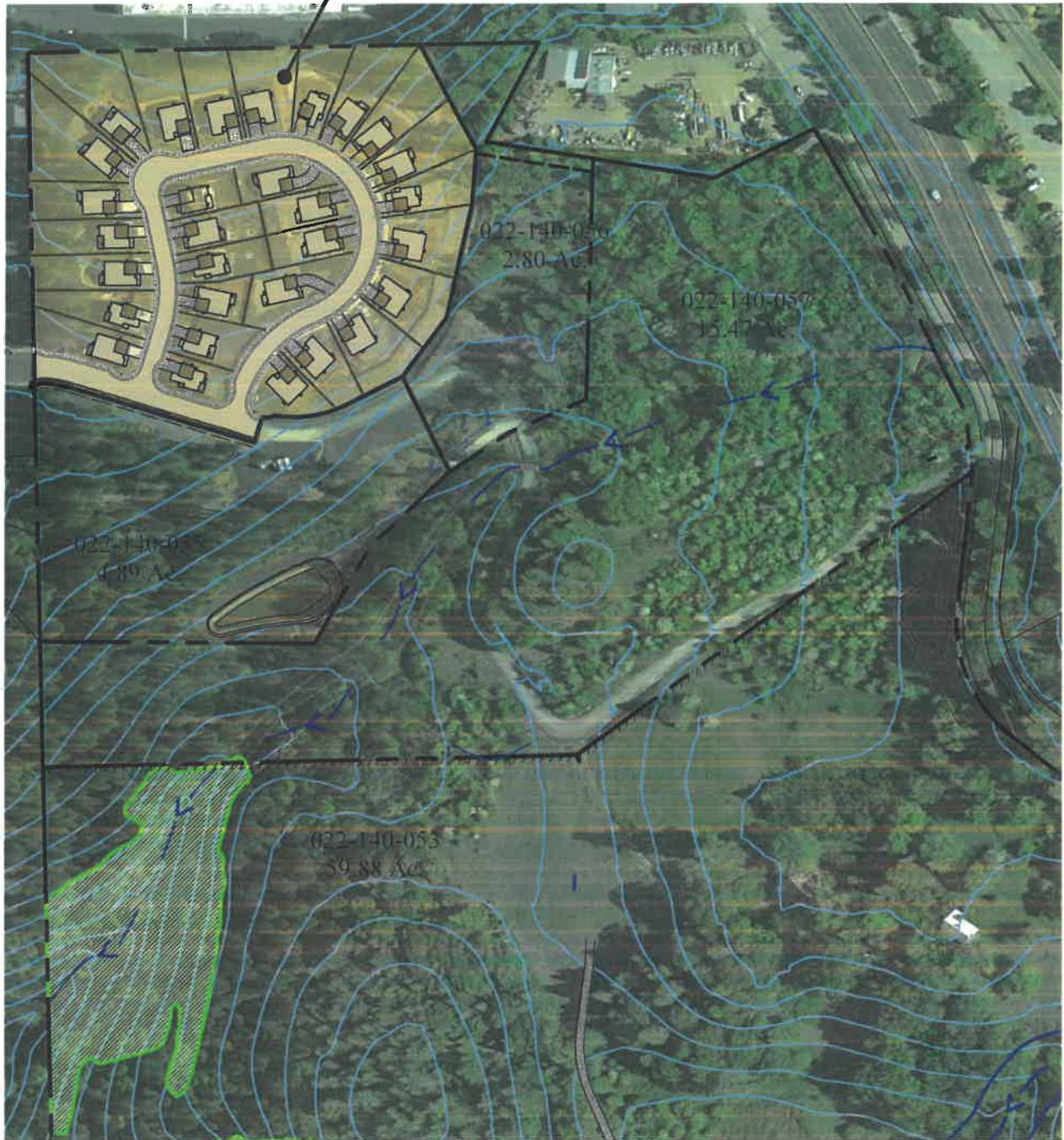


**TREE REMOVAL EXHIBIT**  
SCALE: 1" = 150'



# PHASE 1 30 LOTS Single Family

PHASE 1 - 30 LOTS



ATTACHMENT 6



# PHASE 2

12 LOTS  
Duplex Homes



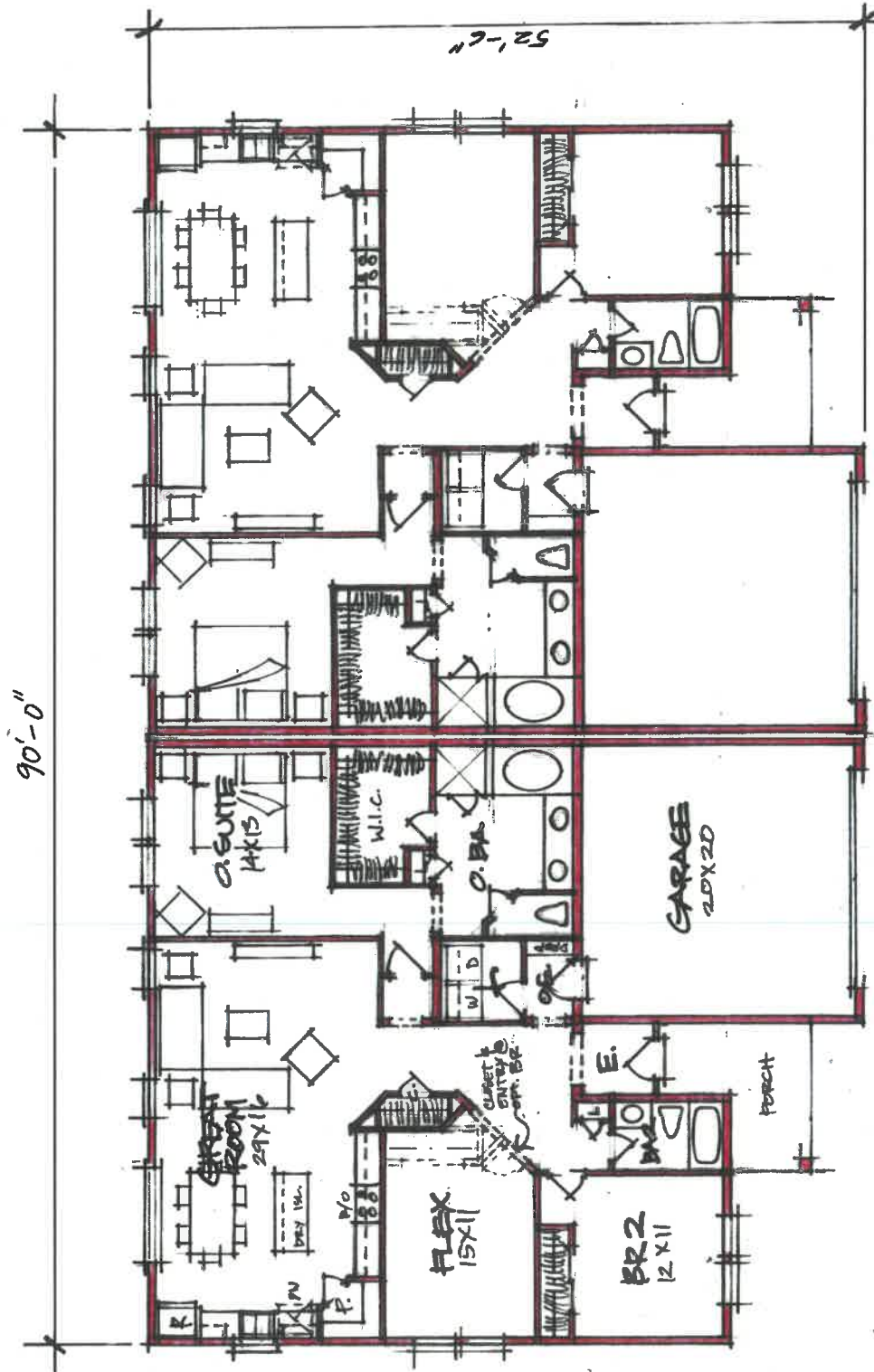


# PHASE 3

## 60 LOTS

### Duplex Homes





PLAN 1-1660 S.F.



**BERRIMAN RANCH**  
Grass Valley, California

November 17 2020 | SF200393.00

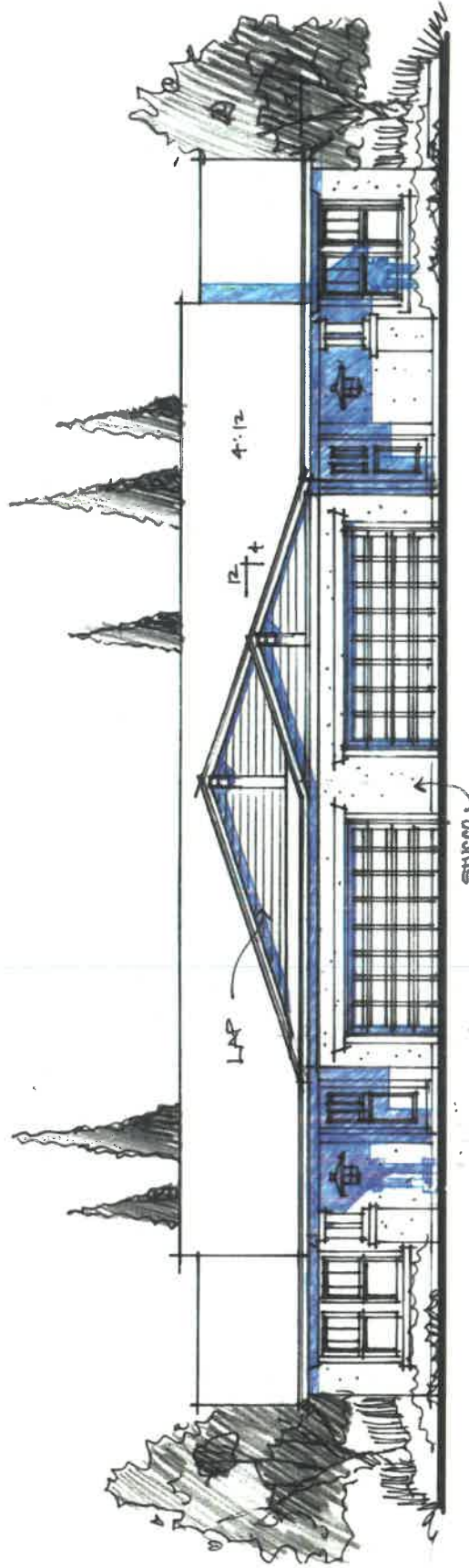
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Item # 2.

# ATTACHMENT 7

**Homes by Towne**  
Rancho Cordova, California





PLAN 1 - DUPLEX ELEVATION 'A'



**Homes by Towne**  
Rancho Cordova, California

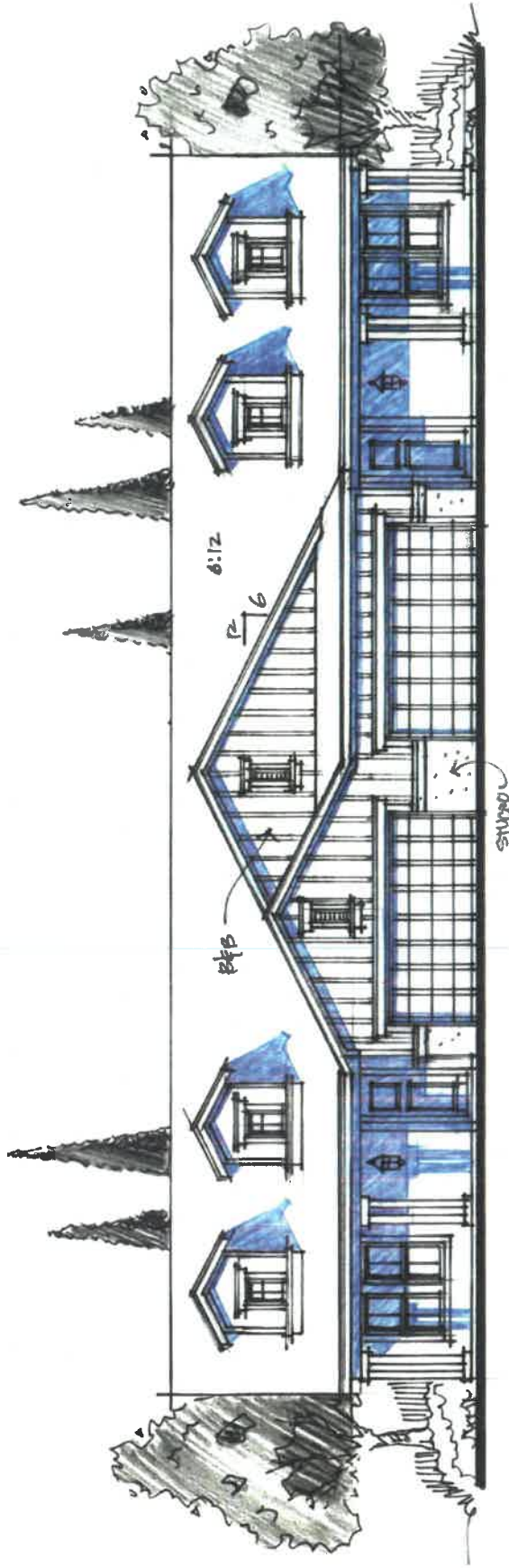
**BERRIMAN RANCH**  
Grass Valley, California

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November 17, 2020 | SF200393.00



Item # 2.



PLAN 1 - DUPLEX ELEVATION 'B'



Homes by Towne  
Rancho Cordova, California



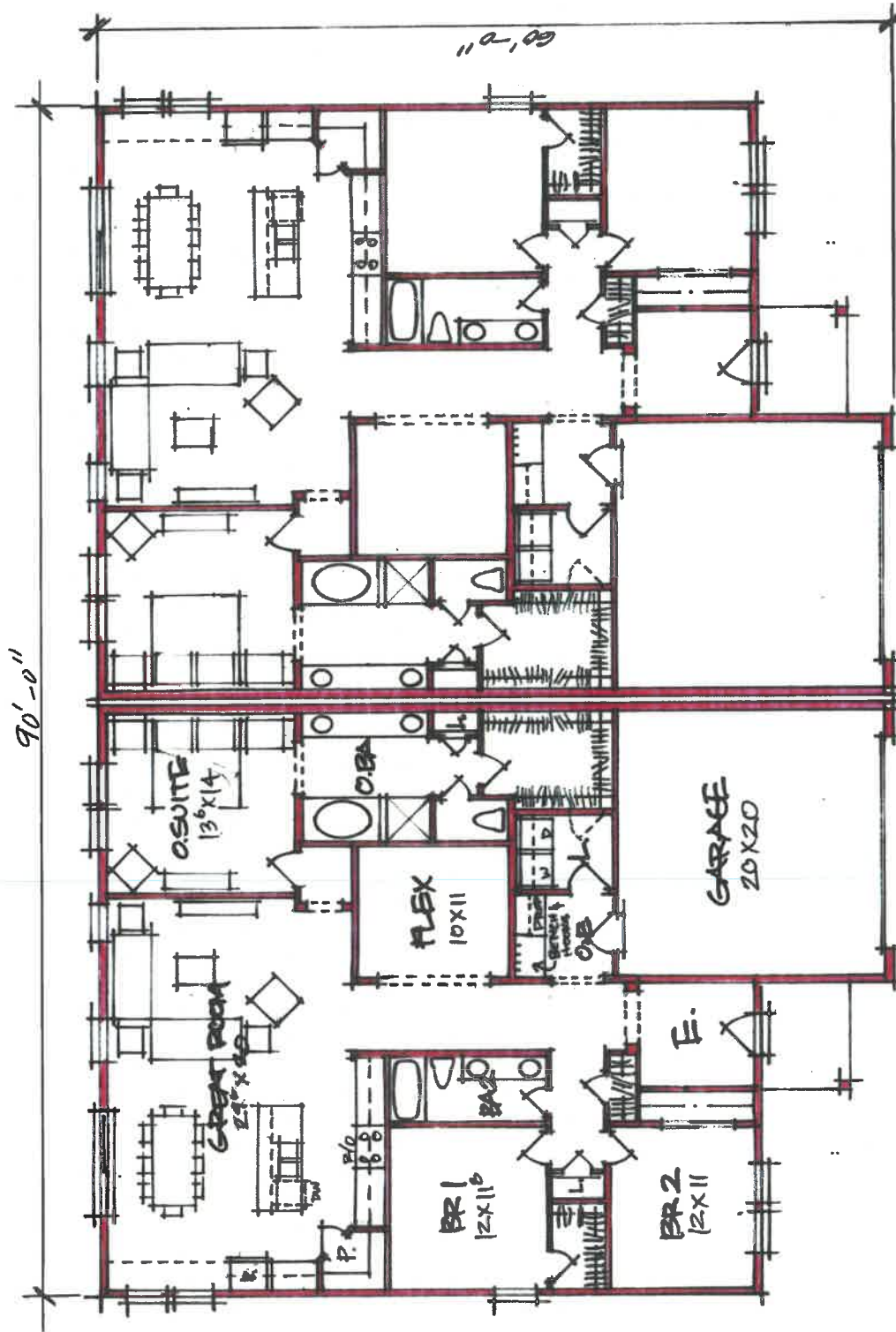
BERRIMAN RANCH  
Grass Valley, California

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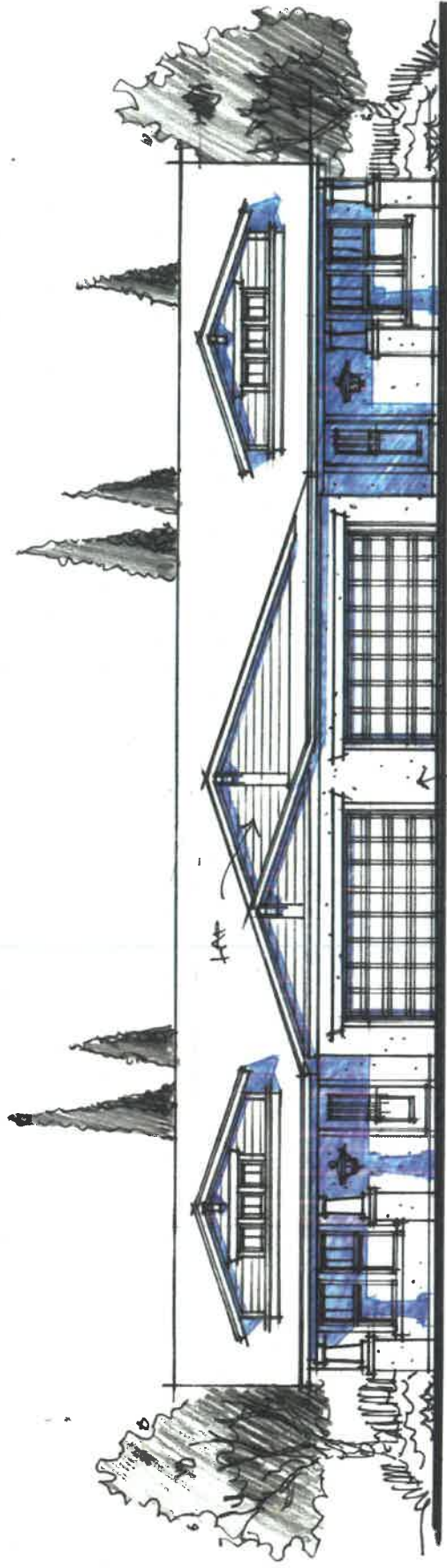
November 17, 2020 | SF200393.00

Item # 2.





PLAN 2-2045 S.F.



PLAN 2 - DUPLEX ELEVATION 'A'



**Homes by Towne**  
Rancho Cordova, California

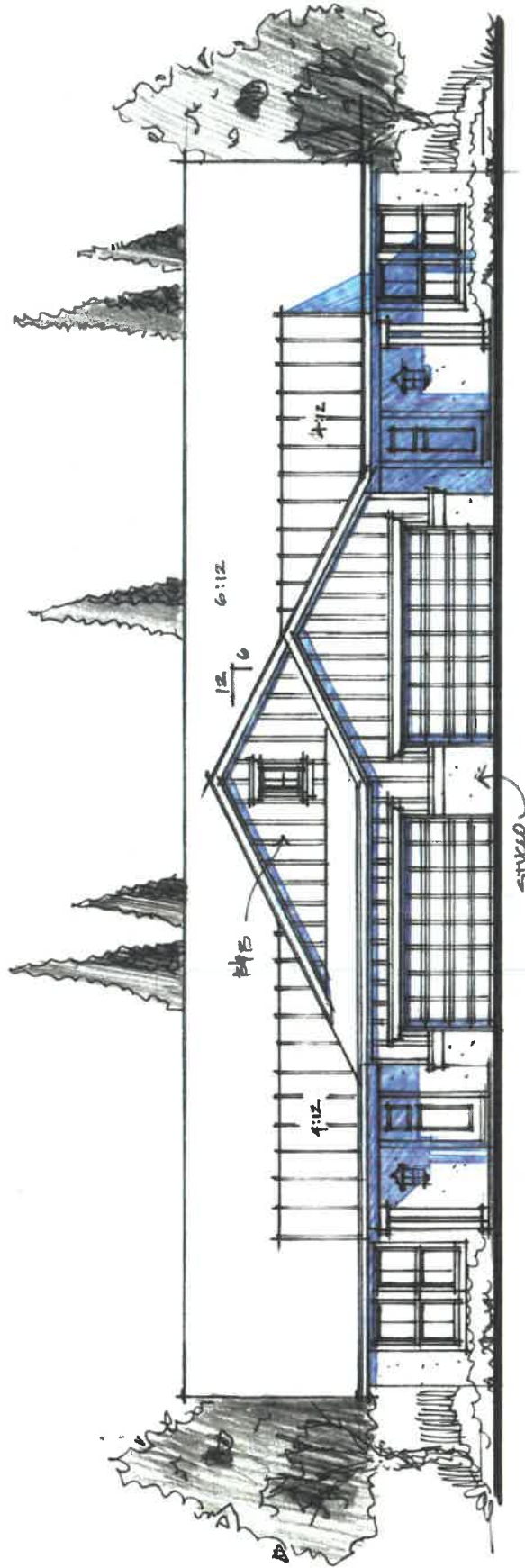


**BERRIMAN RANCH**  
Grass Valley, California

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Item # 2.



PLAN 2 - DUPLEX ELEVATION 'B'



**Homes by Towne**  
Rancho Cordova, California

**BERRIMAN RANCH**  
Grass Valley, California

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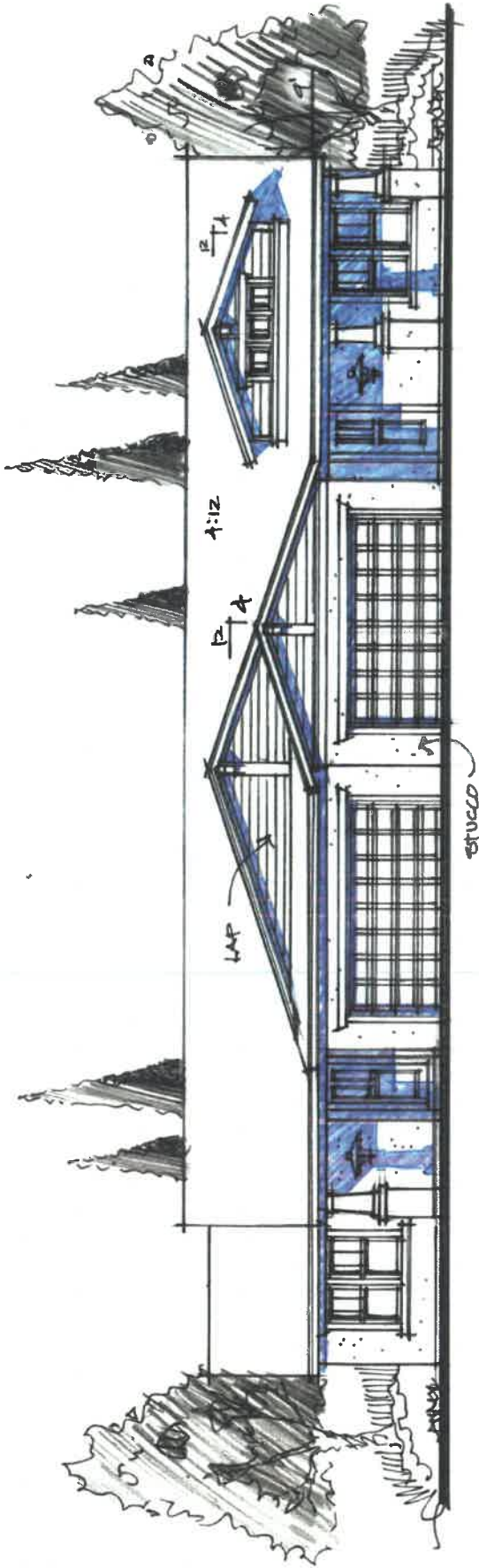
November 17, 2020 | SF200393.00



Item # 2.







PLANS 142-DUPLEX ELEVATION 'A'



**Homes by Towne**  
Rancho Cordova, California

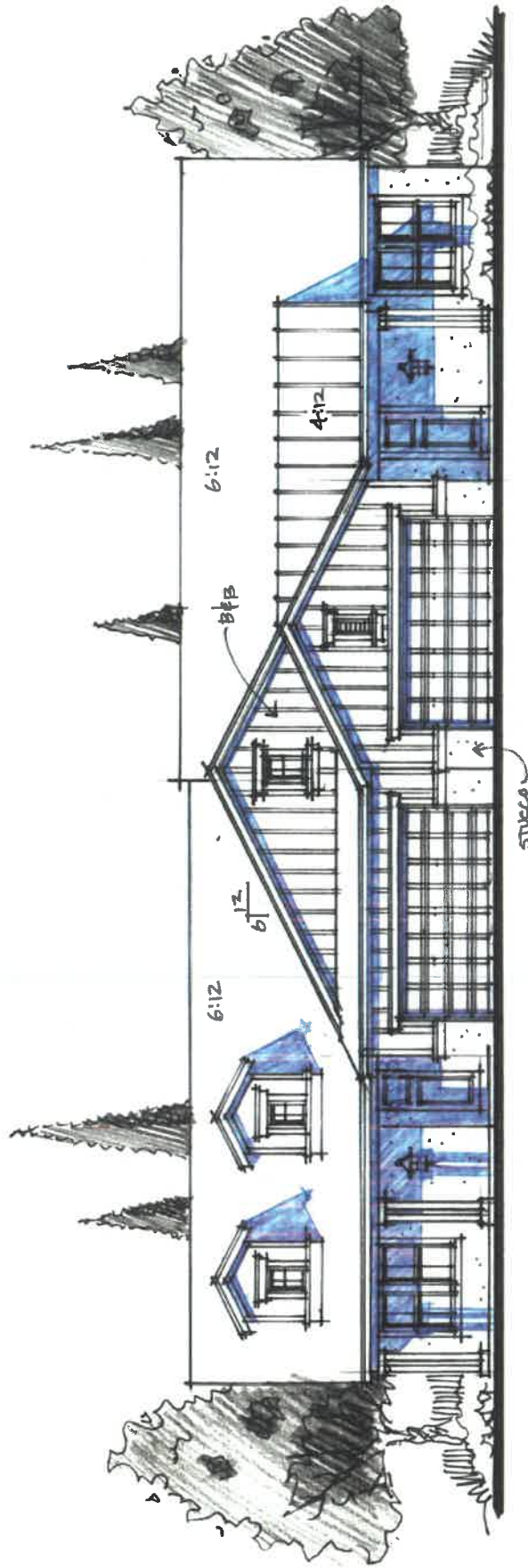
**BERRIMAN RANCH**  
Grass Valley, California

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November 17, 2020 | SF200393.00



Item # 2.



## PLANS 1 & 2 - DUPLEX ELEVATION 'B'



**Homes by Towne**  
Rancho Cordova, California



**BERRIMAN RANCH**  
Grass Valley, California

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November 17, 2020 | SF200393.00

Item # 2.

Draft Subsequent Environmental Impact Report for the

# Southern Sphere of Influence Planning and Annexation Project



State Clearinghouse No. 2013052057

Prepared for



**GRASS VALLEY**  
A PLACE TO LIVE AND THRIVE

City of Grass Valley  
Community Development  
Department

July 2021

ATTACHMENT 8



**Table ES-1 Summary of Impacts and Mitigation Measures**

Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact    LTS = Less than significant    PS = Potentially significant    S = Significant    SU = Significant and unavoidable					
<b>Air Quality</b>					
Impact 3.1-1: Violate Air Quality Standard or Contribute Substantially to an Air Quality Violation: Short-Term Construction Emissions	S	<p><b>Adopted MM 3.2.1a:</b> Future development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the NSAQMD for approval an Off-Road Construction Equipment Emission Reduction Plan prior to groundbreaking demonstrating that all off-road equipment (portable and mobile) meets or is cleaner than Tier 2 engine emission specifications unless prior written approval for any exceptions is obtained from the NSAQMD. Note that all off-road equipment must meet all applicable state and federal requirements.</p> <p>Construction contracts shall stipulate the following:</p> <ul style="list-style-type: none"> <li>▶ Emissions from on-site construction equipment shall comply with NSAQMD Regulation II, Rule 202, Visible Emissions.</li> <li>▶ The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.</li> <li>▶ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes when not in use (as required by California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</li> <li>▶ All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>	<p><b>Mitigation Measure 3.1-1a: Modified 2014 SOI MM 3.2.1a</b> Future development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the NSAQMD for approval an Off-Road Construction Equipment Emission Reduction Plan prior to groundbreaking demonstrating that all off-road equipment (portable and mobile) meets or is cleaner than Tier 2 engine emission specifications unless prior written approval for any exceptions is obtained from the NSAQMD. Note that all off-road equipment must meet all applicable state and federal requirements.</p> <p>Construction contracts shall stipulate the following:</p> <ul style="list-style-type: none"> <li>▶ Emissions from on-site construction equipment shall comply with NSAQMD Regulation II, Rule 202, Visible Emissions.</li> <li>▶ The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.</li> <li>▶ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes when not in use (as required by California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</li> <li>▶ All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>	SU	SU



Ascent Environmental

Executive Summary

Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact    LTS = Less than significant    PS = Potentially significant    S = Significant    SU = Significant and unavoidable					
		<p>► Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators where feasible.</p> <p><b>Adopted MM 3.2.1b:</b> All architectural coating activities associated with construction of future development projects within the Southern Sphere of Influence Planning and Annexation project area shall be required to use interior and exterior coatings that contain less than 250 grams of volatile organic compounds (VOC/ROG) per liter of coating.</p> <p><b>Adopted MM 3.2.1c:</b> Grid power shall be used (as opposed to diesel generators) for construction site power needs where feasible during construction.</p> <p><b>Adopted MM 3.2.1d:</b> Deliveries of construction materials shall be scheduled to direct traffic flow to avoid the peak hours of 7 to 9 AM and 4 to 6 PM.</p>	<p>► Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators where feasible.</p> <p><b>Mitigation Measure 3.1-1b: Modified 2014 SOI MM 3.2.1b</b> All architectural coating activities associated with construction of future development projects within the Southern Sphere of Influence Planning and Annexation project area shall be required to use interior and exterior coatings that contain less than <del>250</del> 100 grams of volatile organic compounds (VOC/ROG) per liter of coating.</p>		
Impact 3.1-2: Violate Air Quality Standard or Contribute Substantially to an Air Quality Violation: Long-Term Operational Emissions	S	<p><b>Adopted MM 3.4.1:</b> Subsequent development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the City of Grass Valley and receive approval for a GHG Emissions Reduction Plan prior to issuance of building permits for the development project in question. The GHG Emissions Reduction Plan shall demonstrate adherence to the following measures or alternative measures equaling the same or greater emission reduction values.</p> <p>► Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers, and faucets (kitchen and bathroom), in each residential unit.</p> <p>► The proposed project shall be designed to exceed state energy efficiency standards by 15 percent (to Tier 1 Title 24 Standards) as directed by Appendix A5 of the 2010 California Green Building Standards (CBSC 2011). This</p>	<p><b>Mitigation Measure 3.1-2: Modified 2014 SOI MM 3.4.1</b> Subsequent development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the City of Grass Valley and receive approval for a GHG Emissions Reduction Plan prior to issuance of building permits for the development project in question. The GHG Emissions Reduction Plan shall demonstrate adherence to the following measures or alternative measures <del>equaling the same or greater emission reduction values to reduce GHG emissions.</del></p> <p>► <u>Prior to the issuance of building permits for residential and commercial development the project developer or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the City for review and approval. For residential and commercial development within the project area, the ZNE Report shall demonstrate that the</u></p>	SU	SU

City of Grass Valley  
Southern Sphere of Influence Planning and Annexation Project Subsequent Draft EIR

ES-5

Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact		LTS = Less than significant PS = Potentially significant	S = Significant SU = Significant and unavoidable		
		<p>measure helps to reduce emissions associated with energy consumption.</p> <ul style="list-style-type: none"> <li>▶ Low-water-use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor.</li> <li>▶ The installation of wood-burning fireplaces shall be prohibited in all new residential units.</li> </ul>	<p><u>most recent version of the California Energy Code has been applied. Residential and commercial development shall be designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. If the ZNE Report determines that attainment of ZNE is not feasible, it shall substantiate this conclusion and will identify the maximum building energy efficiency that is attainable.</u></p> <ul style="list-style-type: none"> <li>▶ <u>All buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings. Alternatively, solar photovoltaic systems can be installed on canopies that also shade parking areas. The project applicant shall provide pre-wired solar for residential garage/parking structures as a design feature.</u></li> <li>▶ <u>Any household appliances included in the original sale of the residential units shall be electric and certified Energy Star-certified (including clothes washers, dish washers, fans, and refrigerators, but not including tankless water heaters).</u></li> <li>▶ <u>Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers, and faucets (kitchen and bathroom), in each residential unit.</u></li> <li>▶ <u>All buildings shall be designed to include cool roofs consistent with requirements established by Tier 2 of the CALGreen Code.</u></li> <li>▶ <u>The proposed project shall be designed to exceed state energy efficiency standards the California Energy Code in effect at the time of construction by 15 percent (to Tier 1 Title 24 Standards) as directed by Appendix A5 of the 2010 California Green Building Standards (CBSC</u></li> </ul>		

Ascent Environmental

Executive Summary

Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact    LTS = Less than significant    PS = Potentially significant    S = Significant    SU = Significant and unavoidable					
			2011). This measure helps to reduce emissions associated with energy consumption. ▶ Low-water-use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor. ▶ The installation of wood-burning fireplaces shall be prohibited in all new residential units. ▶ <u>The project applicant shall provide a minimum of one single-port electric vehicle charging station at each new single-family housing unit that achieves similar or better functionality as a Level 2 charging station (referring to the voltage that the electric vehicle charger uses). The project applicant shall also provide Level 2 electric vehicle charging stations at a minimum of 10 percent of parking spaces that serve multi-family residential buildings.</u> ▶ <u>Parking lots serving non-residential buildings shall have at least 12.5 percent of parking spaces served by electric vehicle charging stations that achieves similar or better functionality as a Level 2 charging station.</u>		
Impact 3.1-3: Expose Sensitive Receptors to Substantial Carbon Monoxide Pollutant Concentrations	LTS	—	—	LTS	LTS
Impact 3.1-4: Expose Sensitive Receptors to Toxic Air Contaminant Pollutant Concentrations that Exceed the NSAQMD Health Risk Public Notification Thresholds	PS	—	Mitigation Measure 3.1-4: Incorporation of Design Features at Truck Loading/Unloading Areas to Reduce Health-Risk Exposure at Sensitive Receptors As part subsequent development project submittals to the City, project applicants shall design developments so that truck loading/unloading facilities and sensitive receptors	LTS	LTS

City of Grass Valley  
 Southern Sphere of Influence Planning and Annexation Project Subsequent Draft EIR

ES-7



Executive Summary

Ascent Environmental

Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact    LTS = Less than significant    PS = Potentially significant    S = Significant    SU = Significant and unavoidable					
			<p>are not located within 1,000 feet of each other. For the purpose of this mitigation measure, a truck loading/unloading facility is defined as any truck distribution yard, truck loading dock, or truck loading or unloading area that accommodates (i) more than 100 trucks per day, (ii) more than 40 trucks with operating transport refrigeration units per day (TRU), or (iii) where TRU units operations exceed 300 hours per week. Sensitive receptors include residential land uses, campus dormitories and student housing, residential care facilities, hospitals, schools, parks, playgrounds, or daycare facilities. A truck loading/unloading facility and a sensitive receptor can be located within 1,000 feet of each other only if a project proponent prepares a qualified, site-specific HRA showing that the associated level of cancer risk at the sensitive receptors would not exceed 10 in 1 million. The HRA shall be conducted in accordance with guidance from NSAQMD and shall be approved by the City. If the HRA determines that a nearby sensitive receptor would be exposed to an incremental increase in cancer risk greater than 20 in 1 million then design measures shall be incorporated to reduce the level of risk exposure to less than 10 in 1 million. Design measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>► Require that all truck loading/unloading facilities be equipped with one 110/208-volt power outlet for every two-truck loading/unloading docks. A minimum 2-foot-by-3-foot sign shall be clearly visible at each loading dock that indicates, "Diesel engine idling limited to a maximum of 5 minutes." The sign shall include instructions for diesel trucks idling for more than 5 minutes to connect to the 110/208-volt power to run any auxiliary equipment. This measure is consistent with measure VT-1 in the California Air Pollution Control</li> </ul>		

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			Officers Association (CAPCOA) guide <i>Quantifying Greenhouse Gas Mitigation Measures</i> (CAPCOA 2010:300–303). ▶ Use electric-powered “yard trucks” or forklifts to move truck trailers around a truck yard or truck loading/unloading facility. ▶ Use buildings or walls to shield commercial activity from nearby residences or other sensitive land uses. ▶ Plant and maintain a vegetative buffer between the truck loading/unloading facility and nearby sensitive residences, schools, and daycare facilities.		
Impact 3.1-5: Expose Sensitive Receptors to Odorous Emissions	LTS	—	—	LTS	LTS
<b>Biological Resources</b>					
Impact 3.2-1: Result in a Substantial Adverse Effect on Special-Status Plant Species	LTS	Adopted MM 3.3.1: The project applicant for each future development project proposed within the project area shall retain a qualified biologist to perform focused surveys to determine the presence/absence of special-status plant species with potential to occur in and adjacent to (within 100 feet, where appropriate) the proposed impact area, including construction access routes. These surveys shall be conducted in accordance with the <i>Guidelines for Assessing Effects of Proposed Developments on Rare Plants and Plant Communities</i> (Nelson 1994). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys shall be scheduled to coincide with known flowering periods and/or during appropriate developmental periods that are necessary to identify the plant species of concern.	—	LTS	LTS

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		<p>If any state- or federally listed CNPS List 1 or CNPS List 2 plant species are found in or adjacent to (within 100 feet) the proposed impact area during the surveys, these plant species shall be avoided to the extent possible and the following mitigation measures shall be implemented:</p> <ol style="list-style-type: none"> <li>1. In some cases involving state-listed plants, it may be necessary to obtain an incidental take permit under Fish and Game Code Section 2081. The applicant shall consult with the CDFW to determine whether a 2081 permit is required, and obtain all required authorizations prior to initiation of ground-breaking activities.</li> <li>2. Before the approval of grading plans or any ground-breaking activity within the study area, the applicant shall submit a mitigation plan concurrently to the CDFW and the USFWS for review and comment. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for impacts to special-status plant species can include implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible), through the purchase of credits from an approved mitigation bank, or through an in-lieu fee program, if available. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. The final mitigation strategy for directly impacted plant species shall be determined by the CDFW and the USFWS through the mitigation plan approval process.</li> <li>3. Any special-status plant species that are identified adjacent to the study area, but not proposed to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and</li> </ol>			



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		material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on project plans.			
Impact 3.2-2: Result in a Substantial Adverse Effect on Coast Horned Lizard	LTS	<b>Adopted MM 3.3.2:</b> Project applicants for each future development project proposed within the project area shall retain qualified biologists to determine if suitable habitat for this species occurs within 250 feet of the proposed impact area, including construction access routes, as part of submittals of tentative maps and /or improvement plans. If suitable habitat exists, development agreements will require preconstruction surveys to be performed by a qualified biologist in a manner to maximize detection of coast horned lizards (i.e., during warm weather, walking slowly) prior to any grading activity. If any coast horned lizards are discovered within the work areas, they shall be actively moved or passively encouraged to leave the work area. Workers shall drive slowly when driving overland, within suitable habitat areas, to allow any lizards to move out of the way of the vehicles.	—	LTS	LTS
Impact 3.2-3: Result in Loss of Populations or Essential Habitat for California Black Rail, Other Special-Status Birds, and Raptors	LTS	<b>Adopted MM 3.3.3a:</b> If clearing and/or construction activities for future development projects within the project area will occur during the migratory bird nesting season (April 15–August 15), reconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible).  If active nest sites are identified within 200 feet of project activities, the applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction or	—	LTS	LTS

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		<p>access-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur, and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or the City.</p> <p><b>Adopted MM 3.3.3b:</b> If clearing and/or construction activities for future development projects will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 500-foot buffer (if feasible). If active nest sites are identified within 500 feet of project activities, the applicant shall impose an LOP for all active nest sites prior to commencement of any project construction activities to avoid construction or access-related disturbances to nesting raptors. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur, and will be imposed within 250 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 250 feet) of LOPs may be adjusted through consultation with the CDFW and/or the City.</p>			
Impact 3.2-4: Result in Disturbance, Degradation, or Removal of Riparian Habitat or Other Sensitive Natural Communities	LTS	<p><b>Adopted MM 3.3.4:</b> The project applicant for each future development project proposed within the project area shall ensure that there is no net loss of riparian vegetation. Mitigation can include on-site restoration or purchase of mitigation credits at a USACE-approved mitigation bank. Mitigation as required in regulatory permits issued through</p>	—	LTS	LTS

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		the CDFW, the USACE, or the RWQCB may be applied to satisfy this measure.  Evidence of compliance with this mitigation measure shall be provided to the appropriate agencies prior to construction and grading activities for future development in the project area.			
Impact 3.2-5: Result in Loss, Disturbance, or Degradation of Jurisdictional Waters of the United States, and Waters of the State, Including Wetlands	PS	<b>Adopted MM 3.3.5:</b> The City shall ensure that the project will result in no net loss of federally protected waters through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or 1602 Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.	<b>Mitigation Measure 3.2-5: No Net Loss of Waters of the State</b> If aquatic resources will be affected that are disclaimed by USACE (i.e., are not within federal jurisdiction), the City shall require the project applicants to submit a delineation of these aquatic resources to the Central Valley Regional Water Quality Control Board (RWQCB) along with an application for Waste Discharge Requirements. The delineation and application will conform to the <i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i> . If project activities will result in permanent loss of waters of the state that cannot be practicably avoided, the project applicant will provide compensatory mitigation resulting in no net loss of the overall abundance, diversity, and condition of aquatic resources in the affected watershed (or another watershed if permitted by RWQCB). Compensatory mitigation may be provided through restoration, enhancement, establishment, preservation, or a combination thereof and may include purchase of mitigation credits as approved by the City and RWQCB. Compensation for wetland or stream losses will be at a minimum one-to-one mitigation ratio (i.e., 1 acre of compensatory mitigation for 1 acre of wetland or waters loss) but will be determined on a project-by-project basis in accordance with State Supplemental Dredge or Fill Guidelines, Section 230.93(f).	LTS	LTS



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<b>Climate Change and Greenhouse Gas Emissions</b>					
Impact 3.3-1: Generate Greenhouse Gas Emissions That May Have a Significant Impact on the Environment	S	<p>Adopted MM 3.4.1: Subsequent development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the City of Grass Valley and receive approval for a GHG Emissions Reduction Plan prior to issuance of building permits for the development project in question. The GHG Emissions Reduction Plan shall demonstrate adherence to the following measures or alternative measures equaling the same or greater emission reduction values.</p> <ul style="list-style-type: none"> <li>▶ Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers, and faucets (kitchen and bathroom), in each residential unit.</li> <li>▶ The proposed project shall be designed to exceed state energy efficiency standards, by 15 percent (to Tier 1 Title 24 Standards) as directed by Appendix A5 of the 2010 California Green Building Standards (CBSC 2011). This measure helps to reduce emissions associated with energy consumption.</li> <li>▶ Low-water-use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor.</li> <li>▶ The installation of wood-burning fireplaces shall be prohibited in all new residential units.</li> </ul>	<p>Mitigation Measure 3.3-1: Modified 2014 SOI MM 3.4.1: Subsequent development projects within the Southern Sphere of Influence Planning and Annexation project area shall submit to the City of Grass Valley and receive approval for a GHG Emissions Reduction Plan prior to issuance of building permits for the development project in question. The GHG Emissions Reduction Plan shall demonstrate adherence to the following measures or alternative measures <u>equaling the same or greater emission reduction values to reduce GHG emissions.</u></p> <ul style="list-style-type: none"> <li>▶ <u>Prior to the issuance of building permits for residential and commercial development the project developer or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the City for review and approval. For residential and commercial development within the project area, the ZNE Report shall demonstrate that the most recent version of the California Energy Code has been applied. Residential and commercial development shall be designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. If the ZNE Report determines that attainment of ZNE is not feasible, it shall substantiate this conclusion and will identify the maximum building energy efficiency that is attainable.</u></li> <li>▶ <u>All buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings. Alternatively, solar photovoltaic systems can be installed</u></li> </ul>	SU	SU

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			<p>on canopies that also shade parking areas. The project applicant shall provide pre-wired solar for residential garage/parking structures as a design feature.</p> <ul style="list-style-type: none"> <li>Any household appliances included in the original sale of the residential units shall be electric and certified Energy Star-certified (including clothes washers, dish washers, fans, and refrigerators, but not including tankless water heaters).</li> <li>Indoor water conservation measures shall be incorporated, such as use of low-flow toilets, showers, and faucets (kitchen and bathroom), in each residential unit.</li> <li>All buildings shall be designed to include cool roofs consistent with requirements established by Tier 2 of the CALGreen Code.</li> <li>The proposed project shall be designed to exceed state energy efficiency standards the California Energy Code in effect at the time of construction by 15 percent (to Tier 1 Title 24 Standards) as directed by Appendix AS of the 2010 California Green Building Standards (CBCS 2011). This measure helps to reduce emissions associated with energy consumption.</li> <li>Low-water-use landscaping (i.e., drought-tolerant plants and drip irrigation) shall be installed. At least 75 percent of all landscaping plants shall be drought-tolerant as determined by a licensed landscape architect or contractor.</li> <li>The installation of wood-burning fireplaces shall be prohibited in all new residential units.</li> <li>The project applicant shall provide a minimum of one single-port electric vehicle charging station at each new single-family housing unit that achieves similar or better functionality as a Level 2 charging station (referring to</li> </ul>		

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			<p><u>the voltage that the electric vehicle charger uses). The project applicant shall also provide Level 2 electric vehicle charging stations at a minimum of 10 percent of parking spaces that serve multi-family residential buildings.</u></p> <p>► <u>Parking lots serving non-residential buildings shall have at least 12.5 percent of parking spaces served by electric vehicle charging stations that achieves similar or better functionality as a Level 2 charging station.</u></p> <p><b>Mitigation Measure 3.3-2: Implement On-Site Greenhouse Gas Reduction Measures to Reduce Construction Emissions</b></p> <p>Subsequent development within the project area shall implement all feasible measures to reduce construction-related GHG emissions associated with the Southern SOI Amendment, including, but not limited to, the construction-related measures listed below. A mitigation measure may be deemed infeasible if the project applicant provides rationale, based on substantial evidence, to the City that substantiates why the measure is infeasible. The GHG reductions achieved by the implementation of measures listed below shall be estimated by a qualified third-party selected by the City. All GHG reduction estimates shall be supported by substantial evidence. Mitigation measures should be implemented even if it is reasonable that their implementation would result in a GHG reduction but a reliable quantification of the reduction cannot be substantiated.</p> <p>► The project applicant shall require its contractors to enforce idling of on- and off-road diesel equipment for no more than 5 minutes while on site.</p> <p>► The project applicant shall implement waste, disposal, and recycling strategies in accordance with Sections 4.408 and 5.408 of the 2016 California Green Building</p>		

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			<p>Standards Code (CALGreen Code), or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.</p> <ul style="list-style-type: none"> <li>▶ Project construction shall achieve or exceed the enhanced Tier 2 targets for recycling or reusing construction waste of 75 percent for residential land uses as contained in Sections A4.408 and A5.408 of the CALGreen Code.</li> <li>▶ All diesel-powered, off-road construction equipment shall meet EPA's Tier 4 emissions standards as defined in 40 Code of Federal Regulation (CFR) 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available.</li> <li>▶ The project applicant shall implement a program that incentivizes construction workers to carpool, use public transit, or EVs to commute to and from the project site.</li> </ul> <p><b>Mitigation Measure 3.3-3: Purchase Real, Quantifiable, Permanent, Verifiable, Enforceable, and Additional Carbon Offsets</b></p> <p>If, following the application of all feasible on-site GHG reduction measures listed under Mitigation Measures 3.3-1 and 3.3-2, the Southern SOI Amendment would continue to generate GHG emissions exceeding 2.74 MTCO<sub>2</sub>e/year/SP, the project applicant for subsequent development in the project area shall offset the remaining GHG emissions to meet 2.74 MTCO<sub>2</sub>e/year/SP in 2040 by funding activities that directly reduce or sequester GHG emissions or by purchasing and retiring carbon credits.</p> <p>To the degree that a project relies on GHG mitigation measures, the City of Grass Valley, NSAQMD, and CARB</p>		

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			<p>recommend that lead agencies prioritize on-site design features, such as those listed under Mitigation Measures 3.3-1 and 3.3-2, and direct investments in GHG reductions within the vicinity of the project site to provide potential air quality and economic co-benefits locally. While emissions of GHGs and their contribution to climate change is a global problem, emissions of air pollutants, which have an adverse localized effect, are often emitted from similar activities that generate GHG emissions (i.e., mobile, energy, and area sources). For example, direct investment in a local building retrofit program could pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for subsequent development within the geographic area of the Southern SOI Amendment. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. These investments would not only achieve GHG reductions, but would also directly improve regional and local ambient air quality. However, to adequately mitigate GHG emissions to 2.74 MTCO<sub>2</sub>e/year/SP, it is critical that any such investments in actions to reduce GHG emissions meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such credits shall be based on protocols approved by the California Air Resources Board (CARB), consistent with Section 95972 of Title 17 of the California Code of Regulations. Project applicants shall not use offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can</p>		

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			<p>be verified by the City of Grass Valley, NSAQMD, or CARB. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the California Air Pollution Control Officers Association's GHG Rx and NSAQMD.</p> <p>Prior to issuing building permits for subsequent development projects in the Southern SOI Amendment area, the City shall confirm that the project applicant or its designee has fully offset the project's remaining (i.e., post implementation of GHG reduction measures pursuant to Mitigation Measure 3.3-1 and 3.3-2) GHG emissions by relying upon one of the following compliance options, or a combination thereof:</p> <ul style="list-style-type: none"> <li>▶ demonstrate that the project applicant has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the project's remaining GHG emissions;</li> <li>▶ provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the subsequent project's GHG emissions;</li> <li>▶ undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the subsequent project's remaining GHG emissions; or</li> <li>▶ if it is impracticable to fully offset GHG emissions through direct investments or quantifiable and verifiable</li> </ul>		

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			programs do not exist, the project applicant or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the subsequent project's remaining GHG Emissions.		
<b>Cultural and Paleontological Resources</b>					
Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource	LTS	Adopted MM 3.5.1b: When a proposal affects a previously undeveloped parcel in an area identified as having high or moderate cultural sensitivity in the General Plan, a cultural resource study shall be prepared as part of the CEQA analysis. If the proposal affects an area addressed in previous cultural studies, the City shall review the report(s) to confirm whether conditions documented in the previously prepared study have changed and if the recommendations (if any) required by the study are still applicable and appropriate for the future proposed project. If the City determines that conditions have changed from the previous study, the City will require that an appropriate updated to the analysis or a new analysis be prepared.	—	LTS	LTS
Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources	LTS	Adopted MM 3.5.1b: When a proposal affects a previously undeveloped parcel in an area identified as having high or moderate cultural sensitivity in the General Plan, a cultural resource study shall be prepared as part of the CEQA analysis. If the proposal affects an area addressed in previous cultural studies, the City shall review the report(s) to confirm whether conditions documented in the previously prepared study have changed and if the recommendations (if any) required by the study are still applicable and appropriate for the future proposed project. If the City determines that conditions have changed from the previous study, the City will require that an appropriate updated to the analysis or a new analysis be prepared.	—	LTS	LTS

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		<p><b>Adopted MM 3.5.1c:</b> If, during the course of construction of future projects within the project area, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are discovered, work shall be halted immediately within 50 feet of the discovery, and the City of Grass Valley Community Development Department shall be notified. A qualified archaeologist (that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology) shall be retained to determine the significance of the discovery. Based on the significance of the discovery, the professional archaeologist shall present options to the City and project applicant for protecting the resources.</p> <p>The City and the project applicant shall consider mitigation recommendations presented by a qualified archaeologist (as described) for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.</p>			
Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource	LTS	<p><b>Adopted MM 3.5.1d:</b> The Native American community will be notified of any unanticipated and accidental discoveries of prehistoric or historic Native American cultural resources and will monitor activities associated with determining the significance of any discoveries as agreed to by the City of Grass Valley in consultation with the Native American community.</p>	—	LTS	LTS

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Impact 3.4-4: Disturb Human Remains	PS	Adopted MM 3.5.1e: If human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the City of Grass Valley Community Development Department shall be notified, and the Nevada County Coroner must be notified, according to Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.	—	LTS	LTS
<b>Hazards and Hazardous Materials</b>					
Impact 3.5-1: Create a Significant Hazard through the Routine Transport, Use, Disposal, or Release of Hazardous Materials	LTS	—	—	LTS	LTS
Impact 3.5-2: Conflict with Known Hazardous Materials Sites	LTS	<p><b>Adopted MM 3.7.2a:</b> Prior to issuance of any grading plans or improvement permits for construction of roads, structures, or infrastructure on the Bear River Mill Site portion of the project area (APNs 22-160-04, -05, -06, -07, -09, -12, and -33), a certification of cleanup shall be obtained.</p> <p><b>Adopted MM 3.7.2b:</b> Prior to issuance of any grading permit or improvement permits for construction of roads, structures, or infrastructure on the La Barr Meadows Road property portion of the project area (APNs 09-620-10 and -12, 22-150-23 and -30, and 29-290-09), a certification of cleanup shall be obtained.</p> <p><b>Adopted MM 3.7.2c:</b> All recommendations contained in the Phase I Environmental Site Assessment prepared for the Berriman Ranch property (APNs 22-140-03 and 22-160-03) dated August 7, 2007, shall be implemented prior to issuance of grading permits or improvement permits for</p>	<p><b>Mitigation Measure 3.5-2a: Modified 2014 SOI MM 3.7.2a</b> Prior to issuance of any grading plans or improvement permits for construction of roads, structures, or infrastructure on the former Bear River Mill Site portion of the project area, including the Hansen Bros. La Barr Meadows property (APNs 022-200-036, -037, -066; 022-230-010, -052; and 022-160-005) and the Rare Earth Landscape Materials property (APNs 022-160-004, -006, and -033), a certification of cleanup shall be obtained.</p> <p><b>Mitigation Measure 3.5-2b: Modified 2014 SOI MM 3.7.2b</b> Prior to issuance of any grading permit or improvement permits for construction of roads, structures, or infrastructure on the Chrisetta Corp., La Barr Meadows Road property portion of the project area (APNs 009-620-010 and -012, 022-150-023 and -030, and <del>29-290-09029-350-012</del>), a certification of cleanup shall be obtained.</p>	LTS	LTS

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Impacts	Significance before Mitigation	Adopted Mitigation Measures	New Mitigation Measures	Significance after Mitigation	2014 SOI EIR Significance after Mitigation
NI = No impact    LTS = Less than significant    PS = Potentially significant    S = Significant    SU = Significant and unavoidable					
		construction of roads, structures, or infrastructure in this portion of the project area.	Mitigation Measure 3.5-2c: Modified 2014 SOI MM 3.7.2c All recommendations contained in the Phase I Environmental Site Assessment prepared for the Berriman Ranch property (APNs <del>22-140-030</del> 22-140-053, 022-140-057, and 022-160-003) dated August 7, 2007, shall be implemented prior to issuance of grading permits or improvement permits for construction of roads, structures, or infrastructure in this portion of the project area. <u>Additionally, all recommendations and required actions identified in the DTSC's RAW shall be implemented prior to site development.</u>		
Impact 3.5-3: Interfere with Emergency Plans	LTS	—	—	LTS	LTS
<b>Hydrology and Water Quality</b>					
Impact 3.6-1: Substantially Degrade Surface Water Quality	LTS	—	—	LTS	LTS
Impact 3.6-2: Substantially Degrade Groundwater Quality	LTS	Adopted MM 3.8.2: As part of the final design of specific future development projects, soil borings shall be taken at representative locations within the future project footprint to analyze the subsurface soils that are present and the elevation of the subsurface water table. If these soil borings identify shallow groundwater within 2 feet of the proposed bottom elevation of underground utilities, detention ponds, and/or structure foundations, a liner and/or best available water quality control features (i.e., leachate management system) shall be incorporated into the design of proposed underground utilities, detention ponds, and foundations, subject to City drainage standards and approval.	—	LTS	LTS
Impact 3.6-3: Substantially Alter the Existing Drainage Pattern of Project Area	LTS	—	—	LTS	LTS

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Impact 3.6-4: Risk Release of Pollutants Due to Inundation of a Flood Hazard, Tsunami Zone, or Seiche Zone	LTS	—	—	LTS	LTS
Impact 3.6-5: Conflict With or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan	LTS	—	—	LTS	LTS
<b>Noise</b>					
Impact 3.7-1: Construction-Generated Noise	LTS	—	—	LTS	LTS
Impact 3.7-2: Increases in Traffic Noise that Exceed City Standards	LTS	<b>Adopted MM 3.9.2:</b> For any residential development proposed within 600 feet of State Route 49 or 100 feet of La Barr Meadows Road, an applicant shall submit an acoustical analysis for any tentative map. If the acoustic analysis shows any proposed outdoor activity area within the 60 dB Ldn or greater noise contour, the applicant shall mitigate the impact to a level that is less than 60 dB Ldn. Specific mitigation measures include, but are not limited to, (1) a redesign or reorientation of the lots (which allows the home to create a barrier between the outdoor area and noise source); (2) the addition of solid fencing or wall; (3) an increased setback; or (4) a redesign of the project to utilize the existing development or topography and vegetation to reduce the impact to an acceptable level.	—	LTS	LTS
Impact 3.7-3: Groundborne Vibration	LTS	—	—	LTS	LTS
Impact 3.7-4: Operational (Stationary) Noise Sources	LTS	—	—	LTS	LTS

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<b>Public Utilities and Energy</b>					
Impact 3.8-1: Environmental Effects due to Construction of New or Expanded Infrastructure	LTS	—	—	LTS	LTS
Impact 3.8-2: Insufficient Water Supply in Normal, Dry, and Multiple Dry Years	LTS	—	—	LTS	LTS
Impact 3.8-3: Wastewater Treatment Capacity	LTS	—	—	LTS	LTS
<b>Transportation and Circulation</b>					
Impact 3.9-1: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)	S	—	<b>Mitigation 3.9-1a: Provide Bicycle and Pedestrian Network Improvements</b> Subsequent development projects within the Southern SOI Amendment area shall ensure adequate access to destinations by making walking and biking feasible and safe. These improvements shall include, but are not limited to the following: <ul style="list-style-type: none"> <li>▶ Provide continuous Class II bicycle facilities for throughout the entirety of the Southern SOI Amendment area and provide connections to any adjacent off-site bicycle facilities;</li> <li>▶ Provide for, contribute to, or dedicate land for the provision of off-site bicycle trails linking the project to designated bicycle commuting routes in accordance with an adopted citywide or countywide bikeway plan;</li> <li>▶ Provide bicycle and pedestrian connections to the Empire Mine State Park trail network north and east of the Southern SOI Amendment area;</li> </ul>	SU	Not evaluated

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			<ul style="list-style-type: none"> <li>▶ Provide continuous pedestrian facilities (i.e., sidewalks, paths, cross-walks, etc.) along all roadways within the Southern SOI Amendment area;</li> <li>▶ Provide pedestrian access connecting to all existing or planned external streets and pedestrian facilities contiguous with the within the Southern SOI Amendment area. If present, the implementation of this measure could include elimination of barriers (e.g., walls, landscaping, slopes) to pedestrian access and interconnectivity.</li> <li>▶ Provide pedestrian and bicycle safety and traffic calming measures in excess of any applicable jurisdictional requirements designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.</li> </ul> <p><b>Mitigation 3.9-1b: Provision of Bicycle Parking</b> Subsequent development projects within the Southern SOI Amendment area shall provide secure and convenient bicycle parking at all nonresidential land uses. The associated bicycle parking shall include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>▶ Provide bicycle parking facilities at all non-residential buildings that meet or exceed bicycle parking requirements required under the 2016 California Green Building Standards Code;</li> <li>▶ Incorporate the provision of long-term bicycle parking and support facilities (i.e., shower/changing space,</li> </ul>		

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			<p>secure storage for bicycle gear) into the design of the commercial and high-density residential areas of the project site;</p> <ul style="list-style-type: none"> <li>► Provide short-term bicycle parking (i.e., anchored bicycle racks) at all commercial, high density residential, industrial, and publicly dedicated open space areas within the Southern SOI Amendment area.</li> </ul> <p><b>Mitigation 3.9-1c: Transit Service Improvements</b> As new development is proposed within the Southern SOI Amendment area, the City shall coordinate with Gold Country Stage to identify and support the provision of additional transit service and/or facility improvements within the area with a goal of providing bus service to residents and employees. Potential transit improvements may include construction of bus shelters/stops, modifying existing transit routes, of adding new routes to serve areas within the Southern SOI Amendment area.</p> <p><b>Mitigation 3.9-1d: Develop Transportation Demand Management Programs</b> In coordination with the City, Subsequent development projects within the Southern SOI Amendment project site shall develop and/or contribute towards alternative transportation programs and TDM programs undertaken by the City and/or regional partners such as NCTC and the Northern Sierra Air Quality Management District. TDM programs may include the following element measures:</p> <ul style="list-style-type: none"> <li>► Car-sharing and/or ride-sharing programs;</li> <li>► Employer-sponsored vanpool/shuttle;</li> <li>► Subsidized demand-responsive trips provided by contracting with private TNCs or taxi companies; and</li> <li>► Actions that encourage telecommuting and alternative work schedules.</li> </ul>		

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<b>Wildfire</b>					
Impact 3.10-1: Exacerbate Wildfire Risks and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire	LTS	—	—	LTS	LTS
Impact 3.10-2: Expose People or Structures to Significant Risks as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	LTS	—	—	LTS	LTS

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**Findings and Conditions of Approval –  
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Item # 2.

**FINDINGS:**

In accordance with Sections 17.81.060, 17.72.030, and 17.72.050 of the Development Code, the Planning Commission is required to make the following specific findings before it approves a Tentative Subdivision Map, Development Review and Planned Development.

1. The City received a complete application for Tentative Subdivision Map, Development Review and Planned Development Applications 21PLN-43.
2. The Community Development Department prepared a Subsequent Environmental Impact Report (SEIR) (SCH#013052057) 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 SEIR prior to making its decision on the project. The SEIR reflects the independent judgement of the City of Grass Valley, as lead agency.
4. The Southern Sphere of Influence and Annexation Project designates the project site as Urban Medium Density Residential. The proposed map, and/or subdivision design or improvements are consistent with the General Plan or any applicable Specific Plan.
5. The site is physically suitable for the type or proposed density of development.
6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The design of the subdivision or type of improvements is not likely to cause public health or safety problems.
8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. This finding may not be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

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9. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
10. The approval appropriately balances the housing needs of the region against the public service needs of City residents and available fiscal and environmental resources.
11. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
12. The project is consistent with the applicable sections and development standards in the Development Code.
13. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and Municipal Code.
14. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
15. 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.

**A. GENERAL/DESIGN CONDITIONS OF APPROVAL:**

1. The approval date for this project is *February 15, 2022*. This project is approved for a period of three (3) years and shall expire on *February 15, 2025*, 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 Tentative Subdivision Map, Development Review and Planned Development (21PLN-43) approved by the Planning Commission. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the Planning Commission's Approval. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.

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3. Other than lot size and setbacks as outlined in the project description, the Berriman Ranch Phase III Duet Project shall comply with the standards for the Two-Family Residential (R-2) Zone.
4. The maximum exposed height of retaining walls shall be 6 feet. 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 or other decorative block. Colors and materials shall be subject to the approval of the Director of Public Works and the Community Development Director.
5. Prior to the issuance of a Certificate of Occupancy for each residence, 6-foot black metal fencing shall be installed in the rear and side yards of lots facing open space. Interior lots shall be constructed with wood fencing around the perimeter. 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.
6. The established Berriman Ranch Phase III Homeowners Association shall be responsible for the common areas.
7. In order to achieve architectural diversity within the development, consistent with the City's Design Guidelines, the proposed elevations shall be modified to include:
  - a. An additional floor plan and elevation shall be submitted consistent with square footage and elevations presented.
  - b. The porch shall be extended/enlarged so that it is useable (i.e., 6 by 8) with wall line extending beyond the garage a minimum of five feet.
  - c. Natural materials such as horizontal lap siding and board and batt siding should be the predominate material on the front elevations. An additional material such as veneer is also recommended. The front elevation materials should wrap around the side elevation to the fence line.
  - d. Garages shall be setback from the living area a minimum of 5 feet and shall be setback from the property line a minimum of 20 feet.
8. Parcels C, D, E, F and the noise berms shall be designed with the following elements to the satisfaction of the Public Works and Community Development Director:
  - a. Natural vegetation, landscaping and trees shall be installed;
  - b. The connection to Lot F shall include trees and bushes on both sides adjoining Lots 16 and 17; and,
  - c. All common lots shall be maintained by a Homeowners Association or other private entity.

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9. To delineate pedestrian pathways for the connection of sidewalks, decorative paving shall be installed at all pedestrian crossings within the development. Decorative paving and pedestrian striping shall be to the satisfaction of the Public Works and Community Development Directors.
10. Prior to the issuance of a building permit, the applicant shall submit 3 typical front yard landscaping plans to the satisfaction of the Community Development Department. The landscaping plans shall include at least one tree on each of the lots, preferably in the front yard. If over 500 square feet of irrigated landscaping is proposed, the applicant shall submit a landscape permit in accordance with the City's Water Efficient Landscape Ordinance.
11. The applicant shall file a Notice of Exemption, 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.
12. A demolition permit shall be obtained prior to the removal of the agricultural barn.
13. 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.

**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.



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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. 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

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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. 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.
12. 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.

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13. 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.
14. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e., NID), prior to receiving City Engineer approval.
15. 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).
16. If any of the improvements which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title interest sufficient for such purposes, the applicant shall do all of the following at least 60 days prior to filing of the final map or approval of the building permit(s) for approval pursuant to Government Code Section 66457:
  - a. Notify the City of Grass Valley in writing that the applicant wishes the City to acquire an interest in the land which is sufficient for such purposes as provided in Government Code Section 66452.5;
  - b. Supply the City with (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil Procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the current fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report;
  - c. Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the applicant will pay all of the City's cost (including, without limitation, attorney's fees, and overhead expenses) of acquiring such an interest in the land.
17. The applicant shall submit to the City Engineer for review and approval, a traffic report identifying the traffic indexes proposed for the development's roadways.
18. For the new street connecting to Taylorville Road, the applicant shall submit to the City Engineer for review, a separate sight distance exhibit showing that minimum sight distance requirements are achieved in accordance with City of Grass Valley design standards. The exhibit shall indicate the roadway design speed, sight distance design speed, sight distance in both directions, and delineate any areas of vegetation removal/easements and no parking areas, recommended for optimal sight distance and/or vehicle movements.

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**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. Prior to final preparation of the subgrade and placement of pavement base materials, all underground utilities shall be installed, and service connections stubbed out behind the hardscape improvement. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter, and sidewalk, when future service connections or extensions are made.
2. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
3. 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.



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4. Prior to placing the initial lift of asphalt and after all aggregate base is placed, all public sewer pipelines and storm drain pipelines shall be video inspected at the expense of the contractor/developer. All videotapes shall be submitted to the City. In any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
5. 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.
6. The contractor shall comply with all Occupational Safety & Health administration (OSHA) requirements.
7. For any public work, the contractor shall comply with all Department of Industrial Relations (DIR) requirements including complying with prevailing wage requirements.
8. Except for personal use vehicles, all commercial heavy equipment construction vehicular traffic shall access the project site by Taylorville Road. No commercial heavy equipment vehicular construction traffic shall utilize Picadilly Lane for access to the site unless prior notice is given to the City of Grass Valley. This condition shall be observed during all phases of site development.

**E. PRIOR TO FILING THE FINAL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. The applicant shall submit to the City Engineer for review and approval a Final Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City's Subdivision Ordinance and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
2. The applicant shall provide to the Engineering Division an acceptable method, such as a homeowner's association, tenant agreement, and/or CC&R's to maintain the common areas for the residential areas, private drainage facilities and the open space. This shall include the funding mechanism for the maintenance of the emergency access road and vegetative fuels. The sub-divider shall provide the appropriate documentation for review by the Community Development Director, Fire Department, and City Engineer (and City Attorney if determined necessary by the Community Development Director and/or City Engineer). CC&R's must include a statement that they cannot be modified without the approval of the City.

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3. The applicant shall dedicate land, or pay a fee in-lieu of dedication, for park and recreation purposes in accordance with Section 17.86.030 of the City's Development Code.
4. If the applicant desires to record the Final Map prior to completion of the grading and improvements as shown on the approved grading and improvement plans, the applicant shall enter into an agreement to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of all of the improvements, in accordance with the City's Development Code and the California Subdivision Map Act. The applicant must supply the City with a cost estimate, prepared by a licensed Civil Engineer, for all improvements shown on the grading/improvement plans. The cost estimate must be approved by the Engineering Division.

The City will then prepare an agreement which will require City Council approval and will be required to be recorded prior to Final Map approval.

5. If no homeowner's association, the applicant shall sign and record a covenant and agreement to ensure that the on-site detention facilities will be maintained by the property owner(s).
6. The applicant shall coordinate the final trail route and design with the property owner, City and Bear Yuba Land Trust or other entity that will assume responsibility for the trail maintenance.
7. A Lighting and Landscaping Assessment District shall be formed and recorded concurrently with the final/parcel map to fund maintenance costs for landscaping and/or street lighting accepted by the City.

**F. 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. All offers of dedication must be recorded and a copy provided to the Engineering Division.
3. An acceptable method, such as a tenant agreement and/or CC&R's must be provided to maintain the common areas, roadways, utilities, detention facilities and

**Findings and Conditions of Approval –  
Berriman Ranch Phase III Duet Project Tentative Subdivision Map,  
Development Review and Planned Development (21PLN-43)**

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Item # 2.

the open space. The developer shall provide the appropriate documentation for review by the Community Development Director and City Engineer (and City Attorney if determined necessary by the Community Development Director and/or City Engineer). CC&R's must include a statement that they cannot be modified without the approval of the City of Grass Valley.

4. 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. Submit a final report prepared by the geologist, in accordance with the California Building Code, to the Engineering Division.
7. 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. PRIOR TO THE CITY ISSUING A CERTIFICATE OF OCCUPANCY FOR ANY HOUSING UNIT:**

1. Prior to the acceptance of public improvements by the City, the applicant shall install and dedicate the trail system within Lot "A" to the Bear Yuba Land Trust or public easement acceptable to the City. Documentation shall be provided to the satisfaction of the City Engineer and Community Development Director.
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 MWEL. 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 MWEL requirements.
4. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering, and building divisions.

**Findings and Conditions of Approval –  
Berriman Ranch Phase III Duet Project Tentative Subdivision Map,  
Development Review and Planned Development (21PLN-43)**

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Item # 2.

**I. MITIGATION MEASURES:**

1. The applicant shall comply with the applicable Mitigation Measures identified in the Southern Sphere of Influence and Annexation Project to the satisfaction of the Community Development Department in accordance with the adopted Mitigation Monitoring and Reporting Plan.

**J. FIRE DEPARTMENT CONDITIONS:**

1. The fire hydrant system shall support a minimum fire flow of 1,500 gallons per minute for a duration of two hours with a residual pressure of 20 psi.
2. The location and spacing of fire hydrants shall be in accordance with the 2019 CFC, Appendix C, Table C102.1;
  - a. Average spacing between hydrants is 500 feet;
  - b. Minimum distance from any point on street or road frontage to a hydrant is 250 feet;
3. All access road/streets shall be constructed in accordance with 2019 CFC Appendix D, including but not limited to the following:
  - a. Constructed of an all-weather surface;
  - b. Capable of supporting fire apparatus weighing up to 75,000 lbs.
  - c. Minimum width of twenty-six (26) feet where a fire hydrant is located;
  - d. Grade shall not exceed 10% unless approved by the City of Grass Valley Fire Department;
  - e. Any device(s) installed to restrict access shall be in accordance with CFC Appendix D and approved by the City of Grass Valley Fire Department.
4. Submit for review and approval a Fire Safety Plan approved by the City of Grass Valley Fire Department.
5. On-site fire suppression equipment shall be present prior to commencement of any work.

**K. NEVADA IRRIGATION DISTRICT:**

1. NID water for Phase III shall be in accordance with Water Supply Amendment No. 1 between the NID and the City. Developer is responsible for design/installation of extending necessary infrastructure from existing NID system. Upon further review of improvement plans, there may be a requirement to upsize the pipe, which would include NID approval.
2. Developer shall provide necessary right-of-way for all future NID facilities, as well as any existing NID facilities needed.



**PLANNING COMMISSION  
STAFF REPORT  
February 15, 2022**

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

**DATA SUMMARY**

**Application Number:** 21PLN-47  
**Subject:** Tentative Parcel Map for the division of a  $\pm 2$ -acre parcel into two 1-acre parcels  
**Location/APN:** 322 Hubbard Road/035-200-065  
**Applicant:** Sandy Jansen, California Survey Company  
**Owner:** Susan Coats, Trustee  
**Zoning/General Plan:** Residential Estate (RE) Zone/Urban Estate  
**Environmental Status:** Categorical Exemption

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**RECOMMENDATION:**

Staff recommends the Planning Commission approve the Tentative Parcel Map, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt Findings of Fact for approval of the Tentative Parcel Map as presented in the Staff Report; and,
3. Approve the Tentative Parcel Map in accordance with the Conditions of Approval, as presented in this Staff Report.

**PROJECT DESCRIPTION:**

A Tentative Parcel Map for the division of a  $\pm 2$ -acre parcel into two equal 1-acre parcels. Parcel 1 of  $\pm 1$ -acre contains an existing single-family dwelling, carport and shed. Access is provided via an existing bridged driveway at the northwest corner of the property connecting with Hubbard Road. The proposed irregular property line configuration adheres to the minimum 1-acre parcel size and is consistent with existing fencing, garden, and other site improvements.

Parcel 2 consists of a  $\pm 1$ -acre undeveloped property proposed for single family residential use. The applicant owns the property in trust and desires to divide the property for personal ownership of Parcel 2 (**Attachment 3 – Site Photographs** and **Attachment 4 – Coats & Huntly TPM**).



### **SITE DESCRIPTION AND ENVIRONMENTAL SETTING:**

The area consists of rural residential 1-acre and larger properties. The subject property has access from Hubbard Road, which is a 12-foot gravel road  $\pm 900$  feet in length. Hubbard Road connects with Atkins Road at the subject property. Atkins Road is a 20-foot paved roadway with a private gated access easement connecting with Glennwood Pines Court, a public road. A 12.5-foot Nevada County Traction Company Railroad right-of-way parallels the entirety of the southern boundary.

### **ENVIRONMENTAL DETERMINATION:**

The project qualifies for a Class 15 Categorical Exemption. A Class 15 Exemption consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope of greater than 20 percent.

### **GENERAL PLAN, ZONING AND DESIGN ANALYSIS:**

**General Plan:** The Grass Valley 2020 General Plan identifies the site as Urban Estate. The UE is the lowest density residential land use in the General Plan. The UE requires one unit per gross acre. The designation is utilized in areas already subdivided into estate-sized lots.

**Zoning:** The property is within the Residential Estate (RE) Zone. The RE Zone is applied to areas of the City that are appropriate for single dwellings, but where infrastructure limitations and/or environmental constraints limit the ability for development to achieve urban densities.

### **ANALYSIS:**

The project area encompasses one of the few rural residential areas in the City reflecting existing residential uses, limited access, utilities, and services. The City's General Plan and Zoning consider these deficiencies by establishing larger acreages (i.e., 1 acre) than are typical of urban residential areas (i.e. 6,000 sq. ft).

*Tentative Parcel Map* – The minimum density and parcel size of the Urban Estate and Residential Estate (RE) Zone is 1 gross acre with a minimum parcel width of 120 feet. Although, the parcel configuration is irregular and much of the acreage of proposed Parcel 2 is unusable given its irregular shape, the parcels meet the minimum 1 gross acre prescribed by the General Plan and Zoning.

*Access* – Access is provided via Hubbard Road, which is a 12-foot-wide gravel road,  $\pm 900$ -feet in length that serves  $\pm 17$  single family dwellings in the area. At the subject property, Hubbard connects with Atkins Road, which is a 20-foot paved secondary ingress/egress roadway with a private gated access easement connecting with Glennwood Pines Court, a public street.

According to City Fire Department comments Hubbard Road does not provide adequate width for fire apparatus ingress simultaneously with resident vehicle egress in the event of an emergency. The California Fire Code (CFC) requires fire apparatus access roads to be a minimum of 20-feet in width; however, there is an exception that allows access roads to be less than 20 feet with the installation of fire sprinklers. Considering the CFC requires all new residential dwellings to have fire sprinklers installed, the CFC exception applies to the project.

Moreover, the area is in a Very High Fire Hazard Severity Zone and the construction of more than one single family dwelling will require improvements to the access infrastructure including but not limited to road width. This condition is for safety and consistent with previous proposed parcel divisions with new residential construction on access roads that are less than CFC standards.

Accordingly, due to limited access on Hubbard Road, Condition of Approval No. C – 1 requires the division to be limited to one single family dwelling on proposed Parcel 2. No ADU's shall be constructed on either parcels 1 or 2. Said restriction shall be included on the Final Map, which shall be reflected in the deeds for each parcel to the satisfaction of the Community Development Director. As conditioned, the Tentative Parcel Map permits no further development of the properties than currently exists.

*Nevada County Traction Company Right-of-way* – The 12.5-foot Nevada County Traction Company Railroad right-of-way parallels the entirety of the southern boundary and continues along the Glennwood Pines Court Subdivision. The Community Development Department has received periodic vegetation complaints within the right-of-way. However, upon due diligence of the ownership of the right-of-way, it has come to the City's attention that the ownership has dissolved. That is, the railroad ownership is likely defunct with no responsible heirs for ownership and maintenance.

*Utilities: Water Supply, Sanitary Sewer, and Dry Utilities* – Water Supply will be provided by Nevada Irrigation District (NID) by existing water lines in the area. Prior to the provision of water for Parcel 2, the applicant shall be required to extend the NID water service.

Sanitary Sewer is provided by the City with existing sewer lines along Atkins Road. Prior to service, the applicant shall be required to pay the appropriate sewer connection fees and complete the necessary improvements in accordance with City Standards.

Dry Utilities such as electric, gas, and telephone are provided by the respective utility provider for the area. Existing dry utilities are located along Atkins Road.

*Drainage* – A drainage report has not been prepared for the project at this time. Subsequent development of Parcel 2 will require drainage improvements consistent with the City's development standards. Specifically, drainage improvements shall be required to ensure that drainage does not impact adjoining properties.

Ultimately, staff's recommendation of approval of the TPM balances private property rights with the minimum fire, life, and safety standards. Specifically, the TPM comply with the minimum standards of the General Plan, Zoning and provision of minimum fire, life, and safety standards of the CFC.

More importantly, it is imperative that ingress/egress can be provided, and that adequate fire, emergency and other services are met. Conditions of approval have been imposed on the Tentative Parcel Map, consistent with the Fire Code, City's Development Code, Subdivision Map Act, and local ordinances enacted thereto. As conditioned, findings for approval of the Tentative Parcel Map can be made in the affirmative.

### **FINDINGS:**

1. The City received a complete Tentative Parcel Map Application (21PLN-47).
2. On February 15, 2022, the Planning Commission reviewed and considered the Tentative Parcel Map Application.
3. The project qualifies for a Class 15, Categorical Exemption in accordance with Section 15315 of the California Environmental Quality Act (CEQA) Guidelines for Minor Land Divisions. This determination is the independent judgement of the City of Grass Valley, as lead agency.
4. The project is consistent with the City's General Plan.
5. The proposed Tentative Parcel Map complies with the City's Development Code.
6. The site is physically suitable for the type of development.
7. The design of the subdivision will not cause substantial damage to fish or wildlife or their habitat.
8. The design of the subdivision will not cause serious public health or safety concerns.
9. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may be made if the Planning Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large acquired easements of access through or use of property within the proposed subdivision.

10. The discharge of sewage from the proposed subdivision into the community sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

**A. GENERAL/DESIGN CONDITIONS OF APPROVAL:**

1. The approval date for this project is February 15, 2022. This project is approved for a period of three (3) years and shall expire on February 15, 2025, unless the Tentative Parcel Map has been filed with the County Recorder's Office or the applicant requests a time extension that is approved by the Grass Valley Planning Commission pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Planning Commission for Tentative Map 21PLN-47 unless changes are approved by the Planning Commission prior to commencing such changes, minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.
3. The applicant shall file a Notice of Exemption, including payment of associated recording fees, within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
4. 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.

**B. PRIOR TO FILING OF THE FINAL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. The applicant shall submit to the City Engineer for review and approval a Final/Parcel Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City's Subdivision Ordinance No. 180 N.S. and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
2. For existing buildings on the project site, all existing sewer laterals to the City Sewer main shall include or be modified to include a cleanout, sewer backwater valve, and a pressure relief device.

**C. FIRE DEPARTMENT:**

1. Due to limited access on Hubbard Road, the division shall be limited to one single family dwelling on proposed Parcel 2. No ADU's shall be constructed on either parcels 1 or 2. Said restriction shall be included on the Final Map, which shall be reflected in the deeds for each parcel to the satisfaction of the Community Development Director.

2. The area is in a Very High Fire Hazard Severity Zone and the construction of more than one single family dwelling will require improvements to the civil infrastructure including but not limited to road width. This condition is for safety and consistent with previous proposed parcel divisions with new residential construction on access roads that are less than CFC standards.

**D. NEVADA IRRIGATION DISTRICT**

1. The Final Map shall include easements for all Nevada Irrigation District facilities.
2. New Parcel 1 (with existing house) will be assigned existing metered water service (Acct #18771).
3. Consider establishing easement for private plumbing from meter location to existing house if said plumbing crosses new Parcel 2.
4. New Parcel 2 will have to apply for a water meter if domestic service is needed.

**ATTACHMENTS:**

**Attachment 1** – Location Map

**Attachment 2** – Aerial Photograph

**Attachment 3** – Site Photographs

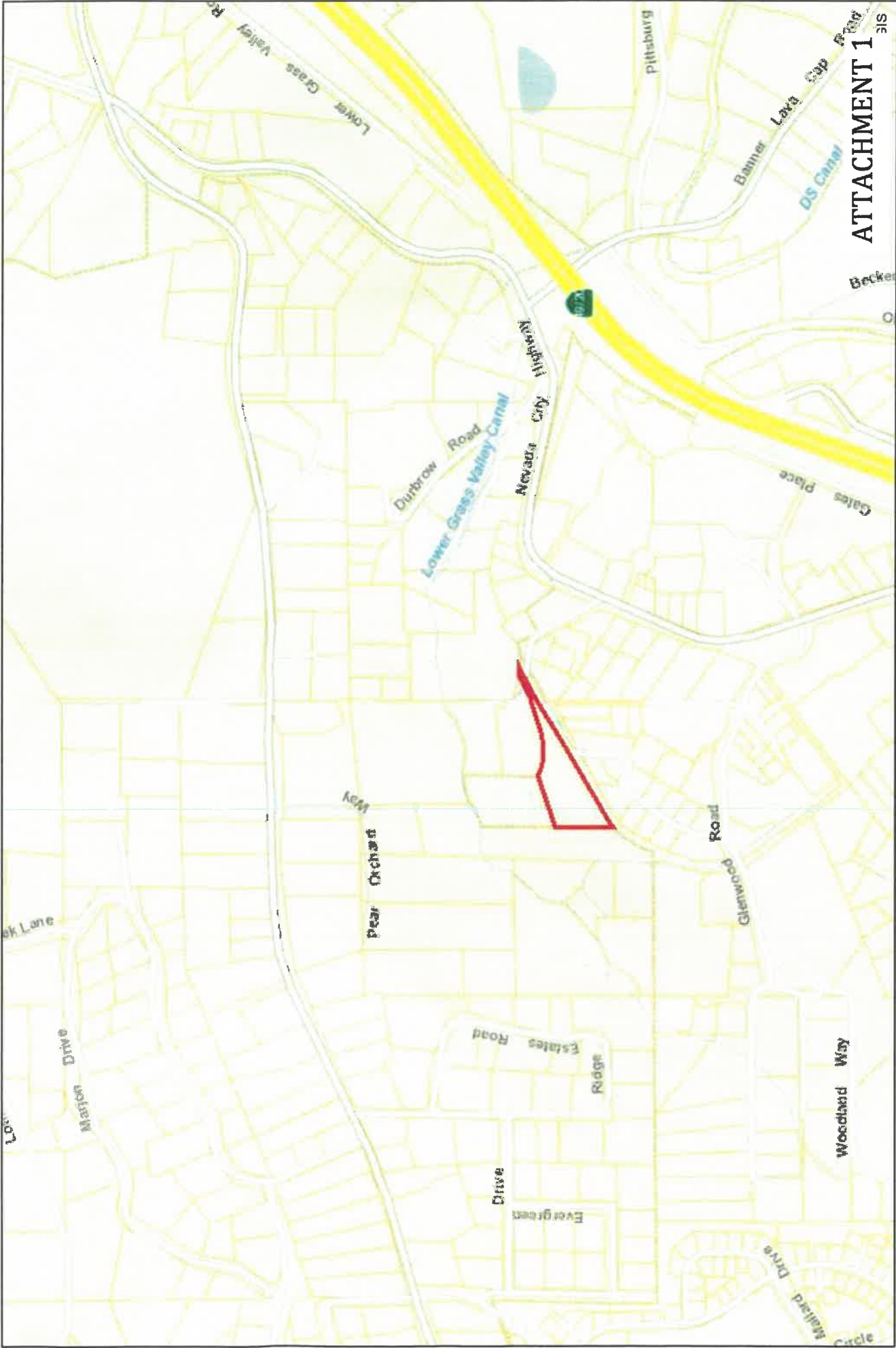
**Attachment 4** – Coats and Huntly Tentative Parcel Map



# ATTACHMENTS



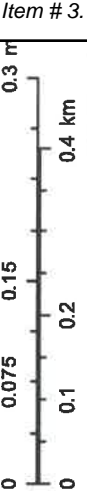
322 Hubbard Road



ATTACHMENT 1

January 24, 2022

1:9,028







ATTACHMENT 2

1:4,514



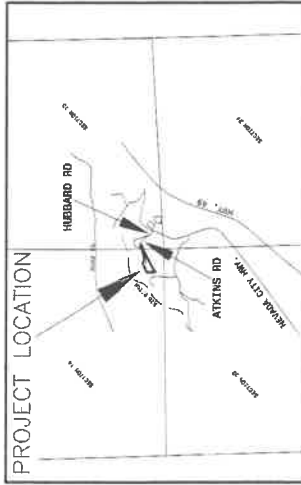
January 24, 2022

Item # 3.

Nevada County  
©2018







**LOCATION MAP**  
Scale: 1" = 2000'

**OWNERS:**  
APN# 035-200-065  
Susan Coates & Mallard Huntley  
malhuntley@pacbell.net

**MAP BY:**  
California Survey Company  
136 Idaho Maryland Rd.  
Grass Valley, CA 95945  
tel. (530) 273-6651

**APN#:**  
035-200-065



**Parcel Map  
TENTATIVE MAP**

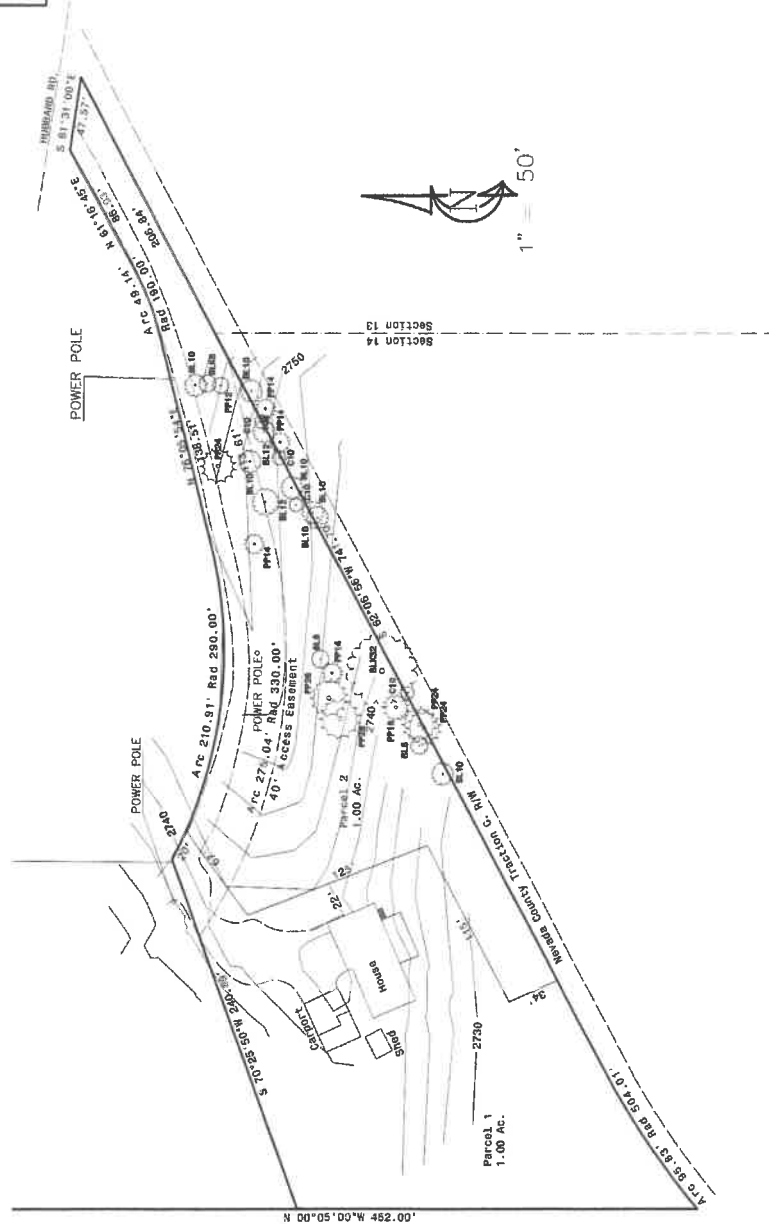
FOR

**Coates and Huntley**

Located in Section 14, T.16N, R.8E, MDB&M  
In the incorporated territory of the City of  
Grass Valley

**NEVADA COUNTY, CALIFORNIA**

June, 2021 Scale: 1" = 50'  
**CALIFORNIA SURVEY COMPANY**  
(ESN) 273-6651



**Tree Legend:**

- (species/dia.)
- BLK - Black Oak
- BLU - Blue Oak
- PP - Ponderosa Pine
- C - Cedar

**ZONING:**

RE-Grass Valley City

**NOTES:**

- Domestic water supply by NID
- Sewage disposal by City Sewer
- No slopes over 30%