



GRASS VALLEY

Planning Commission Meeting

Tuesday, September 20, 2022 at 7:00 PM

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

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

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

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

COMMISSIONERS

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

MEETING NOTICE

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

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

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

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

ACTION MINUTES APPROVAL

1. Minutes for July 19, 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. 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 and Planned Development (18PLN-36)** for the division of a ±1.36-acre lot into eleven (11) parcels in the Multiple Family Residential, Planned Development (R-3/PD) Zone. The Planned Development designation allows flexibility in the Development Code Standards with respect to lot size, lot configuration, access, etc. The property is located at 634 Town Talk Road (APN: 035-550-003). The project was approved in 2018 and has since expired thereby requiring new applications. Environmental Determination: An Addendum to the previously adopted Mitigated Negative Declaration has been prepared.
3. **Whispering Pines Specific Plan Amendments, Use and Development Review Permits (22PLN-18)** to allow public assembly concerts and associated uses in the Whispering Pines Specific Plan SP-1A Zone located at 125 Crown Point Court (APN: 009-700-063). Whispering Pines Specific Plan Amendments include: An Amendment of the Whispering Pines Specific Plan Text to create a new Subarea - SP-1A.1 Public Assembly Uses to allow Studio Uses, such as art, dance, music uses, and Theater or performing arts uses with a Use Permit; An Amendment of the Whispering Pines Specific Plan Map reflecting the SP-1A.1 Public Assembly Uses; An Amendment of the Whispering Pines Specific Plan Building Standards to allow an increase in height from 25 to 45 feet; A Use Permit is required to allow studio uses and a performing arts center for InConcert Sierra; A Development Review Permit is required for the architectural building design of the roof expansion. InConcert Sierra proposes a 520-seat 9,500 sq. ft. Concert Hall, 125-seat 2,500 sq. ft. Black Box Theater and 3,000 sq. ft. Conference Center in the 41,600 sq. ft. building. Environmental Determination: Initial Study/Mitigated Negative Declaration
4. **Use Permit (22PLN-36)** for NEO Youth Center to relocate and reopen its programs and facility to 220 Litton Drive (APN 035-540-032) in the CBP (Corporate Business Park) Zoning District. NEO has provided after school programs and other activities to youth (11-25) in Grass Valley since 2015 and were previously located on Joerschke Drive. Environmental Determination: Categorically Exempt.

NON PUBLIC HEARING ITEMS

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

OTHER BUSINESS

- 6. Review of City Council Items.**
- 7. Future Meetings, Hearings and Study Sessions**

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a Planning Commission Meeting, scheduled for Tuesday, September 20, 2022 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, September 16, 2022.

Taylor Day, Deputy City Clerk



GRASS VALLEY

Planning Commission Meeting

Tuesday, July 19, 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

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MINUTES

CALL TO ORDER

Meeting called to order at 7:02 pm.

PLEDGE OF ALLEGIANCE

Commissioner Coots led the pledge of Allegiance.

ROLL CALL

PRESENT

Commissioner Ari Brouillette

Commissioner Greg Bulanti

Commissioner Liz Coots

Vice Chairman James Arbaugh

Chairman Eric Robins

AGENDA APPROVAL

Motion made to approve the agenda by Commissioner Bulanti, Seconded by Commissioner Coots.

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

ACTION MINUTES APPROVAL

Motion made to approve the minutes by Vice Chairman Arbaugh, Seconded by Commissioner Coots.

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

1. Minutes for June 21, 2022.

PUBLIC COMMENT -

In person public comment by: Joy Garner & Evan Garner

PUBLIC HEARING ITEMS

2. **Development Review Committee Recommendation of Development Review and Use Permit (22PLN-21)** for the remodel of the existing ±6,200 sq. ft. Best Western Conference Center building and new ±6,400 sq. ft. hotel for Best Western, including site and landscaping improvements in the Office Professional (OP) Zone. The remodeled and new hotel buildings include 13 and 14 rooms respectively for a total of 27 rooms. The project is located at 1012 Sutton Way (APN: 035-400-026). Environmental Determination: Categorical Exemption.

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

In person public comment from: Barbara Rivenes & Don Rivenes

Virtual comments attached.

Discussion was had about the requirements for the energy codes, and the colors of the proposed buildings.

Motion made by Commissioner Bulanti, Seconded by Commissioner Coots.

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

3. **Use Permit (22PLN-27)** to allow Riebe's NAPA Auto Parts Store to use the old Sears Building located at 129 Idaho Maryland Road for additional product storage and machine shop operations located at 126 Idaho Maryland Road. The building, located at 129 Idaho Maryland Road was originally Riebe's Auto Parts, prior to the new store at 126 Idaho-Maryland Road in 1997 (APN: 009-210-039). Environmental Determination: Categorical Exemption.

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

Discussion was had about the type of machine work would be done, and if additional landscaping was occurring.

Motion made by Vice Chairman Arbaugh, Seconded by Commissioner Bulanti.

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

OTHER BUSINESS

4. **Review of City Council Items.**

Council will be hearing the the Development codes at the end of August on the 23rd.

5. **Future Meetings, Hearings and Study Sessions**

There may be not be a planning commission meeting next month.

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

Meeting adjourned at 8:06 pm.

Eric Robins, Chairman

Taylor Day, Deputy City Clerk

Adoption Date _____



PO Box 972, Cedar Ridge, CA 95924-0972
www.cea-nc.org / email: info@cea-nc.org

To the Planning Commission

We are submitting these comments on behalf of Community Environmental Advocates Foundation.

There is no mention of meeting California 2022 Green Building Code Solar requirements in the Development Review and Use Permit for the remodel of the existing $\pm 6,200$ sq. ft. Best Western Conference Center building and new $\pm 6,400$ sq. ft. hotel for Best Western.

The California 2022 Green Building Code Solar requirements applies to hotel buildings.

The code is:

(b) Solar Zone.

Minimum Solar Zone Area. The solar zone shall have a minimum total area as described below. The solar zone shall comply with access, pathway, smoke ventilation, and spacing requirements as specified in Title 24, Part 9 or other Parts of Title 24 or in any requirements adopted by a local jurisdiction. The solar zone total area shall be comprised of areas that have no dimension less than five feet and are no less than 80 square feet each for buildings with roof areas less than or equal to 10,000 square feet or no less than 160 square feet each for buildings with roof areas greater than 10,000 square feet.

Section 110.10(b)1B

B. Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings. The solar zone shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project, and shall have a total area no less than 15 percent of the total roof area of the building excluding any skylight area. The solar zone requirement is applicable to the entire building, including mixed occupancy.

We submit that the Best Western buildings must meet the Green Building Code Solar requirements requiring solar installation.

In addition, we ask that the Best Western buildings shall:

- Be pre-plumbed and structurally engineered for the installation of a complete solar energy system.
- Install a level 2 electric car charger at the hotel.

- Use "Energy Star" rated (or greater) roofing materials.
- Use both indoor and outdoor energy efficient lighting that meets or exceeds Title 24 requirements.
- Prior to the issuance of a Building Permit, the floor plans and/or exterior elevations submitted in conjunction with the Building Permit application shall show that the proposed project includes a complete solar water heating system.
- Include an energy efficient heating system and an air conditioning system that exceeds the SEER ratio by a minimum of two points at the time of building permit issuance.
- Only use low flow water fixtures such as low flow toilets, faucets, showers, etc.
- Only use programmable thermostat timers.
- Prior to approval of Improvement Plans, the applicant shall only show energy efficient lighting for all street, parking, and area lighting associated with the proposed project, including all on-site and off-site lighting.
- Include pedestrian-friendly paths and cross walks in all parking lots.
- Pave all parking lots with reflective coatings (albedo = 0.30 or better). This measure is considered feasible if the additional cost is less than 10% of the cost of applying a standard asphalt product.
- Maximize the amount of drought tolerant landscaping by minimizing the amount of turf in all areas where this option is feasible as well as comply with the City's Model Water Efficient Landscape Ordinance for both residential and commercial land uses.
- Ensure recycling of construction debris and waste through administration by an on-site recycling coordinator and presence of recycling/separation areas.
- Require non-smoking in the buildings.

Considering most of its business is from people driving to the location, it would be important to offset those greenhouse gas emissions by offsetting the energy use within the hotel with renewable energy.

This will help Grass Valley achieve its Energy Action Plan goal of curbing global warming by reducing electricity use by 36% by 2035 (Strategy 1.2 Target: 100% of New Construction meets Title 24 Green Building and Energy Efficiency Standards).

Thank you for your consideration.

Donald L Rivenes

Donald L. Rivenes
Community Environmental Advocates Foundation

Taylor Day

From: Eric Jorgensen <ejorgensen1942@gmail.com>
Sent: Tuesday, July 19, 2022 5:01 PM
To: Public Comments
Subject: Best Western

You don't often get email from ejorgensen1942@gmail.com. [Learn why this is important](#)

July 19, 2022

public@cityofgrassvalley.com

To the Grass Valley Planning Commission

Re: Best Western Hotel

We are submitting these comments on behalf of Nevada County Climate Action Now.

Natural gas is a fossil fuel that is going to be phased out in California in the current decade to reach 100% renewable energy goals. It is much cheaper to build all-electric buildings now rather than a quite expensive retrofit in the future. Burning gas is now a bigger source of GHG pollution than burning coal, and nearly a third of that gas is burned in homes and commercial buildings.

A hotel is a good application for this. It has no gas cooking appliances in rooms that people need to worry about. It also does not have separate electric meters for the rooms since the energy is part of the hotel expenses.

Heat pumps can replace both the furnace and the air conditioner and are highly efficient in single suite settings. A geothermal heat pump can also be considered when constructing the building. Building a new all-electric building powered by heat pumps is cheaper than building with gas because you avoid the costs of gas lines and ventilation and future conversion.

The electricity would be provided by solar panels on roof top and parking areas. Best Western can advertise room car battery charging. And excess is stored in batteries for nighttime or backup use. The storage would protect the guests from a rolling blackout or when PG&E turns off power due to a threatening fire damage while providing transportation support.

Making the hotel net zero energy will help Grass Valley achieve its Energy Action Plan goal of 100% of new construction conforming to Title 24 Green Building and Energy Efficiency Standards.

Thank you for your consideration.

Item # 1.

Eric Jorgensen

Nevada County Climate Action Now



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

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

DATA SUMMARY

Application Number: 18PLN-36
Subject: Tentative Subdivision Map & Planned Development for the division of a ± 1.36 -acre parcel into eleven (11) single family residential parcels.
Location/APN: 634 Town Talk Road/035-550-003
Applicant: Kevin Nelson, Nelson Engineering
Zoning/General Plan: Multiple Dwelling (R-3) Zone/Urban High Density Residential
Entitlements: Tentative Subdivision Map & Planned Development
Environmental: Addendum Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

That the Planning Commission approve the Town Talk Village project, as presented, or as modified by the Planning Commission, which includes the following actions:

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

BACKGROUND:

On May 17, 2005, at the recommendation of the Planning Commission, the City Council approved the Town Talk Village residential project. The project was approved for a period of three years ending on May 17, 2008. State legislation (SB 1185, AB 333, AB 208, & AB 116) extended the entitlements starting in 2008 through 2013. Based on the State Map Act extensions, the Town Talk Village expiration date was extended/expired on May 17, 2016.

The Planning Commission approved new applications on November 20, 2018, for a three-year period expiring on November 20, 2021. The applications have again expired requiring new applications.

PROJECT DESCRIPTION:

The project consists of new applications for the project approved in 2018 as outlined in the attached Staff Report dated November 20, 2018. No changes in the project have occurred since approval of the project, necessitating additional analysis and/or environmental review.

Improvement plans have been prepared with the applicant intending to complete the project as approved (**Attachment 1 – Applicant’s Extension Request dated July 19, 2022**).

See **Attachment 2** – Planning Commission Staff Report dated November 20, 2018, for discussion of Background, Project Description, Site Description and Environmental Setting, Public and Agency Comments, Environmental Determination, General Plan and Zoning, Staff Analysis of General Plan and Zoning, Tentative Subdivision Map, Access and Improvements, Grading and Retaining Walls, Tree Removal and Fencing.

ATTACHMENTS:

Attachment 1 – Applicant Correspondence dated July 19, 2022

Attachment 2 – Planning Commission Staff Report dated November 20, 2018, with the following Exhibits and Attachments:

EXHIBITS:

Exhibit A – Addendum Initial Study/Mitigated Negative Declaration with the following Attachments:

Attachments:

1. Vicinity Map
2. Aerial Photograph
3. Assessor’s Parcel Map
4. Site Photographs
5. Tentative Subdivision Map
6. Residential Elevations and Floor Plans
7. Project Correspondence

Exhibit B – Mitigation Monitoring & Reporting Program

Exhibit C – Findings and Conditions of Approval

ATTACHMENTS





July 19, 2022

Lance Lowe
Planning Department
City of Grass Valley
 125 East Main Street
 Grass Valley, CA 95945

**RE: Extension of Time of Tentative Map and Planned Unit Development (18PLN-36) for
 Towntalk Village residential subdivision, APN 035-550-003**

Dear Lance,


This letter is to formally request an extension of time for the existing Tentative Map and Planned Unit Development (18PLN-36) for the Towntalk Village residential subdivision. Currently, the map has expired as of November 20, 2021. Unfortunately, this expiration date got overlooked during the COVID pandemic as the project got put on hold during this time. We are requesting a new three-year extension of the map to allow for the permitting and construction of the road & infrastructure and to record the Final Map.

We have prepared and submitted the Improvement Plans for initial review and comments, therefore, we are now looking to move forward with this development and this extension will allow us to do so.

In addition, enclosed is a check for \$974.00 per your request for the review and processing of our request. Upon your review of our request, please feel free to contact me if you have any questions or need any further information.

Thank you for your time and consideration in this matter.

NELSON ENGINEERING


 Kevin J. Nelson, PE, PLS
 Principal

ATTACHMENT 1



**PLANNING COMMISSION
STAFF REPORT
November 20, 2018**

Agenda Item: 7.1
Prepared by: Lance E. Lowe, AICP, Principal Planner *ELW*
Reviewed by: Thomas Last, Community Development Director *JL*

DATA SUMMARY:

Application Number: 18PLN-36
Subject: Tentative Subdivision Map & Planned Development for the division of a ± 1.36 acre parcel into eleven (11) single family residential parcels.
Location/APN: 634 Town Talk Road/APN: 035-550-003 (**Attachment 1 – Location Map** and **Attachment 2 – Aerial Photograph**)
Applicant/Rep. Kevin Nelson, Nelson Engineering
Zoning/General Plan: Multiple Dwelling (R-3) Zone/Urban High Density Residential
Entitlement(s): Tentative Subdivision Map & Planned Development
Environmental Status: Addendum Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

That the Planning Commission approve the Town Talk Village project, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Adoption of an Addendum Initial Study/Mitigated Negative Declaration, prepared for the Tentative Subdivision Map and Planned Development, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit A**);
2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit B**);
3. Adoption of Findings of Fact for approval of the Tentative Subdivision Map and Planned Development as presented in the Staff Report (**Exhibit C**); and,
4. Approval of the Tentative Subdivision Map and Planned Development in accordance with the Conditions of Approval as presented in the Staff Report.

BACKGROUND:

At the recommendation of the Planning Commission, on May 17, 2005, the City Council adopted a Mitigated Negative Declaration and approved the Town Talk Village residential project. The project was approved for a period of three years ending on May 17, 2008. Since approval in 2005 and subsequent downturn in the housing market the expiration

was extended due to State legislation (SB 1185, AB 333, AB 208, & AB 116) starting in 2008 through 2013. Based upon the State Map Act extensions, the Town Talk Village expiration date was extended to May 17, 2016 and has since expired thus requiring new entitlement applications.

PROJECT DESCRIPTION:

The project consists of a Tentative Subdivision Map and Planned Development to subdivide a ± 1.36 -acre property into eleven (11) residential single-family parcels in the Multiple Family Residential, Planned Development (R-3/PD) Zone. A Planned Development is required to allow flexibility in the City's Development Standards with respect to lot size, lot configuration, access, etc. A description of the entitlements and review of the project plans dated September 20, 2018, includes the following:

Tentative Subdivision Map – The Tentative Subdivision Map is proposed to divide the ± 1.36 -acre parcel into 11 single family lots. The lots range in size from 2,372 to 8,454 square feet with an average size of 4,831 square feet. Construction of 11 two-story, detached single family residential units, with an option of 4 secondary residential units located over the garage is proposed. The proposed units range in size from $\pm 1,100$ square feet to $\pm 2,500$ square feet. The secondary residential units located over the garage are approximately ± 600 square feet, located on lots 1, 3, 7 and 8 (building design B). The buildings would be 25 feet in height. The project would include one and two car garages and two outdoor parking spaces for each unit creating a total of 41 parking spaces (26 parking spaces are required). The buildings include lap siding with composition shingles. The topography of the site requires retaining walls located along the northern and eastern side of lots 1, 2, 7, 8 & 11. The retaining walls range from two (2) to eight (8) feet in height (**Attachment 5 of Exhibit A – Tentative Subdivision Map**).

Planned Development – A Planned Development is authorized in accordance with Section 17.72.50 of the City's Development Code. A Planned Development Permit provides flexibility in the application of the Development Code Standards to allow innovation in site planning and other aspects of project design. With the Planned Development, the applicant is requesting deviation of the rear yard setback, lot width, lot coverage and access of the Development Code Standards as follows:

<i>Standard:</i>	<i>R-3 Standards:</i>	<i>Town Talk Village Project:</i>
Rear Yard Setbacks:	20% of lot depth, with a minimum of 10 ft. and a maximum requirement of 20 ft.	5 ft. minimum
Lot Width:	70 ft. for interior lots and 75 ft. for corner lots	35 ft. (Lot 9) to 100 ft. (Lot 11)
Lot Coverage:	50% lot coverage	51% (Lot 7) & 55% (Lot 8)
Access:	Minor residential street 37.3" min no parking on either side.	24 ft. wide roadway without curb gutter and sidewalk.

Residential Building Designs – The applicant is proposing four residential models within the development. The residential product includes $\pm 1,166$ (2/2), $\pm 1,746$ (3/2), $\pm 2,332$

(3/2), and $\pm 2,508$ (4/3) square footages. The architectural features include, but are not limited to:

- Front porches;
- Front doors with windows;
- Single and two car garages with windows;
- Lap siding with wood framed windows;
- 5/12 and 7/12 combination hip and gable roofs;
- Composition shingles; and,
- 600 square foot apartment option with 2,508 (Elevation B) square foot model.

See **Attachment 6 of Exhibit A – Residential Elevations/Floor Plans.**

Access – The project fronts on Town Talk Road, a County maintained roadway. The proposed access improvements include a 24-foot-wide, centrally located roadway extending from Town Talk Road and terminating at the northern end of the property. Considering Town Talk Road is in the County, all street improvements along Town Talk Road require improvements in accordance with County standards, including a roadway with 10-foot lanes and 4-foot shoulders along the property frontage. In addition, the Fire Department requires a minimum 24-foot width access to the site with a turn-a-round.

A pedestrian walkway is proposed extending from the internal roadway between lots 3 and 4 leading to the commercial properties to the west.

Grading & Retaining Walls – Development of the site requires grading of the existing contours of the property. The project includes $\pm 4,500$ cubic yards of excavation with $\pm 1,800$ yards of fill with $\pm 2,700$ yards of export. As noted, the existing slopes on the property require retaining walls located on Lots 1, 2, 7, 8 & 11. The height of retaining walls range from two (2) feet to eight (8) feet in height.

Tree Removal – The project site contains ± 47 trees consisting of 45 Pine and 2 Cedar trees. As part of the development, $26 \pm$ trees are anticipated for removal with ± 21 trees to be retained (45%).

Fencing – No fencing is proposed with the project. An existing wood fence is located between the residential use on the south side of the property.

Drainage – A preliminary drainage report has been prepared by Kevin Nelson for the project. The project includes overland release swales draining into detention facilities located at the low elevation of the site on Lots 3 & 4. The drainage facilities include a 20 foot by 70-foot drainage easement for maintenance.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The ± 1.36 -acre property is located westerly of Town Talk Road and northerly of Brunswick Road in the northern portion of Grass Valley. The site had a single-family residence and accessory buildings, which were demolished in 2005. The majority of the project site consists of previously disturbed cut and fill soils. The vegetation of the property consists

of pines and cedar trees, with some non-native landscaping around the former residence. The elevation at the northeast corner of the property is $\pm 2,695$ feet above sea level and slopes down to $\pm 2,660$ at the southwestern corner. The average slope of the property is $\pm 15\%$. The drainage from the site flows to the southwestern portion of the property (**Attachment 4 of Exhibit A – Site Photographs**).

PUBLIC AND AGENCY COMMENTS:

The following comments received during the Responsible and Trustee agency review period were incorporated into the project as Conditions of Approval (COA), where applicable.

Agency/Party	Date	Comments/Staff Response	Condition/ Mitigation
PG&E	August 8, 2018	The project is within the same vicinity of PG&E's existing distribution facilities that serve this property.	B-1
Nevada County Public Works	August 9, 2018	<p>1. Right-of-way should be clarified on the TSM.</p> <p>Staff Response: Right-of-way has been shown on the TSM.</p> <p>2. The County recommends that Town Talk should be annexed into the City.</p> <p>Staff Response: Although, the property is slated for eventual annexation into the City, the City is not considering annexation at this time.</p> <p>3. The Final Map shall show a Local Class I detail and ditch along Town Talk Road.</p> <p>Staff Response: The project has been conditioned accordingly.</p> <p>4. The final drainage analysis shall be submitted to the County prior to filing of the Final Map and issuance of an Encroachment Permit.</p> <p>Staff Response: Mitigation Measures require a final drainage analysis for the project; a copy will be provided to the County.</p> <p>5. Traffic Impact Fees shall be required prior to issuance of a building permit.</p> <p>Staff Response: Traffic Mitigation Fees will be accessed prior to issuance of building permits.</p> <p>6. A sidewalk or paved pathway is recommended along the Town Talk Road frontage.</p> <p>Staff Response: The project has been conditioned accordingly.</p> <p>7. The roadway should be completed so that paratransit and Waste Management vehicles can access the site.</p>	<p>E-8</p> <p>MM - XI</p> <p>A-10</p> <p>E-9</p>

		Staff Response: The project is in compliance with the Fire Department standards for access and can accommodate paratransit and Waste Management vehicles.	
Dan Landon, Executive Director, NCTC	Sept 26, 2018	<p>The project is compatible with the Nevada County Airport Land Use Compatibility Plan. An overflight notice is required prior to filing of the Final Map.</p> <p>Staff Response: Conditions of Approval have been imposed requiring an Overflight Notice prior to filing of the Final Map.</p>	E-10

ENVIRONMENTAL DETERMINATION:

The original project Initial Study/Mitigated Negative Declaration was circulated for a 30-day public and agency review commencing April 4, 2005. The project was also circulated via the State Clearing House (SCH#2005042007) for state agency review and comment.

In accordance with the California Environmental Quality Act (CEQA) Guidelines Sections 15152 (Initial Study) and 15164 (Addendum to a Negative Declaration), the City of Grass Valley has prepared an Addendum to the original Initial Study/Mitigated Negative Declaration. The Addendum Initial Study/Mitigated Negative Declaration is an Addendum to the adopted Mitigated Negative Declaration (SCH No. 2005042007) prepared for the Town Talk Village Tentative Subdivision Map and Planned Development approved by the City of Grass Valley City Council on May 17, 2005. For clarity, the revisions contained herein are identified as underlined text for text that has been inserted. All other text is verbatim from the Initial Study/Mitigated Negative Declaration. All recirculated comment letters and associated responses are attached herewith as **Attachment 7 – Comments on Initial Study/Mitigated Negative Declaration**.

In accordance with Section 15162 (a) of the CEQA Guidelines, when a negative declaration has been adopted for a project, no subsequent negative declaration shall be prepared for the project unless:

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

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The project is identical to the project approved in 2005 and none of the circumstances noted above have occurred with the Town Talk Village project. Therefore, the Addendum Negative Declaration is the appropriate level of environmental review.

Moreover, an addendum need not be circulated for public review but can be included in or attached to the final negative declaration prior to making the decision on the project.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Urban High Density Residential (8.01 to 20 units per acre). The density of the project is at the minimum 8 units per acre ($11/1.36=8.08$ units). Several Land Use Policies of the General Plan promote infill development. General Plan goals, policies and objectives applicable to the project include:

- | | |
|--------|---|
| 1-LUP | Maintain a General Plan that reflects the needs of the total community, including residents, business and industry. |
| 9-LUP | Provide for higher residential densities on infill sites and in the Downtown area. |
| 4-HP | Enhance the appearance of City entryways, commercial areas, and streetscapes, in part through the use of elements in the design standards that complement Grass Valley's historic heritage. |
| 28-LUP | Promote the construction of affordable housing utilizing the techniques and approaches described in this General Plan. |
| 1-CDG | Preserve and enhance the existing community. |
| 6-CDO | Improvement of the appearance of entrances to the community, Downtown, other neighborhoods and commercial districts. |

Accordingly, the residential project is consistent with the City's General Plan goals, policies and objectives.

Zoning: The property is within the Multiple Family Residential (R-3) Zone District, which permits single family, duplex and multiple family residential units. With exception of the standards outlined, the project meets the City of Grass Valley's development standards for the Multiple Family Residential Zoning District.

As part of the Planned Development, the size of the residential lots is reduced with an average of $\pm 4,831$ square feet, which likewise requires a reduction of the rear yard setbacks of 10 - 20 feet to 5 feet. Although the size of the lots and setbacks are reduced, useable outdoor common areas have been established for each of the residential units.

The required off-street parking space requirements for the proposed residential development is 26, while the plan indicates 41 off-street parking spaces.

ANALYSIS:

The project is the identical project that was recommended by the Planning Commission and approved by the City Council in 2005. To that end, the adopted Initial Study/Mitigated Negative Declaration and conditions of approval are essentially the same as adopted previously; however, minor edits have been provided to reflect new legislation and/or City standards.

In review of the project with respect to compliance with the City's General Plan and Development Code, staff offers the following comments for Planning Commission consideration:

General Plan and Zoning – The Urban High Density Residential General Plan land use designation permits densities of 8.01 to 20 units per acre. Moreover, the Housing Element of the General Plan encourages Planned Developments to provide a range of housing types and densities within a single development. As proposed, the project includes 11 single family residences with 4 secondary residents units over the garage of one of the models (Model B). Excluding second units, which are not counted in the General Plan density calculation, the Town Talk Village residential density of 11 lots on ± 1.36 acres is ± 8.08 units per gross acre, in compliance with the City's minimum General Plan Urban High Density land use designations.

The minimum density in the R-3 Zone is 2,000 square feet per residential unit. The Town Talk Village density is more than twice than the 2,000 square feet at 5,386 per unit overall.

Tentative Parcel Map – As conditioned and excepting the Planned Development design considerations with respect to rear yard setbacks, lot width, lot coverage and access, the proposed Tentative Subdivision Map is in compliance with Table 2-12, of the City's Development Code.

Access and Improvements – Nevada County has requested that the project be required to show a Class I road detail and ditch along Town Talk Road. Additionally, to provide pedestrian access along Town Talk Road, Nevada County has also requested that a sidewalk or paved pathway be constructed across the property frontage. Conditions of Approval No. E – 8 and 9 fulfill the County's request and the applicant shall be required to obtain an Encroachment Permit from the County for frontage and access improvements.

Additionally, original Conditions of Approval No. E – 11 required a pedestrian trail extending from the interior roadway through Lots 3 and 4 to the commercial property to the west.

Grading and Retaining Walls – Retaining walls are proposed on Lots 1, 2, 7, 8 & 11 and range in height from 2 feet to 8 feet in height. Conditions of Approval No. A – 7 requires the maximum exposed height of retaining walls to be 6 feet and should be stepped with a minimum separation of 5 feet between walls. Retaining walls shall be constructed of split face, slump stone, or other decorative block. Colors and materials shall be to the satisfaction of the Public Works and Community Development Director.

Tree Removal – As noted, the project is anticipated to remove 26± trees. In accordance with the City's Tree Permit requirements, the applicant shall be required to mitigate for the loss of trees with either the payment of in-lieu fees or replanting on-site.

Additionally, in accordance with Condition of Approval No. B – 14, the applicant shall submit two typical landscape plans. The landscape plans shall include a minimum of 1 decorative tree in the front yard.

Fencing – Good neighbor fencing shall be required around the perimeter of the property in accordance with Condition of Approval No. A – 5. Good neighbor fencing shall be constructed of cedar or redwood and shall not exceed 3 feet in height in the front yard and not more than 6 feet in the side and rear yards.

Exhibits:

Exhibit A – Addendum Initial Study/Mitigated Negative Declaration with the following Attachments:

Attachments:

1. Vicinity Map
2. Aerial Photograph
3. Assessor's Parcel Map
4. Site Photographs
5. Tentative Subdivision Map
6. Residential Elevations and Floor Plans
7. Project Correspondence

Exhibit B – Mitigation Monitoring & Reporting Program

Exhibit C – Findings and Conditions of Approval

EXHIBITS





**CITY OF GRASS VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT**

Addendum Initial Study & Proposed Mitigated Negative Declaration –

**634 Town Talk Road
Town Talk Village Tentative Subdivision Map and Planned Development
(18PLN-36)**

(SCH#2005042007)

October 5, 2018

ADDENDUM INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Town Talk Village Tentative Subdivision Map & Planned Development -

In accordance with the California Environmental Quality Act (CEQA) Guidelines Sections 15152 (Initial Study) and 15164 (Addendum to a Negative Declaration), the City of Grass Valley has prepared this Addendum Initial Study to assess the potential environmental impacts of the proposed 634 Town Talk Road Tentative Subdivision Map and Planned Development.

This Addendum Initial Study constitutes a revised environmental analysis updating the format of the original Initial Study as well as updating various sections of the Initial Study/Mitigated Negative Declaration in accordance with CEQA. This Addendum Initial Study/Mitigated Negative Declaration is an Addendum to the adopted Initial Study/Mitigated Negative Declaration (SCH No. 2005042007) prepared for the Town Talk Village Tentative Subdivision Map and Planned Development approved by the City of Grass Valley City Council on May 17, 2005.

For clarity, the revisions contained herein are identified as underlined text for text that has been inserted. All other text is verbatim from the Initial Study/Mitigated Negative Declaration adopted in 2005 by the City Council. All comment letters attached herewith as **Attachment 7 – Comments on Initial Study/Negative Declaration**.

In accordance with the CEQA Guidelines Section 15164 an addendum **may** and **shall** be prepared under the following circumstances:

Section 15164 (b) an addendum to an adopted negative declaration **may** be prepared if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred.

In accordance with Section 15162 (a), when a negative declaration has been adopted for a project, no subsequent negative declaration **shall** be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following have occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur, or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent environment document. Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration and addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent negative declaration has been adopted.

(d) The subsequent negative declaration shall be given the same notice and public review as required under Section 15087 of Section 15072. A subsequent negative declaration shall state where the previous document is available and can be reviewed.

Section 15164 (c) An addendum need not be circulated for public review but can be included in or attached to the final negative declaration prior to making the decision on the project.

Section 15164 (d) the decision-making body shall consider the addendum with the adopted negative declaration prior to a decision on the project.

Public and Agency Review:

The original Initial Study/Mitigated Negative Declaration was circulated for a **30-day** public and agency review commencing **April 4, 2005**. The project was also circulated through the State Clearing House (SCH#2005042007) for state agency review and comment. Copies of the original Initial Study/Mitigated Negative Declaration and cited references may be obtained at the City of Grass Valley Community Development Department at the address noted below. Written comments on this Addendum Initial Study/Mitigated Negative Declaration may also be addressed as noted below.

**Project title: Town Talk Village Tentative Subdivision Map & Planned Development
(18PLN-36)**

Lead agency name and address:

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

Contact person, phone number, and e-mail:

Lance E. Lowe, AICP, Principal Planner
125 E. Main Street
Grass Valley, CA 95945
530-274-4712
lancel@cityofgrassvalley.com

Project Location and Site Description:

The subject property is located westerly of Town Talk Road and easterly of Old Tunnel Road, at 634 Town Talk Road in the City of Grass Valley in Nevada County (APN: 035-550-003). The project site is in Section 24, Township 16N, Range 8E on City of Grass Valley 7.5-minute USA quadrangle (*Attachment 1 – Vicinity Map*, *Attachment 2 – Aerial Photograph* and *Attachment 3 – Assessor's Parcel Map*). Approximate coordinates of the center of the site are 39° 23' 40" north and -121° 02' 17" west.

The ±1.36-acre parcel is located in gently sloping terrain (5%-20%) with trees and vegetation throughout. Trees consist of pines and cedar trees with some non-native landscaping. The lot slopes southwesterly downhill from Town Talk Road. The elevation at the northwest corner of the property is 2,695 feet above sea level and slopes down to 2,660 at the southwestern corner. The average slope of the property is 15%. The drainage from the site flows to the southwestern portion of the property.

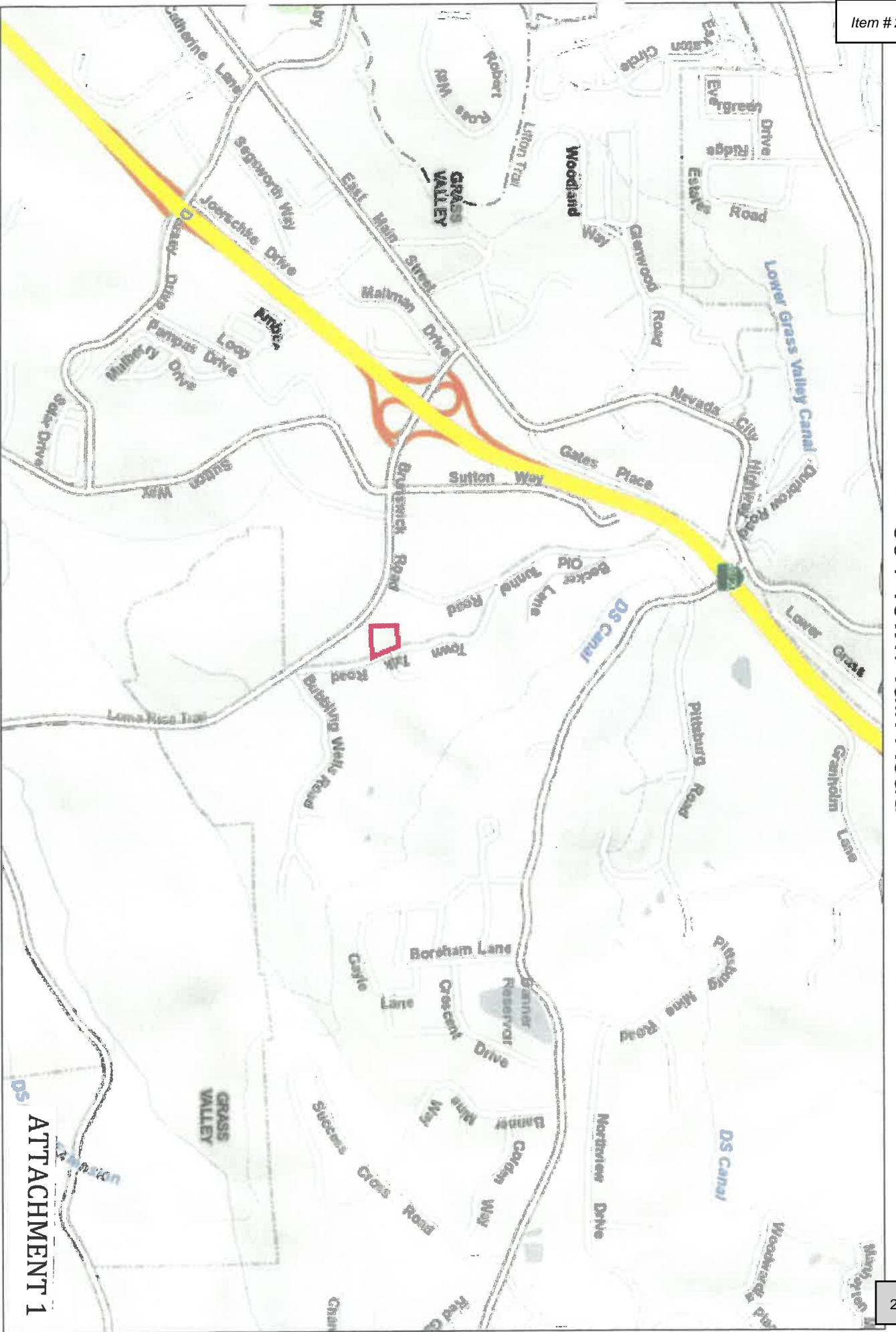
Surrounding Land Uses:

The site adjoins low density residential to the north, south and east. Adjoining the property to the south is commercial retail development (*Attachment 4 – Site Photographs*).

Project Objective:

The proposed project would provide housing development in an area slated for housing in accordance with the City's Adopted Housing Element. The residential project type will accommodate housing for moderate and above moderate residents, with the opportunity of serve low income residents with living units over garages. The identical project was approved in 2005, which has since expired in 2018. The applicant requests re-approval of the entitlements approved in 2005 for the identical residential project in accordance with the City's General Plan and Zoning.

634 Town Talk Road



August 30, 2018

ATTACHMENT 1

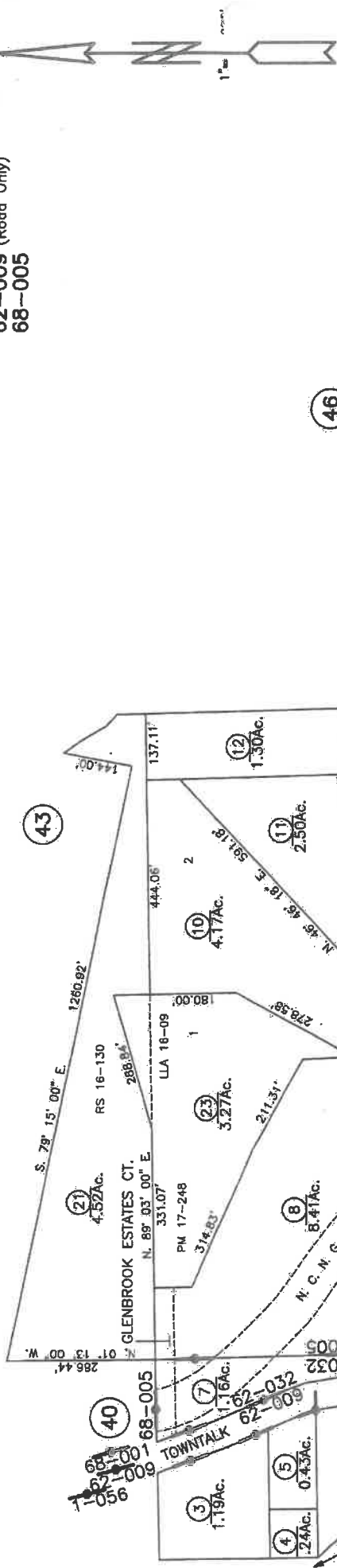
August 30, 2018

©2018

PTN. S. 1/2 SEC. 24, T. 16 N., R. 8 E., M.D.B. & M.

Tax Area Code
1-056
62-032
62-009 (Road Only)
68-005

35-55
(Fmly. Ptn. 9-81)
(Fmly. Ptn. 9-48)
(Fmly. Ptn. 35-41)



E. 1/4 Cor.
Sec. 24

Bk. 37
45

Assessor's Map Bk. 35-Pg. 55
County of Nevada, Calif.
2001

ASSESSOR'S PARCEL MAP
This map was prepared for assessment
purpose only. No liability is assumed for
the accuracy of and errors in the
preparation of this map. Assessor's
lot-split or building area ordinances.

ATTACHMENT B
Item # 2.



3

4



5

6



Project sponsor's name and address:

Nelson Engineering
18881 Wildflower Drive
Penn Valley, CA 5946
Attn: Kevin Nelson
(530) 432-4818

PROJECT DESCRIPTION

The project is the identical project approved in 2005 consisting of the identical Tentative Subdivision Map and single family residential designs. The project includes a Tentative Subdivision Map and Planned Development (18PLN-36) in the Multiple Family Residential (R-3) Zone. The applicant proposes the division of an approximate ± 1.36 -acre parcel into 11 single family lots for the construction of single family dwellings. The 11 lots are clustered on the property and range in size from $\pm 2,372$ (Lot 9) to $\pm 8,454$ square feet (Lot 11). Single family residential units range in size from $\pm 1,100$ to $\pm 2,500$ square feet. The design of single family dwellings allows the option for secondary residential units located over the garage. Each residential unit would have a one or two car garage and two outdoor parking spaces creating a total of 41 parking spaces (22 parking spaces required).

The proposed improvements would include a 24-foot wide, roadway extending from Town Talk Road to the northeastern corner of the property. The project would include a storm drain along the southwestern corner of the property. A six-foot-high wood fence is located along the north, south, and west portion of the property.

Development of the site requires grading of the existing contours of the property. The project is projected to include $\pm 4,500$ cubic yards of excavation with $\pm 1,800$ yards of fill with $\pm 2,700$ yards of export. The existing slopes on the property require retaining walls located throughout the property. The elevation of retaining walls range from two feet to eight feet in height.

Development of the site includes $\pm 31,121$ square feet of impervious surface (buildings at $\pm 17,166$ square feet and roadways/pavement at $\pm 13,955$ square feet) and $\pm 28,176$ square feet of pervious surface (landscaping and natural areas). The total number of pine and cedar trees on the property is 47. The project requires the removal of 24 pine and 2 cedar trees.

The project is accessed by Town Talk Road, a Nevada County maintained roadway consisting of a two-lane county street without curb, gutter and sidewalk on either side of the roadway. Internal circulation to the residential development will include a ± 25 -foot road section without curb, gutter and sidewalk. The roadway provides access to nine residential units, while two residential units have access from paving along the entire length of the project site is also proposed along Town Talk Road. The property is accessed by Town Talk Road, which fronts the property to the east. Town Talk Road is a Nevada County maintained roadway within a 60-foot right-of-way.

At the southwest corner of the property, a 20 foot by 70-foot drainage easement is being reserved for storm water detention facilities and maintenance. The detention facilities have been designed to store excess storm water created with the additional impervious surfaces created with development of the property. The detention basin will be maintained by a private Homeowner's Association or other similar private entity (Attachment 5 – Town Talk Village Tentative Subdivision Map).

Utilities – Water Supply: The subject property will be connected to Nevada Irrigation District water lines that will be extended to serve the site. The nearest water lines are located along Town Talk Road consisting of an 8 inch and 10-inch water lines. The project would require construction of a 4-inch water lines to serve the new residential buildings.

Sanitary Sewer: The nearest sanitary sewer connection is located along Old Tunnel Road, which will be extended to serve the Town Talk Road Project. Extension of existing sewer lines on the west side of the property is required. Within the project, a 6-inch sanitary sewer line is proposed to serve the development.

Dry Utilities: Dry utilities (i.e., natural gas, electrical supply, telephone, cable) are located along Town Talk and Brunswick Roads. The proposed project will be connected to existing utilities from the site that extend from Picadilly Lane.

General Plan Land Use Designation

The ±1.36-acre project area has a land use designation of Urban High Density (UHD) according to the City of Grass Valley 2020 General Plan. Urban High Density requires between 8.01 and 20 residential units per gross acre.

UHD is intended to accommodate town house or row house styled, higher density apartments and condominiums (multiple family structural types) without distinction as to owner – or renter-occupancy. At ±1.36 acres the UHD designation requires between ±10.88 and 27.2 units. At 11 units, the project meets the minimum density in the UHD designation.

Zoning Designation

The property is within the Multiple Family Residential (R-3) Zone district. The R-3 Zone is applied to areas of the City that are appropriate for a variety of higher density housing types, located in proximity to parks, schools, and public services. The R-3 Zone is consistent with and implements the Urban High-Density designation.

Permitted uses in the R-3 include single family dwellings, second units and accessory buildings (i.e. garages, storage sheds). The R-3 Zone is applied to areas of the City that are appropriate for a mixture of both single and two-family dwellings.

A Planned Development is required to allow flexibility in the Development Code Standards with respect to lot size, lot configuration, access, etc.

Offsite Improvements

No offsite improvements are proposed or anticipated as part of the proposed project.

Regulatory Setting and Required Agency Approvals

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

City of Grass Valley Department of Public Works – Improvement Plan, Grading Plan and Tree Permit approvals;

City of Grass Valley Community Development Department – Site Plan and Building Plan Approvals and Conditions of Approval/Mitigation Measure compliance verification;

City of Grass Valley Building Department – Building, Plumbing, Mechanical, and Electrical Permits;

City of Grass Valley Fire Department – Site Plan and Building Plan Approvals;

When disturbing more than 1 acre, a Storm Water Pollution Prevention Plan (SWPPP) shall be approved by the Regional Water Quality Control Board in accordance with the Clean Water Act;

When disturbing more than 1 acre, a Dust Mitigation Plan shall be approved by the Northern Sierra Air Quality Management District;

Timber Harvest Permit or Exemption (for less than 3-acre conversion) from the California Department of Forestry and Fire Protection;

Encroachment Permit issued by Nevada County Public Works Department.

Evaluation of Environmental Impacts:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gases | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning Housing | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> None |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

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

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

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

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

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

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


Lance E. Lowe, AICP, Principal Planner

10/05/18
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:**I. AESTHETICS –**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	---------------------------------------	-----------

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

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

Analysis of visual impacts is largely subjective by nature because the judgement of the qualities that create an aesthetically pleasing setting will vary from person to person. For the purposes of this analysis, the site and its vicinity have been visited by City staff in order to consider the existing visual character of the site and surrounding area, and to determine the proposed project's visual relationship with this setting.

Currently lighting affecting the area is mostly related to development (i.e. shopping centers, streetlights, and residences). Although most of the project area is developed, the project site is on the periphery of the development resulting in limited nighttime lighting. Lights associated with the existing homes and businesses in the project area and adjacent residential and commercial development contribute to nighttime lighting.

The California Department of Transportation (Caltrans) administers the California Scenic Highway Program. The goal of the program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to the highways. State Route 174 is not

officially designated as a state scenic highway, including the portion of Brunswick Road/SR 174 adjacent to the project area.

IMPACTS

- a)-c) The development of eleven single family residences located behind commercial structures along Brunswick Road, which limits the visual impact of those structures. The project reflects infill development and would not be visible from any designated scenic highways or vistas. The project is not anticipated to have a significant adverse impact on aesthetics if it is fully built out as planned.

The project as proposed would be consistent with the Grass Valley Community Design Guidelines and the community design element of the General Plan. The project would not have a significant impact associated with aesthetics. No mitigation measures would be required for the aesthetic section.

II. AGRICULTURE RESOURCES & FOREST RESOURCES-

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

SETTING

The proposed project is situated in an area that has been designated and zoned for high density residential use by the City of Grass Valley 2020 General Plan and Development Code respectively. The project site and adjoining property have been slated for residential development in accordance with the Multiple Family Residential (R-3) Zone. No current agricultural operations or forestry lands exist on the immediate project site. Although, the property contains trees, the project site does not fall under the definition of forest lands as defined by Public Resources Code Section 12220(g). Forest lands are however, located surrounding the project site to the south in unincorporated Nevada County.

IMPACTS

- a)&b) No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is found within the proposed project area. The proposed project site has been zoned for residential uses, and is surrounded by urban uses. Considering no farmland exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use, including any farmlands under Williamson Act Contract.
- c)-e) As noted in the project setting above, the project will not conflict with existing zoning or cause the rezoning of forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code Section 4526), or timberland zoned timberland Production (as defined by Government Code Section 51104(g)).

Although, the project is slated to remove 210 trees from the site, the project will not result in the loss of forest land or conversion of forest land to non-forest uses as defined. Standard conditions of approval require the applicant to obtain a Timber Harvest Permit from the California Department of Forestry and Fire Protection and Tree Permit from the City of Grass Valley prior to tree removal. These potential impacts are therefore considered less than significant.

III. AIR QUALITY –

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- | | Potentially
Significant
Impact | Less Than
Significant
With
Mitigation
Incorporation | Less Than
Significant
Impact | No Impact |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

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

Western Nevada County is a non-attainment area for the federal 8-hour ozone standard and the entire county is non-attainment for the state one-hour ozone standard.

The project will require excavation and grading work to accommodate the new uses. Dust generated by grading and construction activities could have a potential to create short-term air quality impacts.

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

IMPACTS

- a) The project could have a potential to create or result in short-term air quality impacts associated with grading and development activities. The project would generate a small increase in traffic which would not result in significant increased vehicle emissions. Also grading and construction activities would generate dust and particles. The project is located within the Northern Sierra Air Quality Management District (NSAQMD). The NSAQMD has standard regulations that have been incorporated as mitigation measures for this project that address both long and short-term emissions to a level below significant for air quality impacts.

The NSAQMD would require review of a detailed air quality analysis for potential emissions from the project to determine cumulative air quality impacts. The district would review the project for the potential of exceeding emission thresholds. The District has developed a tiered approach to Emission Thresholds of Significance. Those tiers are divided into three areas. If the project exceeds 136 pounds per day of Nox, ROG and PM₁₀, then the project would be equal to or greater than the third tier, and have a significant impact on the air quality, and would require appropriate mitigation measures. The size of the property and grading required for this project makes it unlikely to exceed the third tier, however, a mitigation measure has been added to reduce dust impacts during grading and construction.

For long term air quality impacts associated with the project, a condition would be added that no wood burning fireplaces shall be allowed. LPG-fired fireplaces would be allowed, as well as EPA Phase II certified wood burning appliances.

In review of the project, the California Emission Estimator Model (CalEEMod) Version 2016.3.2, emissions modeling program was used to estimate air pollutant emissions associated with the proposed residential development project. According to CalEEMod modeling results for this project, construction-phase emissions from the proposed Town Talk Road project, including development of entirety of the site are not anticipated to exceed the District's Level B significance thresholds as follows:

<i><u>Project Construction and Operational Emissions Estimates</u></i>				
	<u>ROG (lbs/day)</u>	<u>NOx (lbs/day)</u>	<u>PM₁₀ (lbs/day)</u>	<u>CO (lbs/day)</u>
<i>Project Construction Impacts</i>	<u>69.0769</u>	<u>19.5127</u>	<u>6.3946</u>	<u>13.6818</u>
<i>Project Operational Impacts</i>	<u>1.0170</u>	<u>2.1176</u>	<u>0.7018</u>	<u>4.5810</u>
<i><u>Level A Thresholds</u></i>				
<i>NSAQMD- Significance Thresholds</i>	<u>ROG (lbs/day)</u>	<u>NOx (lbs/day)</u>	<u>PM₁₀ (lbs/day)</u>	<u>N/A</u>
	<u><24 lbs/day</u>	<u><24lbs/day</u>	<u><79lbs/day</u>	
<i><u>Level B Thresholds</u></i>				
<i>Maximum Project Emissions</i>	<u>ROG (lbs/day)</u>	<u>NOx (lbs/day)</u>	<u>PM₁₀ (lbs/day)</u>	<u>N/A</u>
	<u>24-136 lbs/day</u>	<u>24/136 lbs/day</u>	<u>79-136 lbs/day</u>	
<i><u>Level C Thresholds</u></i>				
<i>Maximum Project Emissions</i>	<u>ROG (lbs/day)</u>	<u>NOx (lbs/day)</u>	<u>PM₁₀ (lbs/day)</u>	<u>N/A</u>
	<u>>136 lbs/day</u>	<u>>136 lbs/day</u>	<u>>136 lbs/day</u>	

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

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

Since operational emissions would be in accordance with accepted thresholds and construction-related emissions would be short-term, it is expected that implementation of NSAQMD's standard conditions of approval during project construction and operation would ensure that impacts associated with conflicts with adopted plans would remain less than significant.

- b) As discussed above, CalEEMod was used to estimate emissions associated with the proposed project. Results of modeling indicate that the project-generated construction phase emissions would not exceed NSAQMD Level B thresholds of significance.

With implementation of NSAQMD's recommended mitigation measures, the proposed project's emissions are not anticipated to violate air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, impacts are anticipated to remain less than significant with implementation of standard NSAQMD's conditions of approval for Level B projects.

Mitigation Measure: Prior to issuance of a grading permit, a Dust Mitigation Plan shall be submitted for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:

- The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
- All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
- All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas will remain inactive for 96 hours) in accordance with the local grading ordinance.
- All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
- Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
- No burning of waste material or vegetation shall take place on site.

- c) The proposed project's operational emissions would be typical of those produced by high density residential development. As shown, operational emissions would consist of PM₁₀, CO, and ozone precursors (ROG and NOx). These pollutants would be generated by gas-fired water heaters and heating appliances, as well as from engine emissions associated with vehicle trips to/from the project as well as gasoline-powered landscape maintenance equipment. Based upon the CalEEMod analysis, on file with the Community Development Department, operational emissions are not anticipated to exceed Level A thresholds. These potential impacts are considered less than significant.
- d) Emissions associated with the proposed project would be greatest during construction activities, specifically when diesel-powered construction vehicles are used for earth-moving operations. The nearest sensitive receptor (i.e. residential use) is located approximately ±75 feet from the proposed Lot 1, where grading will occur. Although in close proximity to sensitive receptors, the emissions associated with the project would be short-term and are not anticipated to result in a substantial elevation of pollutant concentrations in the area. Impacts associated with substantially elevated pollutant concentrations would be less than significant with respect to sensitive receptors in the vicinity of the proposed project.
- e) The proposed project, being a residential development, is not anticipated to produce any objectionable odors in its finished condition that would affect a substantial number of people. Construction activities associated with the proposed development, such as paving and painting, are likely to temporarily generate objectionable odors. However, since odor-generating construction activities would be temporary, and are only likely to be detected by a small number of residents nearest the project site, impacts from temporary project-related odors would be less than significant.

With the above standard air quality mitigation measures, the short-term construction emissions impacts would be considered less than significant. Moreover, based upon preliminary CalEEMod modeling, the project's long-term impacts are likewise considered less than significant.

IV. BIOLOGICAL RESOURCES –

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

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The project is located on 1.36 acres. The primary biological community on the property consists of Ponderosa Pine and Incense Cedar forest. The site has previously been developed with a single-family dwelling, outbuildings, non-native landscaping and limited livestock (horses) that has impacted the native understory vegetation on the property. The Biological Inventory did not identify the soil types required for identified special status plants in the area, as listed in the California Natural Diversity Data Base. In addition, disturbed soils associated with the residential activities on the property limits the potential for environmentally sensitive plant and animals existing on the property.

The total number of pine and cedar trees on the property is 47. The project requires the removal of 26 trees consisting of 24 pine trees and 2 cedar trees (52% of trees on site removed). An Arborist Report was prepared for the project by Noah Lwolek. The arborist evaluated the health of those remaining 26 trees, as well as, identified specific recommendations for those remaining trees.

IMPACTS

- a)-d) The City of Grass Valley General Plan recognizes the importance of preserving significant natural resources, including flora and fauna. The proposed project is anticipated to result in the removal of one acre of vegetation. These impacts are not considered significant and would be lessened with the implementation of City of Grass Valley's standard conditions of approval, which includes the Arborists recommended criteria for the protection of those identified trees to be preserved. With standard conditions of approval, no significant impacts are expected on biological resources at the project site.
- e) Prior to removing trees from the site, the applicant shall be required to obtain a Tree Harvest Permit and Tree Permit in accordance with Chapter 12.36 of the City Municipal Code. The Tree Permit shall be approved by the City of Grass Valley Public Works Department prior to or concurrently with approval of improvement plans for the project. No tree removal or grading shall occur until such time a tree permit has been approved. Mitigation in the form of the payment of fees or replanting shall be required in accordance with Chapter 12.36 prior to the approval of the Final Map. As a result of the City's tree permitting and tree protection requirements, this impact is considered less than significant.
- f) The property is slated for urban development according to the City of Grass Valley General Plan and Development Code. The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact will occur.

V. CULTURAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

Native Americans are known to have been numerous in the Sierra Foothills, but with the very sudden, extreme impacts of the Gold Rush, very little evidence of their occupation of the area remains within Grass Valley, itself. Several Native American sites have been located in surrounding rural areas which were less disturbed by mining activities. The entirety of the project

site remains undisturbed so the possibility that deeply buried sites may still remain in some areas is potentially feasible.

The site is on the fringe of the City of Grass Valley City limits with commercial and residential on the north, west and east sides of the project. On-site, a demolition permit was issued to demolish a single-family dwelling and garage.

IMPACTS

- a)-d) The site previously contained a single-family dwelling and outbuildings as well as limited livestock (horses). These uses have previously disturbed the site. The General Plan identifies the cultural sensitivity of the property as low. The grading and past development has disturbed the property reducing the potential for cultural resources on the property. The CEQA Guidelines does require, as part of the objectives, criteria and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions if historical or unique archaeological resources accidentally discovered during construction. A condition of approval is required to address if cultural resources are identified on the property consistent with the cultural and historic element of the General Plan.

VI. GEOLOGY AND SOILS –

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

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- ii) Strong seismic ground shaking?

- iii) Seismic-related ground failure, including liquefaction?

- iv) Landslides?

- b) Result in substantial soil erosion or the loss of topsoil?

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral

spreading, subsidence, liquefaction or collapse?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on expansive soil, as defined in the Building Code, creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

The Nevada County Soil Survey identifies the soil on the property as "Sites very stony loam" 15% to 50%. The erosion hazard with this site is moderate to high depending on slope, and run off is medium to rapid. There are no identified active fault lines on the property. The City of Grass Valley is located in the low intensity zone for earthquake severity. The 1992 Geologic Map of the Chico Quadrangle prepared by the California Department of Mine and Geology identified the site bedrock geology consisting of Cretaceous Period Metavolcanic Rock. The rock types include quartzite, diorite, tonalite, quartz monzonite, and trondhemite (Gularte and Associates).

A Geotechnical Report was prepared by Gularte and Associates on January 4, 2005. The report concluded that the site is suitable for the proposed improvements, with the recommendations and design criteria in the report and incorporated into the project plans. The development of the site would require adequate geotechnical recommendations as part of the building and grading permits to insure the development would not result in exposing people or property to geologic hazards such as ground failure, or similar hazards. The Geotechnical Engineer shall review the site during grading and excavation to ensure those engineering recommendations were incorporated into consideration.

The lot slopes southwesterly downhill from Town Talk Road. The elevation at the northeast corner of the property is 2,695 feet above sea level and slopes down to 2,660 at the southwestern corner. The average slope of the property is 15%. The development of the project requires grading the existing contours of the property. The grading for the project is estimated at 2,700 cubic yards of cut and export.

IMPACTS

- a)-e) The project as proposed may have short-term and long term geologic impacts. The short-term impact would include erosion associated with grading and development of the project. Adequate measures should be incorporated into the grading plan to minimize this short-term risk. The long-term impacts would include potential impact to the structures from settling due to inappropriate compaction or soils. Standard conditions required by the City Engineer for the grading plans would include development standards that eliminates or reduces geologic impacts. Recommendations in the geotechnical report, as well as further review of the on-site grading by the Geotechnical Engineer for implementation of those recommendations for the project, would address these issues to a less than significant impact.

Mitigation Measure: Prior to issuance of a grading permit, a detailed engineering plan shall be prepared that incorporates the Geotechnical Report recommendations and design criteria for the project. Geotechnical measures shall be incorporated into project grading and construction. A Geotechnical Engineer shall review the grading for implementation of those recommendations and design criteria.

VII. GREENHOUSE GASES –

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SETTING

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

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

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

The United States Environmental Protection Agency (EPA) identifies the following four primary constituents that represent the greenhouse gas emissions of most importance:

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City of Grass Valley
October 5, 2018

- Carbon Dioxide (CO₂): CO₂ is primarily generated by the burning of fossil fuels. Other sources including burning of solid waste and wood products.
- Methane (CH₄): CH₄ is emitted from incomplete combustion of forest fires, landfills, livestock and animal land uses, and leaks in natural gas lines.
- Nitrous Oxide (N₂O): N₂O is produced by agricultural and industrial activities.
- Fluorinated Gases (HFCs and PFCs): These gases are emitted from industrial activities and refrigerants uses in both stationary refrigeration and mobile air conditioning.

The US EPA estimates nearly 85% of the nation's GHG emissions are comprised of carbon dioxide. For most non-industrial developed projects, motor vehicles make up the bulk of GHG emissions. According to the California Air Resources Board, the primary GHG emitted by vehicles are CO₂, CH₄, H₂O, and HCFs.

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

Locally, the NSAOMD has not adopted thresholds of significance for GHG emissions. Additionally, CARB has not yet adopted any tools to measure the impact of a project on global warming. Due to the nature of global climate change, it is not anticipated that a single project would have a substantial impact on global climate change. Although it is possible to estimate a project's CO₂ emission, it is not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

IMPACTS

- a)&b) Calculating the Greenhouse Impacts on an individual project is difficult to qualify or quantify. The GHG emissions from the proposed project would not individually generate GHG emissions sufficient to measurably influence global climate change. However, ongoing occupancy and operation would result in a net increase of CO₂ and other greenhouse gas emissions due to increases in vehicle miles traveled, energy use, and solid waste disposal. To estimate the air quality impacts associated with the project, the CalEEMod 2016.3.2 program was used, and the following air quality impacts are anticipated with the proposed project.

Project Construction and Operational Emissions Estimates

	ROG (lbs/day)	NO _x (lbs/day)	PM ₁₀ (lbs/day)	CO (lbs/day)
Project Construction Impacts	69.0769	19.5127	6.3946	13.6818
Project Operational Impacts	1.0170	2.1176	0.7018	4.5810
Level A Thresholds				

<u>NSA/QMD- Significance Thresholds</u>	<u><24 lbs/day</u>	<u><24lbs/day</u>	<u><79lbs/day</u>	<u>N/A</u>
<u>Level B Thresholds</u>				
<u>Maximum Project Emissions</u>	<u>24-136 lbs/day</u>	<u>24/136 lbs/day</u>	<u>79-136 lbs/day</u>	<u>N/A</u>
<u>Level C Thresholds</u>				
<u>Maximum Project Emissions</u>	<u>>136 lbs/day</u>	<u>>136 lbs/day</u>	<u>>136 lbs/day</u>	<u>N/A</u>

As noted in the Air Quality Section of this Initial Study, the above impacts are within the acceptable level of impact. In addition, the following project components and California Green Building Code and CA State water efficiency in landscaping requirements apply to the proposed residential project including, but not limited to:

- Low-flow toilets, showers, and faucets;
- Energy efficient lighting;
- Energy efficient appliances; and,
- Water efficient landscaping

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

VIII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

The Grass Valley City Fire Department responds to all calls for emergency services within City limits that include, but are not limited to: fires, emergency medical incidents, hazardous materials incidents, public assists, traffic and vehicle accidents and other situations. The City's closest fire station is located on Sierra College Drive, which is staffed 24 hours a day. This station is located just over 2 miles from the project site.

In the Grass Valley area, industrial and commercial facilities that use, store, or dispose of hazardous materials present the greatest potential hazards. A search of available environmental records conducted indicates that the project site is not listed as a hazardous materials site and no listed sites occur within an ASTM standard distance radius.

Hazardous materials in the vicinity of the project site would typically include products commonly used for cleaning and those commonly used for commercial uses.

IMPACTS

- a)-d) The development of the residential units on the site is not expected to result in a risk of accidental explosion or release of hazardous substances as long as proper construction methods are in use. Construction methods will be monitored by the Building Department during construction.

Throughout Grass Valley there is a potential for naturally occurring serpentine, ultramafic rock or naturally occurring asbestos. However, as identified in the Geotechnical report prepared for the project, the site included bedrock geology consisting of Cretaceous Period Metavolcanics Rock. The rock types include quartzite, diorite, tonalite, quartz monzonite, and trondhjemite, and not serpentine or ultramafic rock.

No significant impact from hazards are anticipated with this project. No mitigation measures would be required for the hazard section.

- e)&f) The subject project site is located approximately 1.2 miles (as the crow flies) from the Nevada County Airport. As required by the Public Utilities Code, the Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan in 2011. The compatibility plan's function is to promote compatibility between the airport and surrounding land uses with respect to: height (e.g. height of structures), safety (e.g. number of persons per acre), and noise (e.g. noise sensitive land uses).

The project is located within the Compatibility Zone D* Urban Overlay Zone of Nevada County Airport Land Use Compatibility Plan. Within Compatibility Zone D*, only residential uses having an average density of 21 or more residential dwelling units per acre are required to be reviewed by the Airport Land Use Commission.

The project is therefore not anticipated to expose people or structures to a significant risk of loss, injury or death stemming from the Nevada County Airport. Correspondence received from the Nevada County Transportation Commission confirms that there are no compatibility issues.

IX. HYDROLOGY AND WATER QUALITY –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The FIRM map produced by the Federal Emergency Management Agency did not identify the project site as being located in the 100-year floodplain. Approximately 52% of the 59,297 square foot project site would be covered with impervious surfaces (The development of the project identified 31,121 square feet of impervious surface (buildings at 17,166 square feet and roadways/pavement/sidewalks at 13,955 square feet). With the additional impervious surfaces, the project may result in increased concentration storm water runoff. The project would include new storm water drainage improvements as part of the project. The project includes an onsite detention facility located at the southwest corner of the property, to maintain off-site flows consistent with what has historically taken place on the property.

IMPACTS

- a)-f) The project would include directing on-site runoff into the Olympia Creek/Wolf Creek watershed. Those impacts could include short-term and long-term impacts to Olympic Creek and the Wolf Creek Watershed. The short-term impacts could include soil and sediment associated with the development and grading of property flowing into the watershed. This would require specific criteria associated with the grading permit to prevent soil and sediment flowing into the watershed. The long-term impact would include run-off from the site containing grease, oil and other petroleum by-product, as well as other sediments that may have the potential of impacting the watershed. The project includes a detention facility; however, the City will require grease, oil and other petroleum by-product

separators shall be incorporated into the project improvement plans as a condition of approval. All new development would be required to meet all California State Water Resource Agency standards, as well as incorporating Best Management Practices (BMP's) concerning storm water runoff. Standard conditions required by the City Engineer for the drainage plans would include development standards that eliminates or reduce impacts to the watershed. With implementation of the migration measure, the project would have no significant impact associated with the water section.

Mitigation Measure: Prior to issuance of a grading permit, a detailed engineered drainage plan shall incorporate "Best Management Practices" to address short-term impacts of on-site sediments, including silt, sand and mud flowing into the Wolf Creek drainage during construction. This plan shall provide approved methods to keep sediment disturbed during construction from impacting the watershed, and approved by the City Engineer.

X. LAND USE AND PLANNING —

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The City of Grass Valley 2020 General Plan Land Use Map (updated February 2007) identifies the property and area slated for Urban High Density Residential Development. The zoning designation is likewise Multiple Family Residential (R-3), which permits single family dwellings, second units and accessory uses (i.e. garage, storage sheds, etc.).

IMPACTS

- a)-c) The project consists of 11 residential units. The General Plan land use designation for the property is Urban High Density. The property is zoned R-3 Multiple Family Residence District. The residential use is an allowed use in the zoning district. The land use designation allows 8 to 20 units per acre, which would allow nine to twenty-seven dwelling units on the property. The zoning ordinance requires a minimum lot area of two-thousand (2,000) square feet per unit. Using the lot area of 2,000 square feet per dwelling unit as the

minimum, the ±1.36 acre parcel would allow 29 units. The proposed lot area for this project is 5,360 square feet per dwelling unit.

No significant impact on land use is anticipated with this project. No mitigation measures would be required for the land use section.

XI. MINERAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

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

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

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

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

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

The General Plan Mineral Management Element does not show the site as being near an area classified as having significant mineral deposits. This property is not located near one of the two areas identified in the Mineral Management Element (MME) as being targeted for mining conservation. Should mining activities be proposed in the area, the MME includes a policy statement that requires a proposed mine project to address potential impacts on the urban uses based upon the nature of the mining activities.

IMPACTS

a)&b) The project is expected to result in the use of timber, metal, petroleum products and other natural resources for the proposed site improvements. No significant impact on

Energy/Resource use is anticipated. No mitigation measures would be required for the energy and mineral resource section.

XII. NOISE—

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

In addition to the projects residential land uses, the nearest sensitive receptors are the residential uses adjoining the project site to the south, north and east with the nearest residence approximately ±75 feet from the project.

Existing noises resulting from traffic on Brunswick Road and to a lesser extent Town Talk Road exist in the project vicinity. However, with the exception of residential uses (i.e. sensitive receptors) located immediately south, north and east of the project site, no other sensitive receptors are located in the project vicinity.

Within the Residential, Single Family (R-1) Zone, typical noises associated with residential uses will occur on the project site, although, such noises are not considered nor anticipated to have an impact on adjoining sensitive receptor land uses.

IMPACTS

- a)-f) Short term noise impacts are expected during project construction. The General Plan identifies the property as being located outside of the 60-decibel range associated with noise generated along Brunswick Road, and would not exceed noise thresholds for residential uses. The project would be located behind an existing Commercial retail center, however, the location behind the commercial structures, with noise generation along the front of those commercial properties, noise impacts to the residential homes would be limited. The construction noises associated with the project may affect the neighborhood in the short term. However, the construction hours are limited by City Ordinance to times during normal working hours.

No significant impact associated with noise is anticipated with this project. No mitigation measures would be required for the noise section.

XIII. POPULATION AND HOUSING –

Would the project:

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

SETTING

The proposed project is located in an area of low and medium density residential uses. The land use designation for the project site is Urban High Density Residential according to the City of Grass Valley General Plan. The zoning designation is likewise R-3. Extension of utilities and streets will be provided to serve the Town Talk Village development solely. As such, the land uses are not generally growth inducing.

IMPACTS

- a)-c) The project proposes 11 dwelling units. No significant impact on housing and population is anticipated with this project. No mitigation measures would be required for the population and housing section.

XIV. PUBLIC SERVICES --

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

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

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

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

Fire Protection: The City of Grass Valley Fire Department provides fire protection and emergency medical services within the City. The Ophir Hill Fire Protection District serves lands east of the City limits, and the Nevada County Consolidated Fire District (NCCFD) serves the area generally north, west, and south of the City limits. The Fire Department is part of the tri-agency Joint Operating Agreement that includes the Nevada City Fire Department and NCCFD. The Fire Department has three locations: Fire Station #1 (474 Brighton Street), Fire Station #2 (213 Sierra College Drive), and administrative offices at City Hall (125 East Main Street). Equipment includes three front line engines, one reserve engine, one Office of Emergency Services (OES) engine, a ladder truck, one air support unit, and five staff vehicles.

Police Protection: Based partly on reduced revenue due to the current economic decline, the Department currently employs 24 FTE sworn members and 3 FTE civilian staff. Based upon Grass Valley's population of 12,860, the department's ratio of police officers per 1,000 residents is 1.9.

Schools: Throughout Grass Valley, the Grass Valley School District serves K-5 students and the Nevada Joint Union School District serves students in grades 9 - 12. In addition, through inter-

district contracts (which can be retracted), 467 students from Grass Valley currently attend schools in other school districts.

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

IMPACTS

a)-e) The project is located within the city limits of Grass Valley, and within the services boundaries of the City. The project would be served by the City of Grass Valley fire and police departments. With property fire prevention measures as required under the California Building Code and Fire Codes, the project is not expected to significantly impact Fire Department services. Payment of new development fees will address the project's impact on City Fire and Police Services. Payment of new development fees would also be required for school fees.

XV. RECREATION –

Would the project:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might, have an adverse physical effect on the environment?

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

SETTING

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

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

IMPACTS

- a)&b) The project proposes 11 residential units. The project would only slightly increase the demand for recreational facilities in the City of Grass Valley. The proposed project does not include recreational facilities on site, however, the development includes private rear yards for each unit. As part of the project approval, recreational fees would be required to be paid by the applicant at the time of development of the structures. Those fees would provide recreational opportunities in the City of Grass Valley. With the proposed recreational development with the project, the project would not have a significant impact on the recreational opportunities in the neighborhood or the City of Grass Valley.

XVI. TRANSPORTATION/TRAFFIC –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

The City of Grass Valley has established evaluation criteria for critical intersections located within and adjacent to the City. Development projects are determined to be significant if they increase the average delay at a given intersection by more than two percent at signalized intersections.

Ingress/egress to the project site is proposed with the connection to Town Talk Road, which is a north/south County local residential street connecting with Brunswick Road to the south and Old Tunnel Road to the north.

Brunswick Road (North of Idaho Maryland Road) is a two-lane arterial street, with median lane, that serves as a primary east-west route through the Brunswick Basin and has a Level of Service C - meaning light congestion with occasional backups on critical approaches, according to the City of Grass Valley General Plan.

Levels of Service are estimated for future travel conditions to ensure that a roadway will provide acceptable operations for its "design life", which is commonly 20 years. For the General Plan, the year 2020 is used for estimating traffic demand and determining Levels of Service on the roadway system. The City has established Level of Service "D" as the goal for both the General Plan and for the development of Citywide and regional traffic impact fees.

A irregular intersection is located at the junction of Brunswick Road, Town Talk Road and Bubbling Wells Road. However, the recently approved River Valley Bank has committed to reconstructing the road concurrently with development of their site located at 580 Brunswick Road. Construction is occurring and is anticipated to be completed in Spring 2019.

IMPACTS

- a)-g) Based upon the Traffic Study prepared by Joshua Pack, PE, the project at full build-out is expected to generate 132 vehicle trips daily, 14 trips occurring during the p.m. peak hour. The study evaluated the traffic generated by the project and determined that the project would not have a significant impact on identified critical intersections. The Traffic Report indicates the carrying capacity during PM Peak-Hour Traffic Volumes will increase, however the increase would not exceed the traffic thresholds as set by the City of Grass Valley.

The traffic report for the project was prepared in accordance with the City's threshold policy. The policy requires all projects generating 10 p.m. peak hour trips or more to prepare a Traffic Distribution Analysis. The study concluded that this project generates 14 p.m. peak hour trips but would not create delays exceeding 2 seconds at critical unsignalized intersections or a 2% increase at critical intersections.

The Brunswick Road and Nevada City Highway intersection, the Brunswick Road and Sutton Way intersection, and East Main Street, Idaho Maryland Road and State Highway 20 intersection are identified critical intersections. The study concludes the project would create six or less trips to any one turning movement at the critical intersections during peak

hours, or one trip every ten minutes. The identified volume is not expected to create significant impacts during p.m. peak hour, the project would not exceed the 2-second or 2-percent threshold for an identified critical intersection.

The project would be subject to payment of the City and Regional traffic impact fees. The traffic fees would be incorporated into improvements to improve level of service at identified intersections. The project would be required to fund their fair share of the improvements to the Sutton Way and Brunswick Road intersection.

The project proposes sufficient off-street parking as required by the zoning ordinance and should not result in insufficient parking capacity. Additional drive ways and parking areas are proposed with the project.

Town Talk Road is under the jurisdiction of Nevada County. The project as a condition of approval, will require all street improvements and dedications be approved by Nevada County Public Works.

The project would not have a significant impact on the transportation and circulation in the area and region.

XVII. UTILITIES AND SERVICE SYSTEMS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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needs?

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

☐☐☒☐**SETTING**

The property where the proposed Town Talk Village residential development will be constructed is currently a moderately vegetated area with natural slopes of varying gradients ranging between 1% and 15%. Generally, storm water from offsite comes from the north side of property where it flows in a southwesterly direction via overland release.

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

Domestic water service to the proposed development is provided by Nevada Irrigation District via existing water lines extended and installed with adjoining development. According to the City of Grass Valley General Plan EIR, water supplies are sufficient to supply growth anticipated in the General Plan, which included the project site.

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

IMPACTS

- a)-g) The project as proposed would require underground utilities and existing overhead lines would be underground for the utilities for the property, but would not include PG&E electrical transmission lines.

The project site is located within the NID (Nevada Irrigation District) service area for water. The project will not significantly reduce the supply of water in the City of Grass Valley and Nevada County area.

The project would be connected through the City's sewer system. The City has approved development projects involving potential increased demands on the City's waste water treatment plant, recognizing the potential limits on sewer availability. The project is expected to generate a demand on sewer service equivalent to approximately 11 Equivalent Dwelling Units (EDU). Sufficient sewer treatments capacity will be required before the project is allowed to be constructed and/or connected to the City's Sewer System. A recent expansion of the sewer plant capacity from 1.72 to 2.78 MGD (million gallons per day), provides adequate sewer capacity for the proposed project. However, specific approval to

connect to the sewer system must be obtained from the City at the time of building permit issuance.

No significant impact on utilities is anticipated with this project. No mitigation measures would be required for the utility services section.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a)-c) As stated in the sections in the Transportation Section, the project would generate an additional 132 vehicle-trips daily, 14 peak hour trips which adds to the long-term cumulative impact on traffic, along with future development in the area., in the City of Grass Valley and the regional area. To mitigate this impact the project shall be subject to payment of the City an Regional Traffic Impact Fees. Those fees would be used to provide improvements to identified critical intersections. With those fees, the project would have a less than significant cumulative impact on the City of Grass Valley and the regional area. As described in the above analysis, this project will result in less than significant impacts.				

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

- City of Grass Valley 2020 General Plan and General Plan EIR
- Mineral Management Element of the City's General Plan, dated August 24, 1993

- Background Report, City of Grass Valley General Plan Update, November 1998
- Soil Survey of Nevada County, United States Department of Agriculture, Soil Conservation Service
- Flood Insurance Rate Map 06057C0632E dated February 3, 2010
- On line soil survey maps and data from USDA - <http://websoilsurvey.nrcs.usda.gov>
- Geotechnical Report for 634 Town Talk Road prepared by Gularte and Associates dated January 14, 2005
- Traffic Analysis prepared by Joshua H. Pack, P.E. dated February 3, 2005
- Arborist Report prepared by Noah Kwolek, Arborist
- California Emission Estimator Model (CalEEMod) Version 2016.2

ATTACHMENTS

- Attachment 1 -** Vicinity Map
- Attachment 2 -** Aerial Photograph
- Attachment 3 -** Assessor's Parcel Map
- Attachment 4 -** Site Photographs
- Attachment 5 -** Tentative Subdivision Map
- Attachment 6 -** Residential Elevations and Floor Plans
- Attachment 7 -** Project Comments

ATTACHMENTS



TENTATIVE SUBDIVISION MAP No. 1

FOR
TOWNTALK VILLAGE
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24,
TOWNSHIP 18 NORTH, RANGE 8 EAST, WITHIN THE INCORPORATED
AREA OF THE CITY OF GRASS VALLEY, CALIFORNIA.
A.P.N.: 35-550-03

SCALE: 1" = 20'

SEPTEMBER, 2018

NELSON
ENGINEERING
Civil Engineering, Surveying, Planning
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ENGINEER OF WORK:

NELSON ENGINEERING
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PACIFIC VALLEY, CA 95946
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CONTACT PERSON: KEVIN J. NELSON, P.E., P.L.S.
35-550-03

ASSESSOR'S PARCEL NUMBER:

35-550-03

LAND AREA:

TOTAL AREA = 59,272.57 SF = 1.364 Acres

EXISTING & PROPOSED ZONING:

R-3, RESIDENTIAL

FIRE PROTECTION:

CITY OF GRASS VALLEY FIRE DISTRICT

WATER:

NEVADA IRRIGATION DISTRICT

SEWER DISPOSAL:

CITY OF GRASS VALLEY

ELECTRICAL UTILITIES:

PACIFIC GAS & ELECTRIC

NOTES:

1. A 10' P.U.L.E. SHALL BE GRANTED FOR UTILITY PURPOSES ALONG THE SOUTH AND WEST BOUNDARY LINES.
2. A 20'x70' DRAINAGE EASEMENT SHALL BE GRANTED IN THE SOUTHWEST CORNER OF THE SUBDIVISION FOR DETENTION FACILITIES PURPOSE AND MAINTENANCE.
3. A 10' WIDE EASEMENT SHALL BE GRANTED FOR THE SOUTHWEST CORNER OF THE SUBDIVISION FOR THE DETENTION FACILITIES PURPOSE AND MAINTENANCE.
4. TOPOGRAPHY MAPS AND CONTOURS WERE CREATED FROM A FIELD SURVEY CONDUCTED BY NELSON ENGINEERING. BENCHMARK ELEVATIONS ARE BASED UPON DATA FROM CITY OF GRASS VALLEY AERIAL TOPO MAPS DATED JULY 1997.

DITCH DETAIL

NOTE: DITCH TO BE @ 2.0% MIN. RUNNING SLOPE

PROPOSED MAILBOXES TO BE RE-LOCATED TO BE CONFIRMED BY POST OFFICE

EXISTING MAILBOXES TO BE RE-LOCATED TO BE CONFIRMED BY POST OFFICE

EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE REMOVED

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PROPOSED 2:1 CUT SLOPES

PROPOSED 2:1 FILL SLOPES

FLOW LINE DETAIL 'A'

PROPERTY LINE

PROPOSED FINISH CONTOUR

PROPOSED CONCRETE RETAINING WALL

PROPOSED CONCRETE RETAINING WALL

EXIST. SEWER MAIN W/ SIZE

PROPOSED WATER LINE W/ SIZE

EXIST. WATER LINE W/ SIZE

PAVEMENT AREA

4" CONCRETE AREA

PROPOSED RESIDENCE

FIRE TURNAROUND AREA

PROPOSED 6" CONCRETE CURB

PROPOSED FINISH GRADE ELEVATION

EXISTING TREE TO REMAIN

EXISTING TREE TO BE REMOVED

EXCAVATION

4,500

CY

FILL (10% SHRINK)

1,800

CY

EXPORT/IMPORT

2,700

CY

LEGEND

EXISTING QUANTITIES:

EXCAVATION = 4,500 CY

FILL (10% SHRINK) = 1,800 CY

EXPORT/IMPORT = 2,700 CY

LEGEND

PROPOSED 2:1 CUT SLOPES

PROPOSED 2:1 FILL SLOPES

FLOW LINE DETAIL 'A'

PROPERTY LINE

PROPOSED FINISH CONTOUR

PROPOSED CONCRETE RETAINING WALL

PROPOSED CONCRETE RETAINING WALL

EXIST. SEWER MAIN W/ SIZE

PROPOSED WATER LINE W/ SIZE

EXIST. WATER LINE W/ SIZE

EXISTING TREE TO REMAIN

EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE REMOVED

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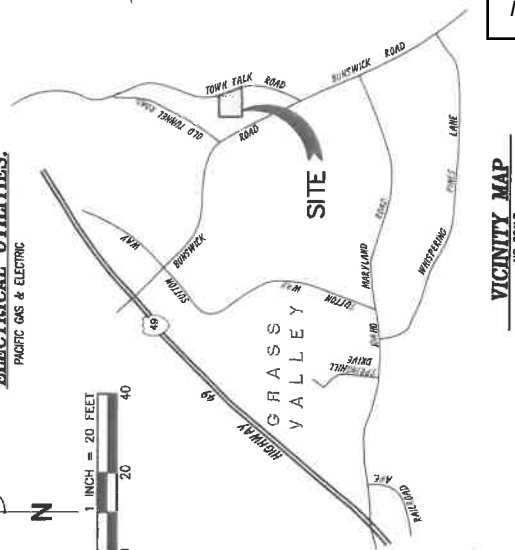
EXISTING TREE TO BE REMOVED

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EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE REMOVED



VICINITY MAP

NO SCALE

TENTATIVE SUBDIVISION

MAP NO.

FOR

TOWNTALK VILLAGE

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 8 EAST, WITHIN THE INCORPORATED AREA OF THE CITY OF GRASS VALLEY, CALIFORNIA.

A.P.N.: 35-550-03

SCALE: 1" = 20'

SEPTEMBER, 2018

NE NELSON

ENGINEERING

14022 Derran Court
Palo Alto, CA 94304
Tel: 650.951.1234
Fax: 650.951.1235
www.nelsoneng.com

OWNER/APPLICANT:

AAA BUKATY DEVELOPMENT, ANDREY BUKATY
23118 SQUAM COURT
AUBURN, CA 95602
(916) 539-0607

ENGINEER OF WORK:

NELSON ENGINEERING
18881 MULFLOVER DRIVE
PENNY VALLEY, CA 95945
(530) 437-4818
CONTACT PERSON: KEVIN J. NELSON, P.E., P.L.S.

ASSESSOR'S PARCEL NUMBER:

35-550-03

LAND AREA:

TOTAL AREA = 59,297.4 SF = 1.354 Acres

EXISTING & PROPOSED ZONING:

R-3, RESIDENTIAL

FIRE PROTECTION:

CITY OF GRASS VALLEY FIRE DISTRICT

WATER:

NEVADA IRRIGATION DISTRICT

SEWER DISPOSAL:

CITY OF GRASS VALLEY

ELECTRICAL UTILITIES:

PACIFIC GAS & ELECTRIC

TREE STATISTICS

EXISTING TREES	TREES TO BE REMOVED
PINE TREES 45	PINE TREES 24
CEDAR TREES 2	CEDAR TREES 2
OAK TREES 0	OAK TREES 0
Total: 47	Total: 26

PAVEMENT AREA
4" CONCRETE AREA
PROPOSED 6" CONCRETE CURB
PROPOSED FINISH GRADE ELEVATION
EXISTING TREE TO REMAIN
EXISTING TREE TO BE REMOVED

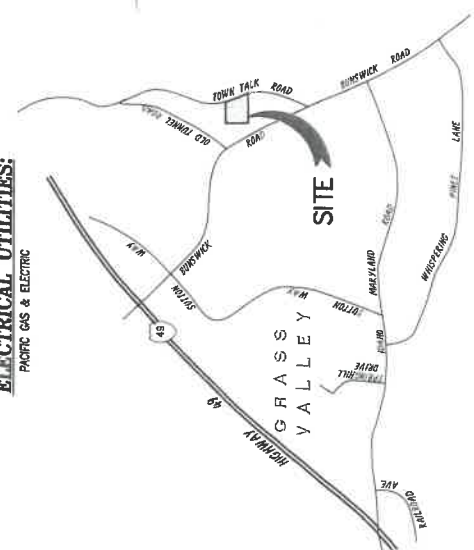
LEGEND

- PROPOSED 2:1 CUT SLOPES
- PROPOSED 2:1 FILL SLOPES
- PROPERTY LINE
- PROPOSED FINISH CONTOUR
- PROPOSED CONCRETE RETAINING WALL
- PROPOSED SEWER MAIN W/ SIZE
- EXIST. SEWER MAIN W/ SIZE
- PROPOSED WATER LINE W/ SIZE
- EXIST. WATER LINE W/ SIZE



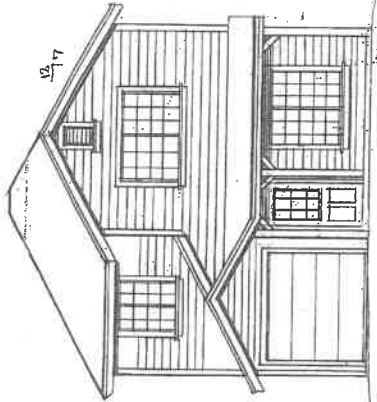
VICINITY MAP

NO SCALE

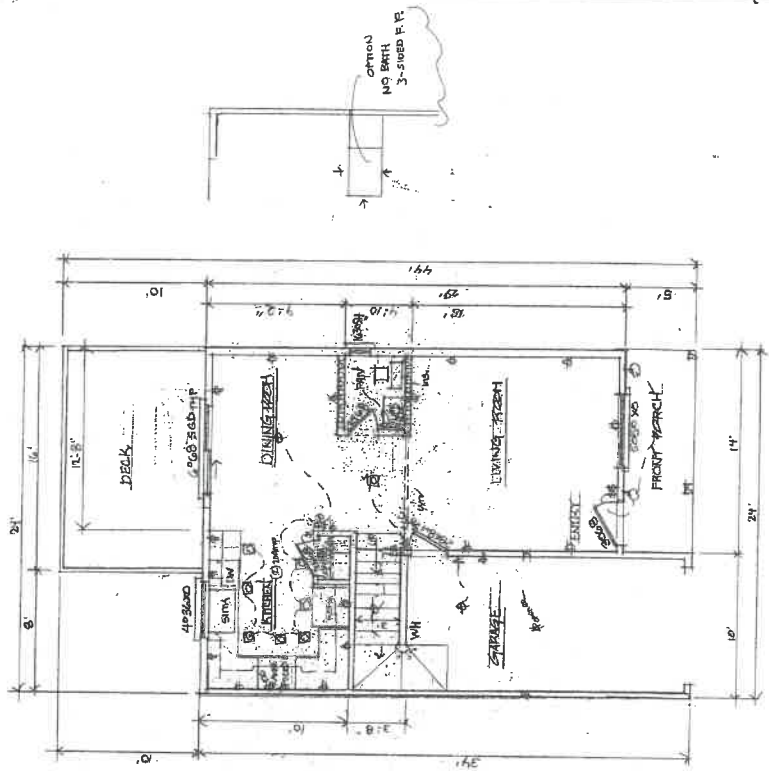


REV	DESCRIPTION	DATE

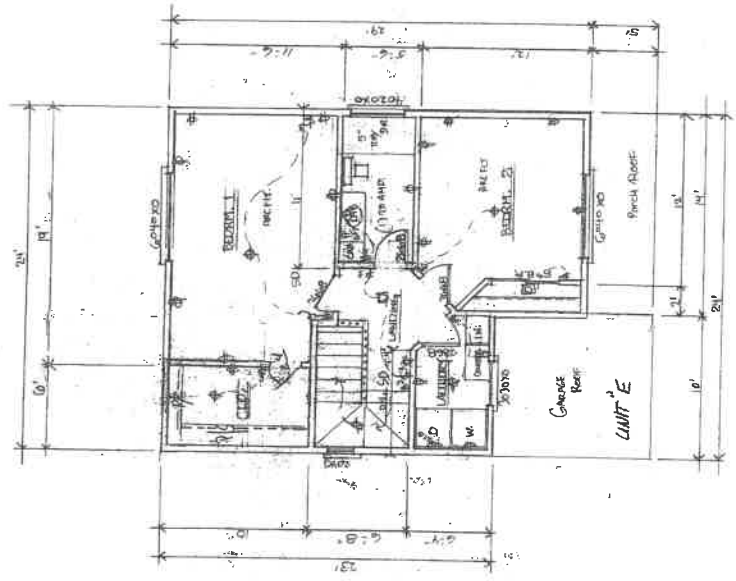
DRAWN	DATE	SCALE	PROJECT
CHECKED	DATE	SCALE	PROJECT
10/1/20 2 10/1/20			



FRONT ELEVATION UNIT E
Scale 1/4" = 1'-0"



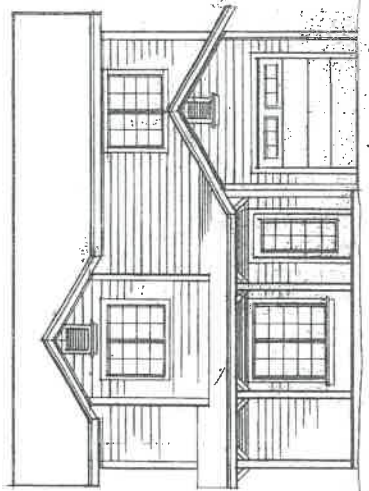
FLOOR PLAN LOWER FLOOR UNIT E
Scale 1/4" = 1'-0"



FLOOR PLAN UPPER FLOOR UNIT E
Scale 1/4" = 1'-0"

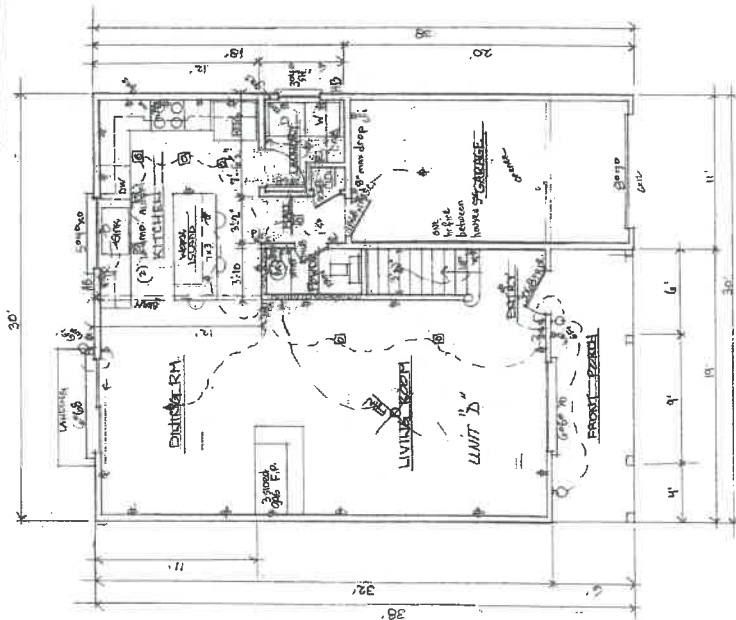
REVISIONS	BY

DESIGNED BY PAUL STEPHENSON	DATE 1/27	PROJECT P001	ITEM #2.	2
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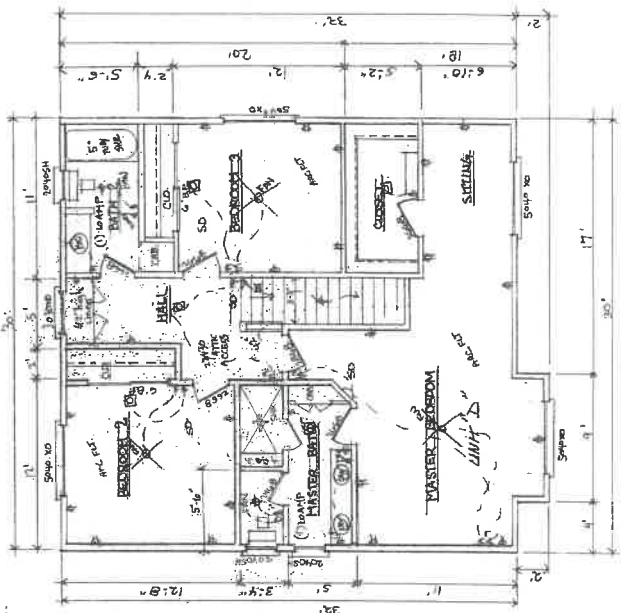
FRONT ELEVATION UNIT D

FRONT ELEVATION UNIT D



FLOOR PLAN 1 ELECTRICAL LOWER FLOOR 806"

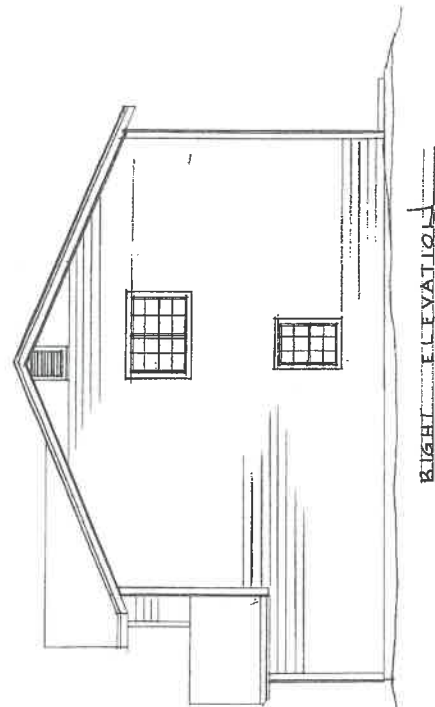
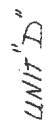
800# GARAGE



FLOOR PLAN 2 ELECTRICAL UPPER FLOOR 840"

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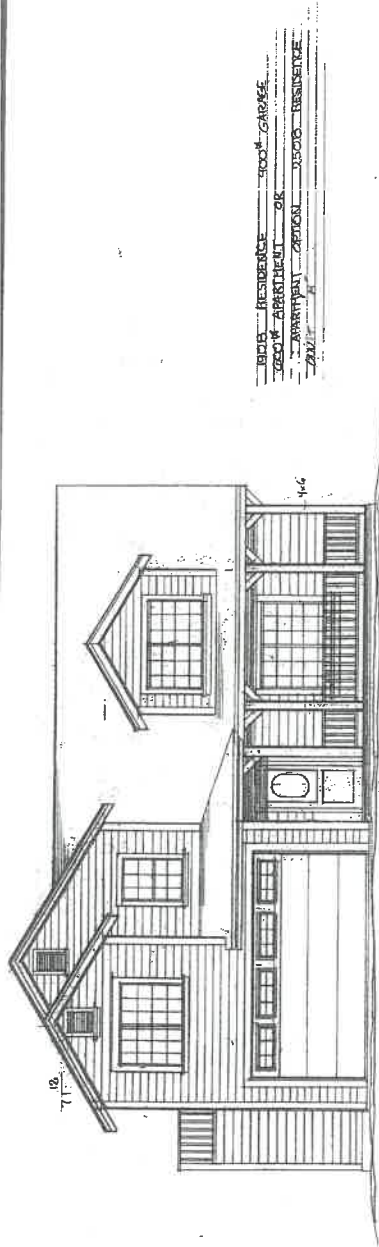
Item # 2.



NO.	REVISIONS	BY

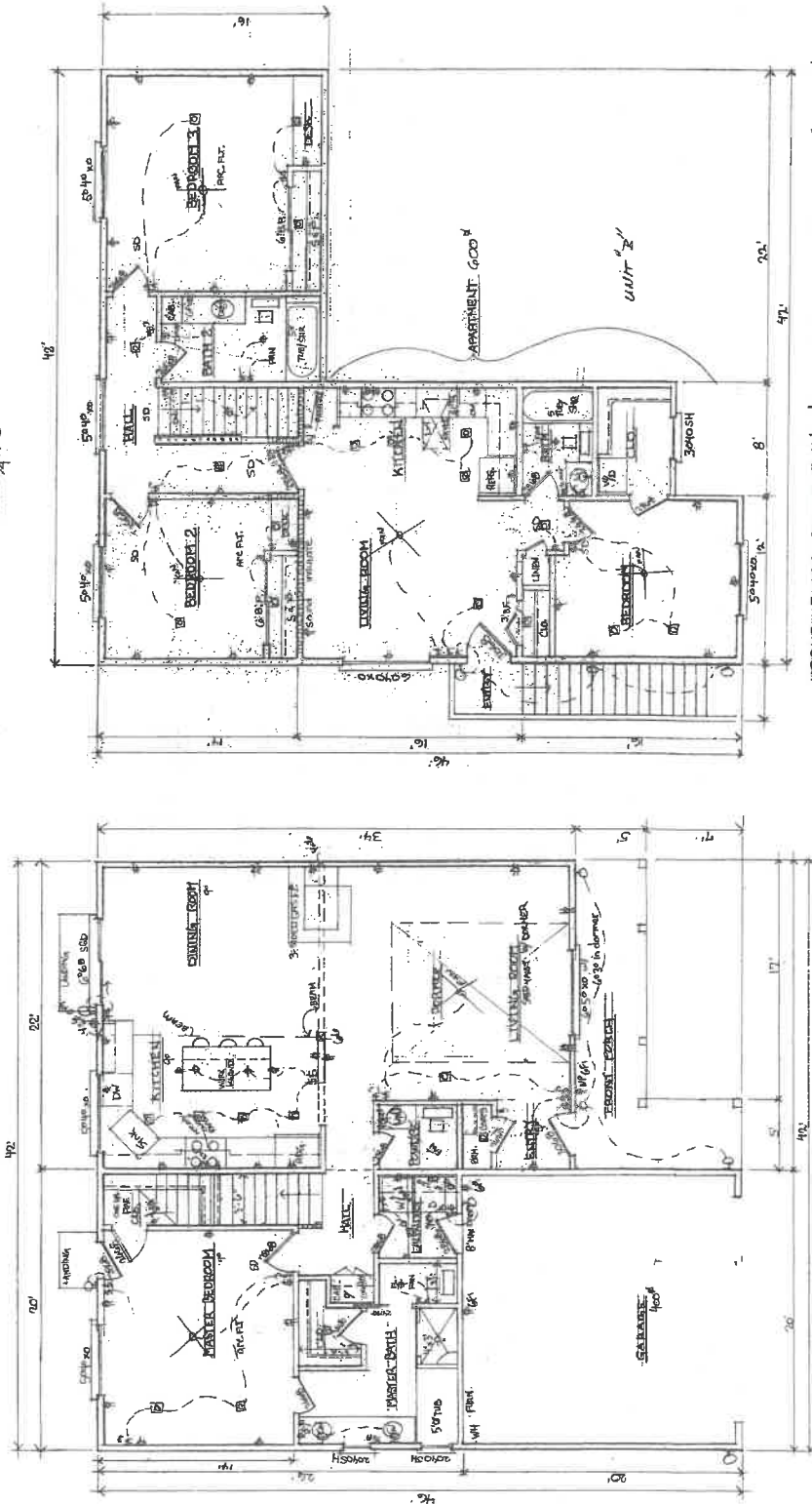
DATE	CREATED	BY

Item # 2.



FRONT ELEVATION UNIT B
Scale 1/4"=1'-0"

100% RESIDENCE 400'x GARAGE
200% APARTMENT OR
APARTMENT OPTION 200% RESIDENCE
ALL

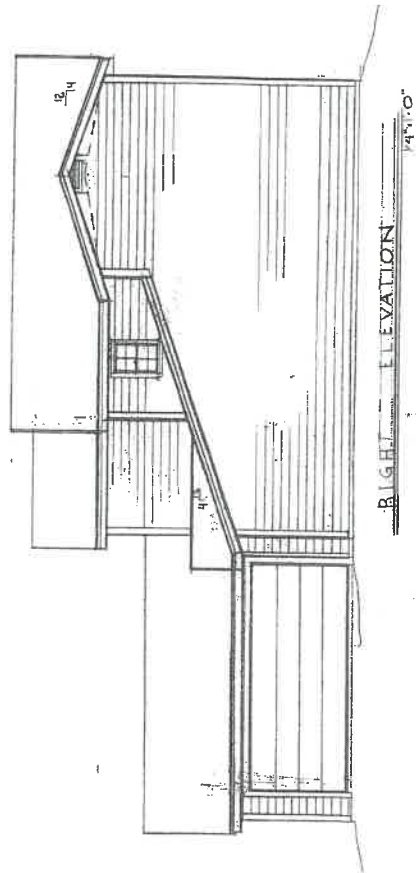
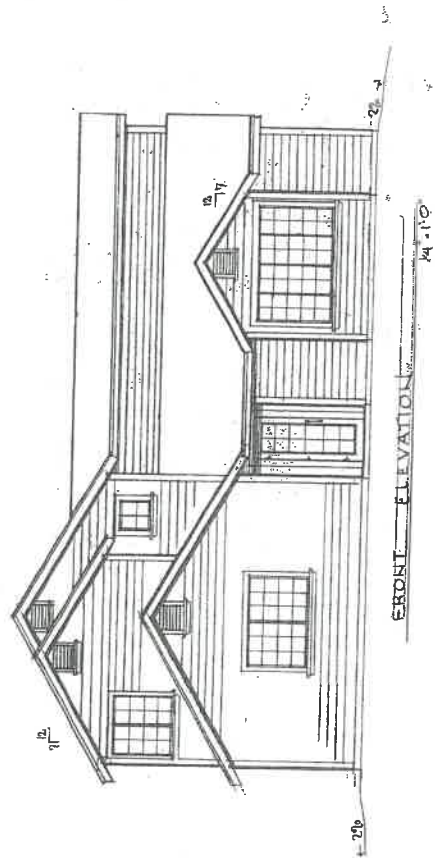


FLOOR PLAN UNIT B LOWER FLOOR PLAN 1100'x
UPPER FLOOR PLAN 6'x APARTMENT FLOOR PLAN 600'x

REVISIONS	BY

DATE	
CHECKED	
DATE	
SCALE	
UNIT	
SHEET	4

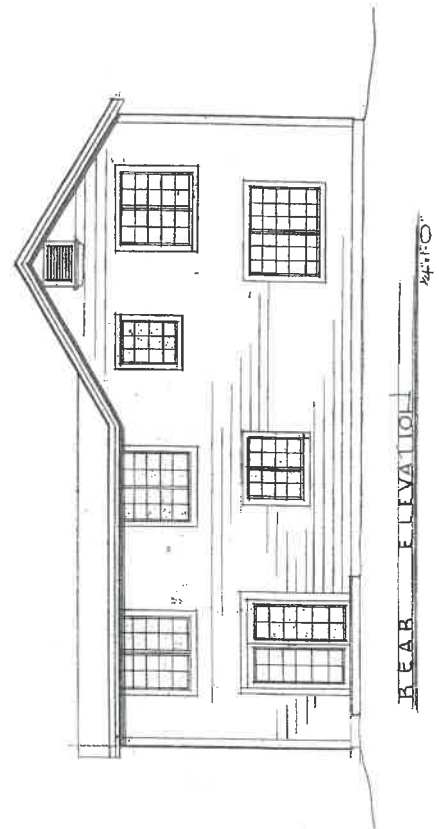
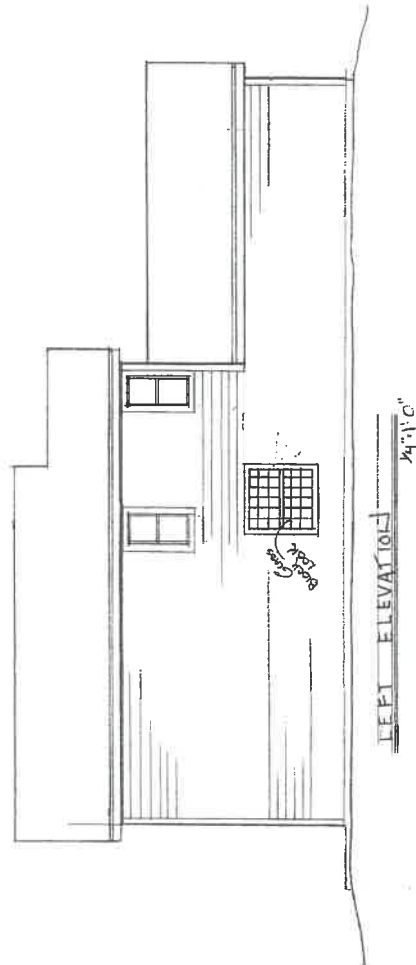
Item # 2.



[illegible]

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Item # 2.





August 8, 2018

Lance E. Lowe
City of Grass Valley
125 E Main Street
Grass Valley, CA 95945

Ref: File No: 18PLN-36

Dear Mr. Lowe:

Thank you for giving us the opportunity to review the subject plans. The proposed Tentative Subdivision Map located at 634 Town Talk Road (APN: 35-550-03) is within the same vicinity of PG&E's existing distribution facilities that serve this property.

Please contact the Building and Renovation Center (BRSC) for facility map requests at BRSCSSR@pge.com and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services the developer may require.

If you have any questions regarding our response, please contact me at paramjit.jhutti@pge.com.

Sincerely,

Paramjit Jhutti
Land Management
925-328-6114



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS
 950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
 (530) 265-1411 FAX (530) 265-9849 www.mynevadacounty.com

Sean Powers
 Community Development Agency Director

Trisha Tillotson
 Director of Public Works

August 9, 2018

Attn: Lance E. Lowe, AICP
 City of Grass Valley
 Community Development Department
 125 E. Main Street
 Grass Valley, CA 95945

Re: Town Talk Village Subdivision Map and Planned Development (18PLN-36)

Dear Mr. Lowe:

Thank you for the opportunity to comment on the proposed Tentative Subdivision Map and Planned Development of Towntown Village at 634 Town Talk Road (APN 035-550-003) (Project). The Tentative Subdivision Map would divide the site's 1.36 acres into 11 parcels. A Planned Development is required to allow flexibility in the Development Code standards with respect to lot size, configuration, access, etc.

The Nevada County Public Works Department has the following comments on the Project:

1. Right-of-Way and Easement Dedication: *Right of way is unclear on the tentative map. Please clarify right of way prior to project approval and resubmit to the County for verification.*

Depending on right of way boundaries and type, the County will require prior to map recordation that the applicant offer for Dedication to the County of Nevada, for Public Road, Public Utility and Emergency Access purposes, a 30-foot half-width right-of-way in fee title along the project frontage on Town Talk Road, where not already owned by Nevada County.

2. Road and Driveway Improvements: *The County recommends that Town Talk Road be annexed into the City's jurisdiction from Brunswick to Old Tunnel Road due to the recent developments occurring with Town Talk access.* If Town Talk is not annexed, the County will require the following conditions for road improvements:

- a. The applicant shall construct half-width improvements along the project frontage on Town Talk Road to Local Class 1 standards.
- b. New project access to Town Talk Road shall conform to the County's Private Road approach standards in the Land Use and Development Code as shown in the County's Standard Drawings.

Page 2 of 2

- c. An encroachment permit, issued by the Nevada County Department of Public Works, shall be required prior to commencement of any work in the County's public right-of-way on Town Talk Road. The applicant shall submit a complete Traffic Control Plan with the encroachment permit that indicates each stage of work, closure dates for street and section of closure, signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work.
3. **Map Details:** Prior to map recordation, the final map shall show a Local Class 1 detail and ditch along Town Talk Road.
4. **Drainage:** Given that drainage has the potential to impact County roads, the County Department of Public Works will require a copy of the Final Drainage Analysis prior to map recordation and issuance of encroachment permit. The drainage report must identify how the road is going to drain down Town Talk to Brunswick. The analysis shall be prepared by a registered civil engineer and demonstrate that the site has adequate capacity to design and mitigate all additional on-site stormwater runoff. The project shall not result in additional net stormwater runoff from the site. In addition, the County requires that the project provide oil, grease and silt traps, as well as a legally enforceable mechanism for maintenance of these facilities.
5. **Traffic Impact Fees:** Applicant shall pay the County's local traffic mitigation fee for connecting to Town Talk Road, prior to issuance of each building permit.
6. **Sidewalks:** Nevada County General Plan Circulation Element Policy RD-4.3.7 encourages sidewalks or walkways for all discretionary projects in Community Regions and residential projects with a density greater than one dwelling unit per acre, Nevada County therefore requests that a sidewalk or paved pathway be constructed across the property frontage on Town Talk Road.
7. **Paratransit Access:** Nevada County Transit Services recommends that the project roadway is designed so that a paratransit vehicle can safely pick-up and drop-off passengers if required, as the lack of this provision has become a safety hazard in past projects.
8. **Solid Waste and Recycling Accessibility:** In compliance with LUDC Sec. L-II 4.2.11.C.2, the applicant is requested to provide an adequately sized bulb at the end of the new onsite access road to provide adequate turning room for Waste Management vehicles. Curbside pickup along Town Talk should be minimized to the extent possible.

If you have any questions, please contact me at 265-1254 or Jessica.Hankins@co.nevada.ca.us.

Sincerely,


 Jessica Hankins
 Public Works Project Manager

Lance Lowe

From: Dan Landon <dlandon@nccn.net>
Sent: Wednesday, September 26, 2018 2:37 PM
To: Lance Lowe
Cc: 'Mike Woodman'; Kevin Nelson
Subject: RE: 634 Town Talk Road ALUC Review
Attachments: Sample Overflight Notice.pdf

Lance,

I have reviewed the proposed project at 634 Town Talk Road (APN 35-550-03, File No: 18PLN-36) and have determined that there are no apparent compatibility issues of significance. In accordance with Section 1.4.2 (d) of the Nevada County Airport Land Use Compatibility Plan, I approve the proposed project on behalf of the Nevada County Airport Land Use Commission. Since this project is in Compatibility Zone D, a recorded overflight notice is required. A sample Recorded Overflight Notification is attached to this email.

Please contact me if you have any questions or need additional information regarding this application.

Daniel Landon
 Executive Director



Nevada County Transportation Commission
 101 Providence Mine Road, Suite 102, Nevada City, CA 95959
 (530) 265-3202 / Fax: (530) 265-3260
<http://www.nctc.ca.gov>

From: Dan Landon <dlandon@nccn.net>
Sent: Friday, September 21, 2018 9:23 AM
To: 'lancel@cityofgrassvalley.com' <lancel@cityofgrassvalley.com>
Cc: 'Mike Woodman' <mwoodman@nccn.net>
Subject: RE: 634 Town Talk Road ALUC Review

Lance,

The proposed development at 634 Town Talk Road meets the criteria of a "major land use action" as defined in Section 1.4.3. (4) in the Nevada County Airport Land Use Compatibility Plan (NCALUCP) and does require a review by the Nevada County Airport Land Use Commission since the prior approval on May 17, 2005, has expired.

The review fee for "Regulations, Permits, & Other Actions" is \$150.00. Payment may be made in a check payable to the Nevada County Transportation Commission.

Please contact me if you have any questions or need additional information regarding this application.

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of Nevada and [insert if applicable] the City of _____, State of California, described as _____ [APN No.: _____].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of the Airport Land Use Commission for Nevada County for overflight notification provided in the Nevada County Airport Land Use Compatibility Plan.

NOTICE OF AIRPORT IN VICINITY: This property is located in the vicinity of an airport and within the airport influence area. The property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Individual sensitivities to those annoyances can vary from person to person. You should consider what airport annoyances, if any, affect the Property before you complete your purchase and whether they are acceptable to you.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Nevada County Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of military aircraft.

The airport operator, the County of Nevada, maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall be duly recorded with the Nevada County Assessor's Office, shall run with the Property, and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date: _____, 20____

Table G3

Sample Recorded Overflight Notification

**MITIGATION MONITORING
& REPORTING PLAN**

**TOWN TALK VILLAGE - TENTATIVE SUBDIVISION
MAP & PLANNED DEVELOPMENT (18PLN-36)**

(SCH#2005042007)

City of Grass Valley

October 5, 2018

Prepared by:

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

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for the Town Talk Village residential development located at 634 Town Talk Road (APN: 035-550-003).

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley Planning Commission concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The Planning Commission may direct that changes be made to the measures contained in this document prior to its adoption.

TOWN TALK VILLAGE MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
III.	AIR QUALITY	<p>Mitigation Measure: Prior to issuance of a grading permit, a Dust Mitigation Plan shall be submitted for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:</p> <ul style="list-style-type: none"> The applicant shall be responsible for ensuring that all adequate dust control measures as implemented in a timely manner during all phases of project development and construction. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph. 	2, 4	CDD	OG		
			2, 4	CDD	OG		

TOWN TALK VILLAGE MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
III.	AIR QUALITY	<ul style="list-style-type: none"> All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas will remain inactive for 96 hours) in accordance with the local grading ordinance. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site. No burning of waste material or vegetation shall take place on site. 	2, 4	CDD	OG		
			2, 4	CDD	OG		

TOWN TALK VILLAGE MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
VI.	GEOLOGY/SOILS	A detailed engineering plan shall be prepared that incorporates the Geotechnical Report recommendations and design criteria for the project. Geotechnical measures shall be incorporated into project grading and construction. A Geotechnical Engineer shall review the grading for implementation of those recommendations and design criteria.	2, 4	CDD	OG		

TOWN TALK VILLAGE MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
XI.	DRAINAGE	A detailed engineered drainage plan shall incorporate "Best Management Practices" to address short-term impacts of on-site sediments, including silt, sand and mud flowing into the Wolf Creek drainage during construction. This plan shall provide approved methods to keep sediment disturbed during construction from impacting the watershed, and approved by the City Engineer.	2	CDD	OT		

**FINDINGS & CONDITIONS OF APPROVAL
TOWN TALK VILLAGE TENTATIVE SUBDIVISION MAP &
PLANNED DEVELOPMENT (18PLN-36)**

FINDINGS:

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

1. The City received a complete application for Development Review Application 18PLN-36.
2. The Community Development Department prepared an Addendum Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.
3. The Planning Commission has independently reviewed, analyzed and considered the Addendum Initial Study/Mitigated Negative Declaration prior to making its decision on the project, and the Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley.
4. The 2020 General Plan designates the project site as Urban High Density. 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.
9. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

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10. The action 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 project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
 14. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
 15. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
 16. 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 CONDITIONS** (Modified Conditions of Approval resulting from the Planning Commission meeting are shown in **bold text**):
1. The approval date for this project is September 20, 2022. The Tentative Subdivision Map is approved for a period of three years with extensions as provided in accordance with Section 17.81.140 and shall expire on September 20, 2025, unless the map is filed with the County Recorder's Office or an extension request has been filed with the Community Development Department.
 2. The project shall be constructed in accordance with the plans approved by the Planning Commission for Tentative Subdivision Map and Planned Development 18PLN-36 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. Major changes, as determined by the Community Development Director, shall be approved by the Planning Commission.
 3. All trash and storage areas, mechanical equipment, and all other building appurtenances (i.e. utility meters, electrical boxes, air conditioners, fire sprinkler backflow valves, etc.) shall be screened from public view and adjacent properties. Details shall be shown on the final construction and/or improvement plans. All screening materials shall be consistent with the main building materials and colors.

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and colors. Roof mounted equipment shall be screened from view of adjacent properties and roads. Special attention should be given to changes in elevations where views of roofs are possible.

4. Energy efficient LED lighting and high efficiency HVAC and appliances shall be used for the project.
5. The developer shall install good neighbor fencing around the perimeter of the property. Good Neighborhood fencing shall be constructed of cedar or redwood and shall not exceed 3 feet in the front yard nor 6 feet in height on the side and rear yards.
6. Prior to construction, the applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the building division, in compliance with the California Codes.
7. The maximum exposed height of retaining walls should be 6 feet. Retaining walls should be stepped, with a minimum separation of 4 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.
8. Rear yard decks over 30 inches in height shall not be closer than 5 feet from the property line. Rear yard decks less than 30 inches in height may be constructed to the property line in accordance with Table 3 – 1 of the City's Development Code.
9. In accordance with the City's Noise Ordinance, the construction hours to operate or perform outside construction or repair work on a building, structure, or project or to operate a pile driver, steam shovel, pneumatic hammer, derrick, stream or electric hoist, or construction type device exclude the hours of 7 p.m. of one day and 7 a.m. of the next day and Sundays and legal holidays if operated or performed in such a manner that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance, unless prior written permission has been granted by the building official in the interest of public convenience or necessity.
10. The applicant shall pay all City impact fees prior to filing of the Tentative Subdivision Map, issuance of a grading and/or building permit or issuance of a Certificate of Occupancy, as applicable.
11. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

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B. PRIOR TO ISSUANCE OF GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. The applicant shall submit to the City Engineer 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/parking lot slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with City Improvement Standards.

2. The project plans shall include the following note:

All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot tall mesh safety fencing in a bright color. The fencing shall be tied to six-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.

3. If trees to be removed are 6" or greater in diameter, are classified to be in Group A or B per the California Forest Practice Rules, and are on timberland, the applicant shall obtain one of the following harvest document(s) from the California Department 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 City of Grass Valley Public Works Department.
5. The applicant shall submit to the City Engineer for review and acceptance 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

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- 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 walls for review and acceptance.
 - c. If the proposed walls are to be constructed against a cut slope that cannot be graded back per the California Building Code, submit:
 - i. 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.
 - ii. 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:
 - a. be onsite during excavation for and construction of the retaining walls;
 - b. be onsite at least once a day during inclement weather; and
 - c. will submit daily reports to the City.
 7. If over 1 acre of disturbed area) The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the Engineering Division.
 8. 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.
 9. (If 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 hydro modification management measures per the City of Grass Valley Design Standards.
 10. 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

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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 a part of plan submittal. All costs shall include a ten (10) percent contingency.

11. A detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by the deposit.
12. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e. NID), prior to receiving City Engineer approval.
13. 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).
14. The applicant shall submit two (2) typical landscape and irrigation plans for all of the lots, prepared by a licensed landscape architect, for review and approval by the Planning and Engineering Divisions. Landscaping design shall include a minimum of one (1) decorative tree in the front yard and comply with all provisions of the City's Water Efficient Landscape Ordinance.
15. If construction or development activities are to occur during the breeding season (March 1 through August 30) that may disturb or remove occupied nests of migratory birds or raptors, a pre-nesting construction survey within 250 feet of the disturbance area within the subject parcels shall be prepared. If any nesting raptors or migratory birds are identified during surveys, active nests should be avoided and a no-disturbance or destruction of the next site until after the breeding season or after or after a wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances.

Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or additional conditions.

C. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS FOR THE PROJECT, THE DEVELOPER SHALL COMPLETE THE FOLLOWING:

1. That prior to any work being conducted within the County right-of-way, the applicant shall obtain an Encroachment Permit from Nevada County.

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2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and Engineering Division 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, Community Development 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. If prehistoric or historic-period archaeological resources or human remains are encountered during grading or excavation, work shall avoid altering the materials and their context until a qualified professional has evaluated, recorded and determined appropriate treatment of the resource, in consultation with the City. Project personnel shall not collect cultural resources. Cultural resources shall be recorded on DPR 523 historic resource recordation forms. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If human remains are discovered, mitigation shall be implemented in compliance with CEQA section 15064.5.
2. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Nevada County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
3. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
4. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil 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

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geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.

5. Where 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 Standard Specifications.
6. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.
7. Construction and demolition waste recycling shall occur in accordance with Waste Management requirements.
8. For any public work, the contractor shall comply with all Department of Industrial relations (DIR) requirements including complying with prevailing wage requirements.

E. PRIOR TO RECORDING 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. Prior to recordation of the final/parcel map, the subdivider shall provide to the Engineering Division an acceptable method, such as a property owners association, tenant agreement, and/or CC&R's to maintain the common areas. Common areas can include residential areas, landscape areas, ingress/egress accesses, monitoring wells, roadways and utilities, detention facilities and open space areas not accepted by the City. Documentation may be reviewed by the Community Development Director (for non-residential), City Engineer and City Attorney (if determined necessary). CC&R's must include a statement that they cannot be modified without the approval of the City of Grass Valley.

The Final Map, CC&Rs and deeds for the individual properties shall contain a statement that the adjoining property is owned and operated for agricultural/recreational purposes (i.e. Nevada County Horseman's Association Facility) and that property owners can expect activity, sounds, odors indicative of such agricultural/recreational facility.

The CC&Rs shall contain a provision as to the construction, use and installation of the pedestrian trail extending to the commercial property to the west through Lots 3 and 4. If the construction and opening of the pedestrian trail is deferred later than

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occupancy of the residential units, per Condition of Approval 11 below, the CC&Rs shall provide the ability for the Town Talk Village property owners to construct the trail at a later date.

3. Subdivider shall dedicate land, or pay a fee in-lieu of dedication, for park and recreation purposes in accordance with 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, in accordance with the City's Development Code and the CA Subdivision Map Act. The applicant must supply the City with the 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. All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, pedestal mounted terminal boxes and meter cabinets and ducts, shall also be located underground or entirely within a building, not located within the right of way or setback.
6. (if no homeowners association) The Applicant shall sign and record a covenant and agreement to ensure that the onsite detention facilities will be maintained by the property owner(s).
7. ROW along Town Talk Road may need to be dedicated in order to comply with the design standards for a minor residential street with no parking.
8. Per the County's recommendations, the project shall show a Local Class I detail and ditch along Town Talk Road.
9. Per the County's recommendations, a sidewalk or paved pathway shall be constructed along the property frontage on Town Talk Road.
10. The applicant shall record an overflight notification in accordance with Policy 5.4.3 of the Nevada County Airport Land Use Compatibility Plan. The notification shall contain language to prospective purchasers of the property and shall appear on the property deed to the satisfaction of the Executive Director of the Airport Land Use Commission.
11. The Improvement Plans and Final Map shall dedicate a pedestrian trail extending from the interior roadway through Lots 3 and 4 to the commercial property to the west (APN: 035-480-37). The applicant shall meet with the adjoining commercial

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property owner or agent to gain their endorsement for extending the trail to the commercial property. If the applicant verifies that the commercial property owner opposes the trail extension, the pedestrian trail can be deferred by City approval and allowed to be constructed at a later date with the approval of the Town Talk Village property owners. If the commercial property owners supports the trail connection to their parcel, the time of installation of the trail shall be completed prior to occupancy of the residential units.

12. The improvement plans shall show a redesigned driveway access onto Town Talk Road for Lots 9 and 10 that will serve to minimize any vehicular backup onto Town Talk Road from each of the residences. The plans can address this vehicular turning movements by combining the driveways and/or adding space for on-site turning of vehicles. In addition, the interior access scales to be more than 150 feet thus requiring improvements in accordance with 2016 CFC Appendix D Table D103.4. requiring a twenty (20) foot wide driveway with an approved turn-a-round.
13. If any of the improvements which the applicant is required to construct or are 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 pursuant to Government Code Section 66462.5:
 - 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.

F. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND/OR 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 shall be provided 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.

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3. "As-built" plans, signed by the Engineer of Record, must be submitted to the Engineering Division on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.
4. A final report prepared by the soils engineer, in accordance with the California Building Code, must be submitted to the Engineering Division.
5. 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 ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

1. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering and building divisions. The applicant shall also obtain an Encroachment Permit from the County of Nevada.
2. The applicant's landscape architect or landscape contractor shall submit to the City for approval the "certificate of completion" form as required by MWELO.
3. The applicant shall conduct an irrigation audit pursuant to the requirements of the MWELO. This shall be conducted by a third party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWELO requirements.



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

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

DATA SUMMARY:

Application Number: 22PLN-18
Subject: InConcert Sierra Whispering Pines Specific Plan Amendments, Use and Development Review Permits.
Location/APN: 125 Crown Point Court/009-700-063
Applicant: Monroe Lovelady, Twin Cities Concert Association
Zoning/General Plan: SP-1A Zone/Business Park
Entitlements: Whispering Pines Specific Plan Amendments, Use and Development Review Permits
Environmental Status: Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

That the Planning Commission recommend that the City Council approve the InConcert Sierra Project, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. Adoption of an Ordinance Amending the Whispering Pines Specific Plan and Rezoning the property to create a new Subarea – SP-1A.1 – Public Assembly Uses as presented; and,
4. Adoption of Findings of Fact and Conditions of Approval for the InConcert Sierra Project, as presented.

BACKGROUND:

Grass Valley Broadcasting Company formally occupied the building at 125 Crown Point Court. The property is currently in escrow with InConcert Sierra.

InConcert Sierra is a non-profit presenter and producer of Classical Music in Western Nevada County. Founded in 1946 as Twin Cities Concert Association, InConcert Sierra

presents up to 30 classical music events per year comprising regular season concerts, special concerts, educational programs, etc. The project aim is to provide additional venue space for various genres of music conventions, and conference facilities.

InConcert Sierra and Sierra Stages are both currently in service at different smaller venue facilities in Grass Valley and Nevada City located at: Seventh Day Adventist Church located at 12889 Osborne Road, Grass Valley, and the Nevada theater located in Downtown Nevada City at 401 Broad Street. Both existing entertainment businesses are proposed to take up space within an existing building site location at 125 Crown Point Court in the Whispering Pines Business Park thereby centralizing venues.

ICS will own and operate the building of approximately 41,600 square feet and expects to lease space for music and theatrical productions to other local and regional organizations.

Whispering Pines Specific Plan – The Whispering Pines Specific Plan was adopted in 1984. Within the specific plan area, the SP-1A Zone subarea totals 125 acres. The proposed long-range plan for this subarea is to develop as a Corporate District with a “campus” type character. Uses permitted in the SP-1A Zone include:

Permitted Land Use Categories	Examples
Administrative & Research	<ul style="list-style-type: none"> a. Research Testing b. Experimental Laboratory Facilities c. Division of Corporate Headquarters d. Instrument Design
Restricted Light Industrial	<ul style="list-style-type: none"> a. Semiconductor Manufacturer b. Products Assembly c. Printing and Publishing d. Finished Paper Products e. Photographic Processing
Warehouse/Showroom	<ul style="list-style-type: none"> a. Furniture b. Household Goods c. Commercial Goods of any nature
Employment Center Support	<ul style="list-style-type: none"> a. Restaurant b. Motel – Conference Center c. Automatic Branch Bank d. Gymnasium e. Caretaker Residence f. Day Care Facilities
Office/Professional	<ul style="list-style-type: none"> a. Attorneys b. Accountants c. Doctors d. Architects e. Real Estate Offices

PROJECT DESCRIPTION:

The project includes amendment of the Whispering Pines Specific Plan to allow public assembly concerts and associated uses within the Whispering Pines Specific Plan SP-1A Zone at the project site solely. The Project entitlements include a Text Amendment of the Whispering Pines Specific Plan, Amendment of the Whispering Pines Specific Plan Land

Use Map, Amendment of the Whispering Pines building standards, Use and Development Review Permits as outlined:

1. **Amendments of the Whispering Pines Specific Plan** –

- a. An Amendment of the Whispering Pines Specific Plan text is proposed to create a new Subarea – *SP-1A.1 – Public Assembly Uses*. The text amendment proposes to list Studio uses, such as art, dance, music uses, and theater, or performing arts uses as being permitted uses in the SP -1A.1 Zone with approval of a Use Permit.
- b. An Amendment of the Whispering Pines Specific Plan Map is proposed with zoning reflecting the SP-1A.1 Public Assembly Uses Land Use Designation.
- c. An Amendment of the Whispering Pines Specific Plan Building Standards for Building Height. Maximum building height in the Whispering Pines Specific Plan is 25 feet. The building height standards are proposed to be amended to permit 45 feet in height for the SP-1A.1. – *Public Assembly Uses*.

2. **Use Permit** – A Use Permit Application is required to allow studio uses and a performing arts center for InConcert Sierra in the SP-1A.1 Zone designation.

3. **Development Review Permit** – A Development Review Permit (i.e., Design Review) is required for the Architectural Building Design of the roof expansion for InConcert Sierra in the SP-1A.1 Zone designation.

Performances/Assembly Uses: Performances/Assembly Uses are proposed in three areas of the 41,600 square foot building as illustrated in **Exhibit F – Concert Hall (blue) Black Box (yellow) & Conference Center (lavender) Floor Plans:**



Concert Hall – The proposed 520-seat 9,500 square foot Concert Hall section of the building, identified in blue, will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of 670 persons. A concept is illustrated.



Black Box – The proposed 125 seat 2,500 square foot “Black Box” theater, identified in yellow, would provide a flexible configurable space for various theater and smaller musical performances. With a state crew performance ensemble, maximum total occupancy would be 175 persons. A concept is illustrated.



Conference Center – The proposed 3,000 square foot Conference Center, identified in lavender, could be configured in a variety of ways, and including use of smaller conference rooms which could reach a maximum occupancy of 350 persons.

It is expected that on rare occasions, two of these usages could occur simultaneously, but all three uses would not occur simultaneously.

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

Days/Hours of Operation – Hours of operation vary depending on performances and conference schedules. Higher usage is expected on Saturday and Sunday afternoon and evenings. Smaller-occupancy operations will periodically occur on weekday evenings. Occasional larger-occupancy operations will occur on weekends.

Conference Center usage hours will normally be 8:00 a.m. to 5:00 p.m. on scheduled weekdays.

“Black Box” theater usage will be scheduled evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsal and stage set construction activities from 8:00 a.m. to 7:00 p.m. on weekdays and weekends.

Concert Hall usage will be scheduled Sundays 12:00 p.m. to 5:00 p.m. and scheduled weekend evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsals and stage configuration activities from 8:00 a.m. to 11:00 p.m. on weekdays and weekends.

Building Height Modifications – The existing single floor building will have two areas with roof heights raised to accommodate performance acoustics: one area of approximately 9,500 square feet to a maximum of 45 feet in height, and one of approximately 2,500 square feet to a maximum of 35 feet in height (see existing and two-story buildings below).



Parking – The 41,600 square foot building is served by existing onsite parking spaces totaling 204 spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building area. No additional on-site parking spaces are planned. However, negotiated parking agreements with adjoining property owners are required to provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events.

Food/Beverage – Concession drinks and other items will be available to audiences for scheduled performances. Catered food will be prepared in the existing kitchen and available for selected Conference Center activities.

Outdoor Uses – No outdoor uses are proposed with the project.

Noise – With all activities indoors and with significant interior sound insulation planned for the performance spaces, the only sound or noise impact from this project will be from automobile traffic to and from the site as well as conversational noise in the parking lot.

Access, Parking and Circulation – Access to the 41,600 square foot building is from Crown Point Court. Access consists of a dual \pm 20-foot-wide ingress/egress driveway in the center of the site accessing Crown Point Court. No improvement of the access is proposed.

Lighting – No additional lighting is proposed with the project. Existing lighting consists of parking lot lighting and building lighting.

Signage – A monument sign is located on the site at the corner of Crown Point Court and Crown Point Circle. Refacing of the sign is permitted with approval of a sign permit.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The project site is entirely developed with buildings, parking, and landscaping. The project area is mostly developed with business park uses consistent with the Whispering Pines Specific Plan SP-1A Zone designation.

The Nevada County Airport is located approximately 4,700 feet (as the crow flies) from the project site. The project site is in the Compatibility Zone D – Traffic Pattern Zone land use designation according to the Nevada County Airport Land Use Plan.

ENVIRONMENTAL DETERMINATION:

Based upon the Initial Study, Parking was identified as having potentially significant impacts requiring mitigation. Other resource categories were determined to be less than significant or have no impact based upon site and project specific impacts.

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

PUBLIC AND AGENCY COMMENTS:

Public notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was circulated for a 20-day public review period commencing on August 26, 2022, and ending close of business on September 14, 2022 (**Attachment 1 – Initial Study/Mitigated Negative Declaration**).

Comment letters on the project are in **Attachment 5 – Comments on Initial Study/Negative Declaration**. A Response to Comments is in **Attachment 6**.

GENERAL PLAN AND ZONING:

General Plan: The City of Grass Valley General Plan designation is Business Park. The Business Park designation replaced the Planned Employment designation introduced in the 1982 General Plan. Business Park is a category as one of the two mixed use designations. The intent of the BP designation is to accommodate a variety of employment-generating land uses in a master-planned, campus type setting, designed to preserve and enhance the natural environment and to fully integrate into the larger community.

The Whispering Pines Specific Plan extends this concept by designating the subarea for primarily high quality “corporate park” type developments. The goal is to establish a “campus-type atmosphere” with a “whispering pines” theme to be achieved throughout the subarea per the development standards.

Multiple 2020 General Plan policies, goals and objectives support economic development and preservation of existing neighborhoods. The policies, goals and objectives include but are not limited to:

- 7-LUG** Create a healthy economic base for the community, including increasing employment opportunities through attraction of new and compatible industry and commerce, and through retention, promotion, and expansion of existing businesses.
- 18-LUO** Creation and retention of wealth in Grass Valley.
- 19-LUO** Employment opportunities for present and future residents.
- 20-LUO** An expanding local tax base.
- 24-LUO** Creation of an economy conducive to quality growth and development.

Zoning Designation – The property is within the Whispering Pines Specific Plan SP-1A Zone. The intent and purpose of the SP-1A Zone is to establish a mixed land use category to promote business and research parks, large individual corporate establishments, professional and administrative office complexes, and selected commercial activities as the predominate land use.

ANALYSIS:

Staff offers the following for Planning Commission and City Council consideration:

Whispering Pines Specific Plan Amendments/Land Use Compatibility – Uses Permitted in the SP-1A Zone include Administrative and Research, Restricted Light Industrial, Warehouse/Showroom, Employment Center Support, Office/Professional Uses and Churches with a Use Permit.

InConcert Sierra plans to occupy the entirety of the 41,600 square foot building for public assembly entertainment uses. Uses include Studio Uses, such as art, dance, music uses, and theater, or performing arts uses. The uses constitute relatively large-scale indoor facilities for group entertainment. No outdoor uses are proposed with the project. The proposed uses could generate an estimated $\pm 1,050$ attendees/employees should two of the larger proposed uses occur simultaneously. Except for parking, as discussed and mitigated below, the building can accommodate the intended uses, with minimal impact to adjoining properties as outlined and concluded in the Initial Study/Mitigated Negative Declaration. That is, although the project would generate large assembly entertainment uses periodically, the predominate use of the building is anticipated to be less intense than the current office use. Accordingly, use compatibility should not be at issue pending compliance with the parking mitigation measure noted.

Days/Hours of Operation – InConcert Sierra assembly/entertainment uses are in the evenings when many of the Whispering Pines neighboring businesses are closed. Hours of operation vary depending on performances and conference schedules. Higher usage is expected on Saturday and Sunday afternoon and evenings. Smaller-occupancy operations will periodically occur on weekday evenings. Occasional larger-occupancy operations will occur on weekends.

Traffic – A Traffic Study has been prepared by Prism Engineering dated April 28, 2022, for the InConcert Sierra Project. The objective of the Traffic Study is to investigate and analyze the potential for Vehicle Miles Traveled (VMT) impacts relating to the proposed venue location change of two existing performing arts businesses located in the greater Grass Valley/Nevada City area. The analysis of the traffic study is the proposed specific new location for these two existing performing arts businesses known as InConcert Sierra, and Sierra Stages, which are both currently in service at different smaller venue facilities in Grass Valley and Nevada City.

What is unique about the Traffic Study is that for the most part, the InConcert Sierra and Sierra Stages business traffic is already extant on the roadways but are going to two different venue locations. This collaborative project of combining the venue locations will cause all business traffic to relocate to the new location proposed at 125 Crown Point Court. This will change existing travel patterns towards the proposed facility where all concerts will be hosted, theater performances will take place, as well as all contain onsite all office facilities relating to these performing arts businesses.

The conclusions of the Traffic Study noted that the project will have significantly less vehicles in motion on less days, resulting in a minor reduction in greenhouse gas emissions (and VMT) during a year, and even on a monthly basis.

Parking – The project site includes 204 parking spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building floor area. No additional on-site parking spaces are planned.

As noted in the project description, the proposed 520-seat 9,500 square foot Concert Hall section of the building will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of up to 670 persons.

The proposed 125 seat 2,500 square foot “Black Box” theater would provide a flexible configurable space for various theater and smaller musical performances. With a state crew performance ensemble, maximum total occupancy would be 175 persons.

The proposed 3,000 square foot Conference Center could be configured in a variety of ways, including use of smaller conference rooms which could reach a maximum occupancy of 350 persons.

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

It is expected that on rare occasions, two of these uses could occur simultaneously, but all three uses would not occur simultaneously. As such, if the Concert Hall and Conference Center were to be conducted at the same time, up to ±1,050 persons could occupy the site. Even if attendees doubled up for each vehicle, this would amount to 525 vehicles or 321 parking spaces short of the projected vehicle estimates. This shortage in parking is at issue with the City’s Development Code parking standard, however, the applicant has indicated that negotiated parking agreements with adjoining property owners will provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events. The following mitigation measure would reduce this potential impact to a less than significant level:

TRANS 1 – Mitigation Measure:

Prior to the first event in which two uses are occurring at the same time, requiring in excess of 204 parking spaces, the applicant shall submit off-site parking agreements for review and approval that satisfy the event attendance. The final parking agreements shall be for a duration that is commensurate with the event and shall be to the satisfaction of the Community Development Director and City Engineer.

The above parking mitigation measure will reduce any parking deficiencies with the proposed project.

ATTACHMENTS:

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

Exhibits:

- Exhibit A –** Vicinity Map
- Exhibit B –** Aerial Photograph
- Exhibit C –** Site Plan
- Exhibit D –** Site Photographs
- Exhibit E –** Proposed Floor Plan
- Exhibit F –** Colored Concert Hall, Black Box and Conference Center Floor Plans
- Exhibit G –** Existing and Proposed Building Height Increase
- Exhibit H –** Nevada County Airport Land Use Commission Correspondence dated August 23, 2022
- Exhibit I –** Theatre Seating Example
- Exhibit J –** Black Box Theatre Example

TABLES:

- Table 1 –** Project Construction and Operational Estimates
- Table 1.-** Level of Service (LOS) Definitions
- Table 2 –** VMT Calculation distances from Zip Code Centroid to Performing Arts Venue Locations (Old and New)
- Table 3 –** VMT Calculations by Trip Generation

FIGURES:

- Figure 1 –** Levels of Service of Local Roadways and Intersections 6:30 p.m. to 7:30 p.m.
- Figure 2 –** Intersection Turning Movements Values 6:30 p.m. to 7:30 p.m.
- Figure 3 –** InConcert Sierra Travel Patterns and Vehicle Totals by Zip Code Area
- Figure 4 –** Sierra Stages Travel Patterns and Vehicle Totals by Zip Code Area
- Figure 5 –** Sampling of how Google Map Tool was used to determine Trip Distances Between Zip Code Areas and Venue Locations
- Figure 6 –** Project Site Proposed Building Modifications

- Attachment 2 –** Mitigation Monitoring and Reporting Plan
- Attachment 3 –** Findings and Conditions of Approval
- Attachment 4 –** Ordinance No. _____ Rezoning the Properties to the Whispering Pines Specific Plan SP – 1A.1 Zone with **Exhibit A.**
- Attachment 5 –** Project Comments
- Attachment 6 –** Response to Comments

ATTACHMENTS



**CITY OF GRASS VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT**



**Initial Study & Mitigated Negative Declaration – InConcert Sierra –
Whispering Pines Specific Plan Amendments, Use Permit and Development
Review Permit**

**125 Crown Point Court, Grass Valley, CA 95945
(22PLN-18)**



August 26, 2022

ATTACHMENT 1

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INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

InConcert Sierra - Whispering Pines Specific Plan Amendments, Use Permit and Development Review Permits

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study), the City of Grass Valley has prepared this Initial Study to assess the potential environmental impacts of the proposed InConcert Sierra Project which includes entitlements of: 1) A text amendment of the Whispering Pines Specific Plan; 2) Amendment of the Whispering Pines Specific Plan Map; 3) Amendment of the Whispering Pines building standards; 4) Use Permit; and, 5) Development Review Permit. On the basis of the Initial Study, the City finds that the proposed project will not have a significant adverse effect on the environment and will not require the preparation of an Environmental Impact Report. Therefore, this Mitigated Negative Declaration has been prepared as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines Sections 15063 and 15070 et. seq.

Public and Agency Review:

This Initial Study/Mitigated Negative Declaration is being circulated for a **20-day** public and agency review commencing **August 26, 2022**, and ending close of business on **September 14, 2022**. Copies of this Initial Study and cited references may be obtained at the City of Grass Valley Community Development Department at the address noted below. Written comments on this Initial Study/Mitigated Negative Declaration may also be addressed as noted below.

Project title: InConcert Sierra Whispering Pines Specific Plan Amendments, Use Permit and Development Review Permits - (22PLN-18) - located at 125 Crown Point Court, Grass Valley, CA 95945.

Lead agency name and address:

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

Contact person, phone number, and e-mail:

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

Project Location and Site Description:

The project site is located at 125 Crown Point Court consisting of ±5.53 acres (APN: 009-700-063). The project site is in Section 25, Township 16N, Range 8E Mt. Diablo Base Meridian on City of Grass Valley 7.5-minute USA quadrangle. Approximate coordinates of the center of the site are 39.218170 north and -121.027550 west (**Exhibit A - Vicinity Map** and **Exhibit B - Aerial Photograph**).

Exhibit A - Vicinity Map

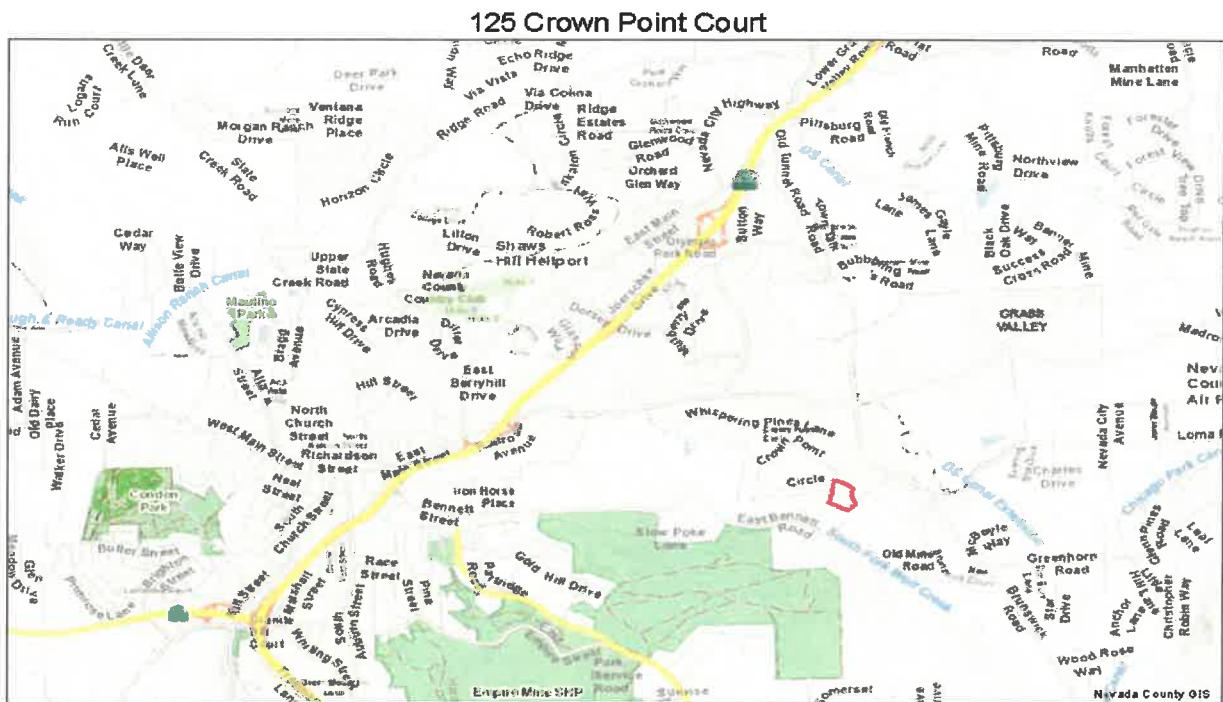
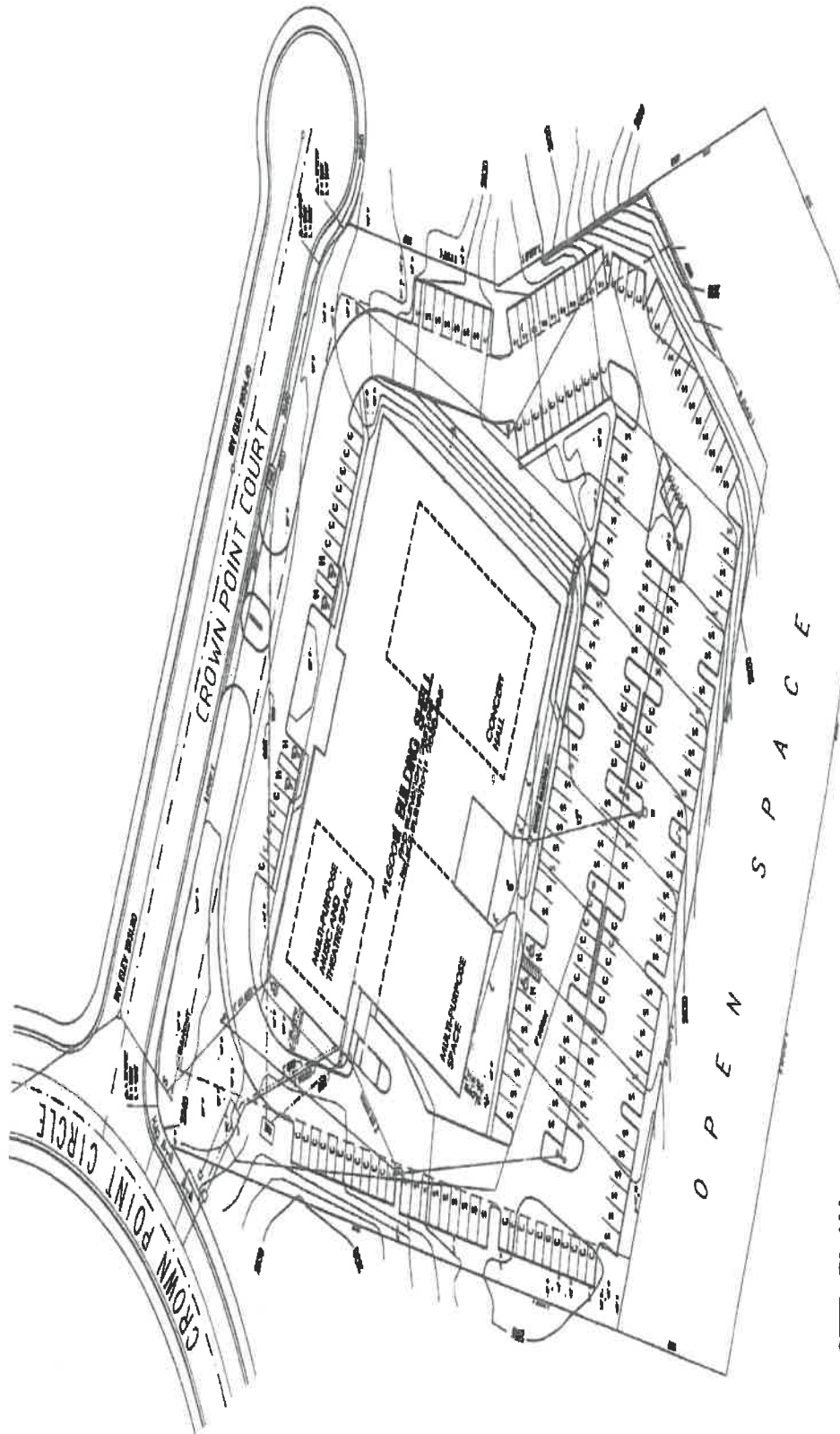


Exhibit B - Aerial Photograph



Exhibit C - Site Plan



GEN
1.-
2.-

Existing Improvements:

The project site is entirely developed with buildings, parking, and landscaping. The 41,600 square foot building is served by existing onsite parking spaces totaling 204 standard and compact parking spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building area.

Surrounding Land Uses:

The project area is mostly developed with business park uses consistent with the Whispering Pines Specific Plan SP-1A Zone designation.

The Nevada County Airport is located approximately 4,700 feet (as the crow flies) from the project site. The project site is located in the Compatibility Zone D - Traffic Pattern Zone land use designation according to the Nevada County Airport Land Use Plan.

(Exhibit D – Site Photographs)



Project Objective:

InConcert Sierra is a non-profit presenter and producer of Classical Music in Western Nevada County. Founded in 1946 as Twin Cities Concert Association, InConcert Sierra presents up to 30 classical music events per year comprising regular season concerts, special concerts, educational programs, etc. The project aim is to provide additional venue space for various genres of music conventions, and conference facilities.

InConcert Sierra and Sierra Stages are both currently in service at different smaller venue facilities in Grass Valley and Nevada City. Current venue locations are: The Seventh Day Adventist Church located at 12889 Osborne Road, in Grass Valley, and the Nevada Theatre located in Downtown Nevada City at 401 Broad Street. Both existing entertainment businesses are proposed to take up space within an existing building site location at 125 Crown Point Court in the Whispering Pines Business Park thereby centralizing venues.

Project sponsor's name and address:

Twin Cities Concert Association
 DBA InConcert Sierra
 333 Crown Point Circle, Suite 125
 Grass Valley, CA 95959
 Attn: Monroe Lovelady

Background:

In September 1982, the City of Grass Valley adopted an updated General Plan. It designated 84 percent of the site as a suitable location for a planned employment center and the remainder as a manufacturing-industrial district. The General Plan recommends that a specific plan be prepared for planned employment centers prior to City approval of development plans.

The Specific Plan for the Whispering Pines Corporate Community was prepared in 1983 to meet these planning requirements, overcome site development obstacles and spell out how this area should be developed. The Specific Plan includes planning recommendations which are much more detailed than the General Plan, yet it is not as detailed as a subdivision proposal. The intermediate level of detail allows considerable flexibility on the part of each owner within the Specific Plan area to respond individually to changing market conditions within a guiding framework.

The Specific Plan also establishes a development concept as the basis for coordination among the landowners and provides guarantees for a managed environment, both of which are attractive to firms seeking locations in the community. The result should be higher returns to investment for landowners and developers, jobs added to the community, and needed tax revenues to public agencies.

PROJECT DESCRIPTION:

The relocation of InConcert Sierra and Sierra Stages requires amendment of the Whispering Pines Specific Plan. The Project entitlements include a Text Amendment of the Whispering Pines Specific Plan, Amendment of the Whispering Pines Specific Plan Land Use Map, Amendment of the Whispering Pines building standards, Use Permit and Development Review Permit as outlined:

1. Amendments of the Whispering Pines Specific Plan -

- a. An Amendment of the Whispering Pines Specific Plan text is proposed to create a new Subarea - *SP-1A.1 - Public Assembly Uses*. The text amendment proposes to list Studio uses, such as art, dance, music uses, and Theater, or performing arts uses as being permitted uses in the SP -1A.1 Zone with approval of a Use Permit.
- b. An Amendment of the Whispering Pines Specific Plan Map is proposed with zoning reflecting the SP-1A.1 Public Assembly Uses Land Use Designation.
- c. An Amendment of the Whispering Pines Specific Plan Building Standards for Building Height. Maximum building heights in the Whispering Pines Specific Plan is 25 feet. The building height standards are proposed to be amended to permit 45 feet in height for the SP-1A.1. - *Public Assembly Uses*.

2. Use Permit - A Use Permit Application is required to allow studio uses and a performing arts center for InConcert Sierra in the SP-1A.1 Zone designation.

3. Development Review Permit - A Development Review Permit (i.e. Design Review) is required for the Architectural Building Design of the roof expansion for InConcert Sierra in the SP-1A.1 Zone designation.

InConcert Sierra (ICS) is a fictitious business name for Twin Cities Concert Association, Inc. (TCCA). TCCA was founded in 1946 and has been in continuous operation since. The primary activity has been music concerts and music education for adults and youth. Major concerts with audiences of up to 500 persons have been presented every month except June through August for many years. Smaller performances and events occur in homes and other venues throughout the year. Major educational programs include Music on Wheels, presented at senior residence facilities, and the Composers Projects where youth and adults learn to compose original music.

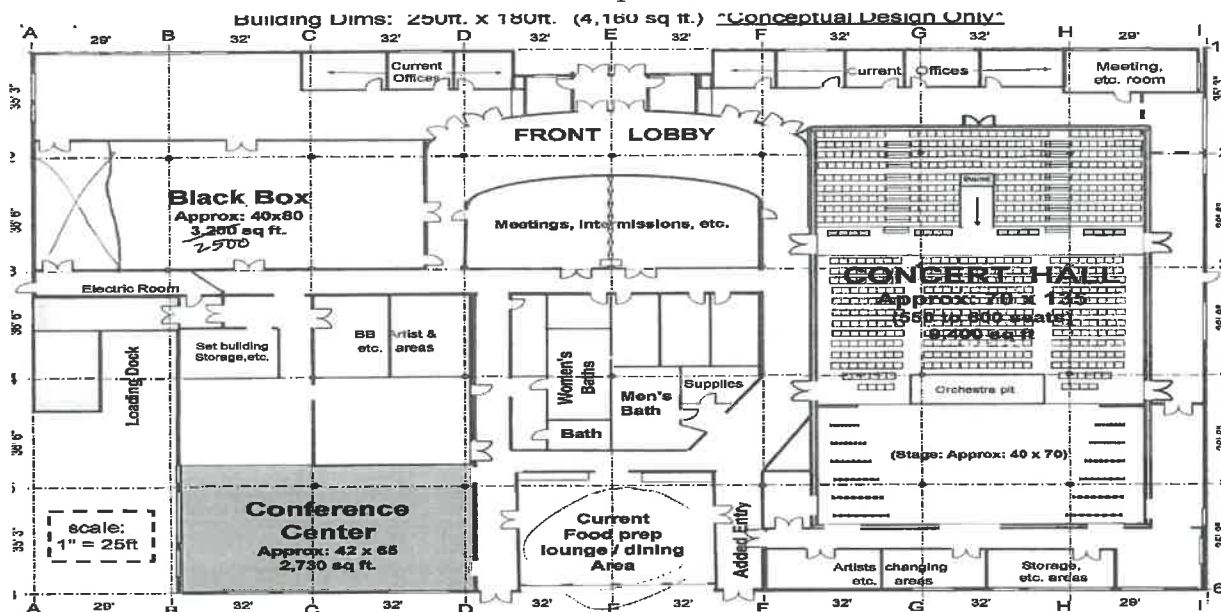
ICS will own and operate the building of approximately 41,600 square feet and expects to lease space for music and theatrical productions to other local and regional organizations. According to ICS preliminary discussions with several other organizations have occurred, and in each case, there has been significant support for having this facility available in the Grass Valley community.

The project is planned in response to a significant demand within Western Nevada County and the surrounding region for professional level performance spaces for non-amplified music and theater. Because these uses are proposed to be housed in a building with significant additional

space, the project also meets the additional community demand for conference and group meeting space. The size of the facility with ample parking and a significant emergency power source also makes the space potentially useable as an emergency operations center.

Performances/Assembly Uses: Performances/Assembly Uses are proposed in three areas of the 41,600 square foot building as illustrated in Exhibit E.

Exhibit E - Proposed Floor Plan



See **Exhibit F** on following page – *Concert Hall, Black Box & Conference Center Colored Floor Plans*

Concert Hall – The proposed 520-seat 9,500 square foot Concert Hall section of the building, identified in blue, will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of 670 persons.

Black Box – The proposed 125 seat 2,500 square foot “Black Box” theater, identified in yellow, would provide a flexible configurable space for various theater and smaller musical performances. With a state crew performance ensemble, maximum total occupancy would be 175 persons.

Conference Center – The proposed 3,000 square foot Conference Center, identified in lavender, could be configured in a variety of ways, and including use of smaller conference rooms could reach a maximum occupancy of 350 persons.

Exhibit F – Concert Hall, Black Box & Conference Center Floor Plans



It is expected that on rare occasions, two of these usages could occur simultaneously, but all three uses would not occur simultaneously.

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

Days/Hours of Operation – Hours of operation vary depending on performances and conference schedules. Higher usage is expected on Saturday and Sunday afternoon and evenings. Smaller-occupancy operations will periodically occur on weekday evenings. Occasional larger-occupancy operations will occur on weekends.

Conference Center usage hours will normally be 8:00 a.m. to 5:00 p.m. on scheduled weekdays.

“Black Box” theater usage will be scheduled evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsal and stage set construction activities from 8:00 a.m. to 7:00 p.m. on weekdays and weekends.

Concert Hall usage will be scheduled Sundays 12:00 p.m. to 5:00 p.m. and scheduled weekend evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsals and stage configuration activities from 8:00 a.m. to 11:00 p.m. on weekdays and weekends.

Building Height Modifications – The existing single floor building will have two areas with roof heights raised to accommodate performance acoustics: one area of approximately 9,500 square feet to a maximum of 45 feet in height, and one of approximately 2,500 square feet to a maximum of 35 feet in height (see existing and two-story buildings below).



Exhibit G – Existing and Proposed Building Height Increase

Parking - The 41,600 square foot building is served by existing onsite parking spaces totaling 204 including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building area. No additional on-site parking spaces are planned. However, negotiated parking agreements with adjoining property owners are required to provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events.

Food/Beverage - Concession drinks and other items will be available to audiences for scheduled performances. Catered food will be available for selected Conference Center activities.

Outdoor Uses - No outdoor uses are proposed with the project.

Noise - With all activities indoors and with significant interior sound insulation planned for the performance spaces, the only sound or noise impact from this project will be from automobile traffic to and from the site as well as conversational noise.

Access, Parking and Circulation - Access to the 41,600 square foot building is from Crown Point Court. Access consists of a dual ± 20 -foot-wide ingress/egress driveway in the center of the site accessing Crown Point Court.

Lighting - No additional lighting is proposed with the project. Existing lighting consists of parking lot lighting and building lighting.

Signage - A monument sign is located on the site at the corner of Crown Point Court and Crown Point Circle. Refacing of the sign is permitted with approval of a sign permit.

Topography - The site is relatively flat with less than 5% grades throughout. The site and buildings will be improved to meet ADA accessibility standards upon renovation, where required.

Drainage - The site drains from north to south with drainage outfall into the open space areas at the south end of the property. No additional drainage improvements are proposed with the project.

Utilities - Water Supply: The subject property is served by Nevada Irrigation District (NID). Extension and/or upgrade of NID water facilities is not required for the project.

Sanitary Sewer - The subject property is served by the City of Grass Valley for sewer. Extension and/or upgrade of City sewer facilities is not required for the project.

Dry Utilities - Dry utilities (i.e., natural gas, electrical supply, telephone, cable) are located along Crown Point Court. Extension and/or upgrade of dry utilities is not required for the project.

General Plan Land Use Designation - The City of Grass Valley General Plan designation is Business Park. The Business Park designation replaces the Planned Employment designation introduced in the 1982 General Plan. Business Park is a category as one of the two mixed use designations. The intent of the BP designation is to accommodate a variety of employment-

generating land uses in a master-planned, campus type setting, designed to preserve and enhance the natural environment and to fully integrate into the larger community.

The Whispering Pines Specific Plan extends this concept by designating the subarea for primarily high quality “corporate park” type developments. The goal is to establish a “campus-type atmosphere” with a “whispering pines” theme to be achieved throughout the subarea per the development standards in Chapter 4 of the Whispering Pines Specific Plan.

Zoning Designation – The property is within the Whispering Pines Specific Plan SP-1A Zone. The intent and purpose of the SP-1A Zone is to establish a mixed land use category to promote business and research parks, large individual corporate establishments, professional and administrative office complexes, and selected commercial activities as the predominate land use

Regulatory Setting and Required Agency Approvals

The following City of Grass Valley, Responsible and/or Trustee Agency permits are required prior to approval of the InConcert Sierra Project:

- City of Grass Valley Community Development Department – Building Plan Approvals and Conditions of Approval/Mitigation Measure compliance verification.
- City of Grass Valley Building and Fire Departments – Building Plan and Fire Apparatus Approvals.
- Nevada County Environmental Health Department (NDEHD) – An operator’s permit shall be obtained from Nevada County Environmental Health Department for the project for the serving of food and beverages.
- Nevada County Transportation Commission (NCTC) – Land Use Consistency with the adopted Nevada County Airport Land Use Compatibility Plan dated September 21, 2011 is required by NCTC.

Evaluation of Environmental Impacts:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

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

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


Lance E. Lowe, AICP, Principal Planner


Date

EVALUATION OF ENVIRONMENTAL IMPACTS:**I. AESTHETICS –**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	---	------------------------------------	-----------

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

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

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

Sources of existing light and glare in the project area are streetlights, residential lighting and parking lot lighting from adjoining land uses.

IMPACTS

- a)&b) The project includes extension of the existing roof for auditorium events. As illustrated, the design and materials are consistent with the existing architecture of the building. The project will not have a substantial adverse effect on a scenic vista or substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. No impact will occur.

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

Generally, new development, if not carefully designed, can result in adverse impacts on sites open to public view. Adopted policies of the City’s General Plan Community Design Element (Chapter 10 of the 2020 General Plan) aim to preserve the desirable physical and design features in Grass Valley and carry them over into new development so that old and new development appear compatible. The City’s Community Design element states that new development within established areas shall be consistent in terms of scale, design, and materials.

The architectural design of the project includes architectural detailing, natural materials and colors consistent with the existing building and adjoining buildings in accordance with the Whispering Pines and the City’s Community Design Guidelines as illustrated in the project description. This potential impact is less than significant.

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

No additional lighting is proposed for the building renovation, so no additional impacts will occur.

II. AGRICULTURE RESOURCES & FOREST RESOURCES—

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

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

The project site is developed, within an urban setting. No agricultural operations or forestry lands have existed on the project site for many years as defined according to the *U.S. Department of Agriculture*. Although, the property contains trees, the project site does not fall under the definition of forest lands as defined by *Public Resources Code Section 12220(g)*.

IMPACTS

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

The *California Resources Agency farmland mapping program* does not identify the project site or vicinity as having Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project area has been designated for urban development zoned for office professional and similar uses according to the *Whispering Pines Specific Plan*.

Considering no farmland as defined by CEQA exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use, including any farmlands under Williamson Act Contract. No impact will occur.

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

All improvements will occur within the existing building footprint. However, should trees require removal due to ADA or other improvements, the applicant will be required to obtain a Tree Removal Permit from the City of Grass Valley in accordance with *Chapter 12.36 of the City's Municipal Code*. Prior to removing trees, the City's Tree Permit standards requires mitigation for the loss of protected trees with payment of in-lieu fees or replanting on-site or combination thereof. No impact will occur.

III. AIR QUALITY –

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulative considerable net increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

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

County is a non-attainment area for the federal 8-hour ozone standard and the entire county is non-attainment for the state one-hour ozone standard.

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

IMPACTS

- a) The InConcert Project does not conflict with or obstruct implementation of an air quality plan prepared by NSAQMD. No impact will occur.
- b-c) Project building construction will be required to comply with NSAQMD standard threshold regulations and air quality mitigations and therefore will not result in a cumulative considerable net increase in any pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

Construction-related emissions vary substantially depending on the level of construction activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind, precipitation conditions, and soil moisture content. In its developed condition as a transient recreational use, air pollutant emissions would be generated by, but not limited to emissions from proposed HVAC units and vehicle trips.

Energy use emissions are generated by on-site natural gas and propane consumption for space and water heating and cooling. Area source emissions are generated by landscape maintenance equipment, consumer products, and architectural coatings.

Operational emissions include mobile source emissions, energy use emissions, and area source emissions. Mobile source emissions are generated by motor vehicle trips. According to the traffic analysis, the project will have significantly less vehicles in motion on less days, resulting in a minor reduction in greenhouse emissions (and VMT) during a year, and even on a monthly basis.

In review of the project, the *California Emission Estimator Model (CalEEMod) Version 2016.3.2*, emissions modeling program was used to estimate air pollutant emissions associated with the InConcert Project. CalEEMod quantifies construction emissions associated with the use of off-road equipment, on-road worker commute, construction delivery and haul trucks, and application of architectural coatings. The software calculates construction emissions by construction phase based primarily on anticipated equipment (e.g., graders, dozers, forklifts), hours of use, estimated area of disturbance, number of vehicles, and distance of vehicle trips.

According to *CalEEMod* modeling results, air quality impacts for both construction and long-term operational (occupancy) phases would be less than significant for all regulated air pollutants. That is, the daily emissions are all below the Level B thresholds adopted by NSAQMD as quantified in Table 1:

TABLE 1 – Project Construction and Operational Emissions Estimates

	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	CO (lbs/day)
Project Construction Impacts	49.96	39.96	28.35	21.62
Project Operational Impacts	1.158	.0392	2.980	.0329
Level A Thresholds				
NSAQMD- Significance Thresholds	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/ A
	<24 lbs/day	<24lbs/day	<79lbs/day	
Level B Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/ A
	24-136 lbs/day	24/136 lbs/day	79-136 lbs/day	
Level C Thresholds				
Maximum Project Emissions	ROG (lbs/day)	NOx (lbs/day)	PM ₁₀ (lbs/day)	N/ A
	>136 lbs/day	>136 lbs/day	>136 lbs/day	

As shown in Table 1 daily emissions generated by construction and operation of the proposed project would not exceed the thresholds of significance in the NSAQMD Guidelines. As a result, the proposed project would not result in potentially significant air quality impacts and would not conflict with or obstruct implementation of the NSAQMD air quality plan and standards. Moreover, the proposed InConcert Sierra Project would not violate the thresholds of significance established by NSAQMD for ozone precursors and PM₁₀, the two criteria pollutants which the region is classified as non-attainment.

Construction emissions are temporary in nature but have the potential to represent a significant short term air quality impact. Operation of off-road construction equipment and vehicles, mobile sources (e.g. delivery vehicles, construction worker vehicles), and architectural coatings generate PM, Nox, and ROG emissions. Generation of these emissions are a function of the types and number of heavy-duty and off-road equipment used and the intensity and frequency of their operation, as well as vehicle trips per day associated with delivery of construction materials, the importing and exporting of soil, vendor trips, and worker commute trips, and the ROG concentration of architectural coatings. Fugitive dust emissions are also among the pollutants of greatest concern during construction activities and depend greatly on required operations, number and type of vehicles, vehicle speeds, local soil and weather conditions, and extent of site disturbance.

Construction of the InConcert Sierra Project would involve interior demolition, interior tenant improvements and architectural coating activities.

The nearest sensitive receptors (i.e. residential uses) are located ± 200 feet from the project site to the south and west. Impacts of the InConcert Sierra Project site will result from initial long-term operation of the assembly use facility. Initial construction-related air pollutant emissions would originate from mobile and stationary sources including but not limited to construction equipment exhaust, dust resulting from painting, and asphalt and/or concrete paving, as applicable.

Since operational emissions would be in accordance with accepted thresholds and construction-related emissions would be short-term, the proposed project's emissions are not anticipated to expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts are anticipated to remain less than significant.

- d) The project will not result in other emissions (such as those leading to odors adversely affecting a substantial number of people) No impact will occur.

IV. BIOLOGICAL RESOURCES –

Would the project:

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

IV. BIOLOGICAL RESOURCES –

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The project site is entirely developed with the 41,600 square foot of building, parking and landscaping. No additional development is proposed, which may affect Biological Resources.

IMPACTS

a) No biological impacts will occur as no development is occurring. No impact will occur.

b-c) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Additionally, the project will not have a substantial adverse effect on state or federally protected wetlands. (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impact will occur.

d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No impact will occur.

e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact will occur.

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

V. CULTURAL RESOURCES –

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

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

TRIBAL CULTURAL RESOURCES –

Would the project:

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

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

SETTING

The site contains an existing 41,600 square foot building and related parking, landscaping, and lighting. Except for an increase in the roof height and interior tenant improvements within the existing footprint, no additional site disturbance is proposed.

IMPACTS

- a-c) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. of the Public Resources Code. No impact will occur.

The project will not directly or indirectly destroy a unique archaeological resource or site. No impact will occur.

The project will not disturb any human remains, including those interred outside of formal cemeteries. No impact will occur.

- c-e) The project will not impact resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). No impact will occur.

The project will not impact a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resources Code Section 5024.1. No impact will occur.

VI. ENERGY –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

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

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

In July 2008, the *California Building Standards Commission* adopted the nation's first green building standards. The *California Green Building Standards Code* (Part II, Title 24) was adopted as part of the *California Building Standards Code* (*Title 24, California Code of Regulations*). Part 11 establishes voluntary standards on planning and design for sustainable site development.

energy efficiency (in excess of California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

IMPACTS

- a)&b) Renovation of the 41,600 square foot building is subject to compliance with *Title 24* energy efficiency standards and *Green Building Codes* adopted by the City of Grass Valley. Approved building plans will be in accordance with Title 24 and Green Building Standards for energy efficiency standards. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Due to the Green Building recycling and Title 24 energy provisions, these impacts are considered less than significant.

VI. GEOLOGY AND SOILS –

Would the project:

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

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

SETTING

Nevada County is part of the Sierra Nevada Range, a geologic block approximately 400 miles long and 80 miles wide which extends in a north-south bank along the eastern portion of California. The terrain of Nevada County is distinctly characterized by two features of the Sierra Nevada. The western third of the county is comprised of rolling foothills which form a transition between the low-lying Sacramento Valley and the mountains to the east. The area extending from the Yuba County line to just northeast of Grass Valley/Nevada City area is generally comprised of metavolcanic (Mesozoic Jura-Trias Metavolcanic) and granite (Mesozoic Granitic) formations.

Grass Valley is not within an Alquist-Priolo zone as defined in DMG Special Report 42 (DMG 1997). However, ground movement can be felt in Grass Valley from earthquakes at intermediate distances (i.e. the Truckee earthquake of 1968) and from distant earthquakes (i.e. Winters-Vacaville 1892 event).

IMPACTS

- a) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

The project is not anticipated to be subject to strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. No impact will occur.

- b) The project will not result in substantial soil erosion or the loss of topsoil. No impact will occur.
- c) The project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. No impact will occur.
- d) The project is not located on expansive soil, as defined in the Building Code, creating substantial risks to life or property. No impact will occur.
- e) The project will not entail the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact will occur.
- g) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impact will occur.

VII. GREENHOUSE GASES –

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

The City of Grass Valley has not conducted a greenhouse gas emissions inventory or adopted a Climate Action Plan, performance standards, or a GHG efficiency metric.

However, the City has adopted an *Energy Action Plan* and the *Grass Valley 2020 General Plan* includes numerous goals, policies, and programs which, if implemented, will reduce Grass Valley's impacts on global climate change and reduce the threats associated with global climate change to the City. CEQA Guidelines Section 15064.4 provides direction to lead agencies in determining the significance of impacts from GHG emissions. Section 15064.4(a) calls on lead agencies to make a good faith effort, based upon available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project. The lead agency has the discretion to determine, in the context of a particular project, how to quantify GHG emissions.

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

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

The NSAQMD has not adopted thresholds of significance for GHG emissions. Due to the nature of global climate change, it is not anticipated that a single project would have a substantial impact on

global climate change. Although it is possible to estimate a project's emissions, it is not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

IMPACTS

- a)&b) Calculating the Greenhouse Impacts on an individual project is difficult to qualify or quantify. The GHG emissions from the proposed project would not individually generate GHG emissions enough to measurably influence global climate change. However, change in occupancy from an office to an entertainment assembly use would result in changes of Vehicle Miles Traveled (VMT) resulting in changes in CO₂ and other greenhouse gas emissions due to vehicle miles traveled, energy use, and solid waste disposal.

According to the *Final Traffic Study prepared by Prism Engineering dated June 15, 2022*, the project will have significantly less vehicles in motion on less days, resulting in a major reduction in greenhouse gas emissions and VMT during the course of a year, and even on a monthly basis. The proposed project consisting of InConcert Sierra, Sierra Stages, and a Conference Center facility, will have operations taking place typically on different days. Coordination of schedules will need to take place. InConcert Sierra for instance, has an event once a month resulting in less VMT and Greenhouse Gases than an office use. **Table 1** provides the project and operational emission estimates:

Table 1 - Project Construction and Operational Emissions Estimates

	ROG (lbs/day)	NO _x (lbs/day)	PM ₁₀ (lbs/day)	CO (lbs/day)
Project Construction Impacts	49.96	39.96	28.35	21.62
Project Operational Impacts	1.158	.0392	2.980	.0329
Level A Thresholds				
NSAQMD- Significance Thresholds	<24 lbs/day	<24lbs/day	<79lbs/day	N/A
Level B Thresholds				
Maximum Project Emissions	24-136 lbs/day	24/136 lbs/day	79-136 lbs/day	N/A
Level C Thresholds				
Maximum Project Emissions	>136 lbs/day	>136 lbs/day	>136 lbs/day	N/A

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

- Toilets and showers shall be low flow.
- All exterior lighting shall be high efficacy and be controlled by a manual on/off switch.
- All high efficacy light fixtures shall be certified as "high-efficacy" light fixtures by the California Energy Commission.

- The renovation shall be constructed in accordance with Title 24 Energy Standards.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

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

SETTING

Based upon a search of the *Nevada County's Environmental Health Department's* website, the proposed project site is not listed in any database of hazardous materials sites. Hazardous materials stored and used onsite and on surrounding properties would be associated with common construction and household chemicals used. However, these chemicals are purchased legally and do not constitute a health hazard.

The Grass Valley City Fire Department responds to all calls for emergency services within City limits that include, but are not limited to fires, emergency medical incidents, hazardous materials incidents, public assists, traffic and vehicle accidents and other situations. The City's closest fire station is located on Sierra College Drive, which is staffed 24 hours a day. This station is located just over ±3 miles from the project site. In the Grass Valley area, industrial and commercial facilities that use, store, or dispose of hazardous materials present the greatest potential hazards. A search of available environmental records conducted indicates that the project site is not listed as a hazardous materials site and no listed sites occur within an ASTM standard distance radius.

IMPACTS

a&b) The proposed project does not involve an activity that may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impact will occur.

c&d) The proposed project does not involve an activity that will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact will occur.

The property is not listed on the City's Hazardous Waste Site or Nevada County's Contaminated Sites lists. In addition, staff conducted a record search on the *State's Geotracker*, *Envirostor* and *Department of Conservation websites* and found no evidence of abandoned mine or hazardous waste sites in the project vicinity. No impact will occur.

e) The project site is located approximately 1 mile (as the crow flies) from the Nevada County Airport. As required by the Public Utilities Code, the Airport Land Use Commission adopted the *Nevada County Airport Land Use Compatibility Plan*. The compatibility plan's purpose is to promote compatibility between the airport and surrounding land uses with respect to height (e.g. height of structures), safety (e.g. number of persons per acre), and noise (e.g. noise sensitive land uses). According to the Nevada County Airport Land Use Compatibility Plan, the project site is located in Land Use Compatibility Zone D of the area of influence.

On August 23, 2022, the Executive Director of the Nevada County Airport Land Use Commission (NCALUC) provided correspondence indicating that:

"After reviewing the project details and the proposed number of event attendee and employees on site, I find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Nevada County Airport Land Use Compatibility Plan and give approval of the project on behalf of NCALUC." (*Exhibit H - Nevada County Airport Land Use Commission Correspondence dated August 23, 2022*).

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

The Grass Valley region has a generally high potential for wildland fires of devastating intensity. This is due to the presence, particularly in less urban settings, of heavier timber, woodland and brush, the occurrence of steep slopes, dry weather conditions and human activity. Generally vegetative areas over 8% slope are considered as fire hazardous (*City of Grass Valley GP*). Existing City standards for the development provide adequate access, fire flows, and other facilities to maintain an appropriate level of fire protection. Specifically, the project is required to comply with the *California Building Code* and *California Fire Code*. Based upon these standards, the project is not anticipated to expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fire. This impact is less than significant.

IX. HYDROLOGY AND WATER QUALITY –

Would the project:

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

IX. HYDROLOGY AND WATER QUALITY –

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially
Significant
Impact☐Less Than
Significant
With
Mitigation
Incorporation☐Less Than
Significant
Impact☐

No Impact

☒**SETTING**

The property is in the Whispering Pines Specific Plan area. The immediate area is built out with business park and similar type uses in accordance with the Whispering Pines Specific Plan.

The properties are located in Flood Zone X (Areas determined to be outside the 500-year flood plain) according to the *Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0650E dated February 3, 2010*.

IMPACTS

- a) Except for an increase in the height of the building, no additional square footage is proposed with the project. All existing infrastructure has been constructed with limited onsite improvements being required such as accessible ADA improvements. According, the project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. No impact will occur.
- b) Treated water is available and provided by Nevada Irrigation District (NID). The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of NID services. This impact is less than significant.
- c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on or off site.

The project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site. The project will not impede or redirect flood flows. No impact will occur.

- d) The developed portion of the property is not within an area of the 100-year flood plain according to FEMA Map panel number 06057C0650E dated February 3, 2010.

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

- e) The project will not contribute additional storm water into the existing drainage improvements constructed on the project site. No impact will occur.

X. LAND USE AND PLANNING --

Would the project:

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

SETTING

The City of Grass Valley 2020 General Plan Land Use Map (updated February 2007) identifies the property and area within the Whispering Pines Specific Plan Area. The Whispering Pines Specific Plan and SP - 1A designates the property for Business Park and similar compatible uses.

IMPACTS

- a) The project site is surrounded by urban development consisting of professional offices and business park type uses. The project is surrounded by existing development and will not physically divide an established community. No impact will occur.
- b) Multiple Whispering Pines Specific Plan and 2020 General Plan policies, goals and objectives support mixed-use development, infill development and additional recreational opportunity/facilities in the City, including, but not limited to:

- 7-LUG Create a healthy economic base for the community, including increasing employment opportunities through attraction of new and compatible industry and commerce, and through retention, promotion, and expansion of existing businesses.
- 18-LUO Creation and retention of wealth in Grass Valley.
- 19-LUO Employment opportunities for present and future residents.
- 20-LUO An expanding local tax base.
- 24-LUO Creation of an economy conducive to quality growth and development.
- 18-CDP Endeavor to locate new entertainment and retail facilities in the Downtown area through redevelopment, public/private partnerships and other development tools.

Development of the property will not divide an established community or conflict with any applicable land use plan, policy or regulation. No impact will occur.

XI. MINERAL RESOURCES –

Would the project:

- | | Potentially
Significant
Impact | Less Than
Significant
With
Mitigation
Incorporation | Less Than
Significant
Impact | No Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SETTING

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

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

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

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

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

IMPACTS

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

XII. NOISE—

Would the project:

- | | Potentially
Significant
Impact | Less Than
Significant
With
Mitigation
Incorporation | Less Than
Significant
Impact | No Impact |
|---|--------------------------------------|---|-------------------------------------|--------------------------|
| a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XII. NOISE—

standards established in the local general plan or noise ordinance, or as applicable standards of other agencies?

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

SETTING

The project is located within an existing relatively noise free business park with office and similar uses. Due to the proximity of the Nevada County Airport, periodic airplane overflight noise is the sole noise source in the project vicinity.

IMPACTS

- a) During initial tenant improvement building construction, an increase in ambient noise levels is anticipated to occur. Noise levels would vary depending on the type of equipment used, how it is operated, and how well it is maintained.

Noise exposure at any single point outside the project work area would also vary depending upon the proximity of equipment activities to that point. The property lines of the nearest existing residential uses are located approximately 300 feet away from where the construction activities would occur on the project site.

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

Considering the distance to sensitive receptors and the type of equipment used for the project, it is not anticipated that construction noise will exceed ± 65 dB, during the working hours from 7:00 a.m. to 7:00 p.m. This potential impact is less than significant.

- b) The project will not generate excessive ground borne vibration or ground borne noise levels. No impact will occur.
- c) The project is located within two miles of the Nevada County Airport; however, due to the acoustical tenant improvements associated with the assembly/music use, the project

will not expose people residing or working in the project area to excessive noise levels.
No impact will occur.

XIII. POPULATION AND HOUSING –

Would the project:

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

SETTING

The project relocates existing entertainment businesses within an existing 41,600 square foot building with an established developed area. No new facilities are proposed with the project.

IMPACTS

- a) The project will not induce substantial unplanned population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). No impact will occur.
- b) The project will not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impact will occur.

XIV. PUBLIC SERVICES —

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				

XIV. PUBLIC SERVICES —

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

SETTING

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

Fire Protection: The City of Grass Valley Fire Department provides fire protection and emergency medical services within the City. The Ophir Hill Fire Protection District serves lands east of the City limits, and the Nevada County Consolidated Fire District (NCCFD) serves the area generally north, west, and south of the City limits.

The Fire Department is part of the tri-agency Joint Operating Agreement that includes the Nevada City Fire Department and NCCFD. The Fire Department has three locations: Fire Station #1 (474 Brighton Street), Fire Station #2 (213 Sierra College Drive), and administrative offices at City Hall (125 East Main Street). Equipment includes three front line engines, one reserve engine, one Office of Emergency Services (OES) engine, a ladder truck, one air support unit, and five staff vehicles.

Police Protection: The Department currently employs 27 FTE sworn members and 3 FTE civilian staff. Based upon Grass Valley's population of 13,041 the department's ratio of police officers per 1,000 residents is 2.1.

Schools: Throughout Grass Valley, the Grass Valley School District serves K-5 students and the Nevada Joint Union School District serves students in grades 9 - 12. In addition, through inter-district contracts (which can be retracted), 467 students from Grass Valley currently attend schools in other school districts.

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

IMPACTS

- a) The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of City's public services. These impacts are considered less than significant.

XV. RECREATION –

Would the project:

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

SETTING

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

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

The City's Quimby Act park ratio is five acres per 1,000 residents. The City has a park/population ratio of thirteen acres per 1,000 persons.

IMPACTS

- a)&b) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. No impact will occur.

The project does not include recreational facilities or require the construction or expansion of recreational facilities which might, have an adverse physical effect on the environment. No impact will occur.

XVI. TRANSPORTATION/TRAFFIC –

Would the project:

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

SETTING

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

Consequently, the past practice of automobile delay, as measured by "Level of Service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. However, Level of Service (LOS) is still evaluated for General Plan consistency and the imposition of Traffic Impact Fees to fund the City's Capital Improvement Program.

A Traffic Study has been prepared by Prism Engineering dated April 28, 2022, for the InConcert Sierra Project. The objective of the Traffic Study is to investigate and analyze the potential for Vehicle Miles Traveled (VMT) impacts relating to the proposed venue location change of two existing performing arts businesses located in the greater Grass Valley/Nevada City area. The analysis of the traffic

study is the proposed specific new location for these two existing performing arts businesses known as InConcert Sierra, and Sierra Stages, which are both currently in service at different smaller venue facilities in Grass Valley and Nevada City.

What is unique about the Traffic Study is that for the most part, the InConcert Sierra and Sierra Stages business traffic is already extant on the roadways but is going to two different venue locations. This collaborative project of combining the venue locations will cause all business traffic to relocate to the new location proposed at 125 Crown Point Court. This will change existing travel patterns towards the proposed facility where all concerts will be hosted, theatre performances will take place, as well as all contain onsite all office facilities relating to these performing arts businesses.

The questions to be answered within the Traffic Study are: “what impact, if any, will the relocation of these two existing performing arts businesses to a single location have on air quality and Vehicle Miles Traveled (VMT), as well as any potential impact to the traffic operations on local roadways?”

The Traffic Study addresses these questions and provides a qualitative and creative methodology to determining whether VMT is expected to increase or decrease once the proposed changes to venue location are realized. Technically, the regional traffic model which calculates VMT is not sensitive enough to properly detect such a change in VMT for small projects based on only on relocation, and especially since the project traffic already exists in two places in Nevada County. Another reason is that the current customer base for these two businesses is known and specific to zip code, a factor not available in the traffic model. This zip code factor is known through yearly ticket sales, and is the primary factor used in the traffic study to most appropriately determine how vehicle distance totals (VMT) in travel to and from the proposed site would differ if changed from the existing sites. In theory, VMT could only have an increase if drivers to these existing venues will end up traveling even farther distances to get to the new proposed location. The traffic study addresses, in a qualitative and quantitative analysis, the estimated change to existing VMT (plus or minus). In addition, the analysis also juxtaposed the proposed project VMT and traffic operations with the existing zoning at 125 Crown Point Court and the previous tenant use (The Grass Valley Group Business Park Use).

- a) The project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. However, on-site parking is deficient for larger events.

The project site includes 204 parking spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building floor area. No additional on-site parking spaces are planned.

As noted in the project description, the proposed 520-seat 9,500 square foot Concert Hall section of the building will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of up to 670 persons.

The proposed 125 seat 2,500 square foot “Black Box” theater would provide a flexible configurable space for various theater and smaller musical performances. With a state crew performance ensemble, maximum total occupancy would be 175 persons.

The proposed 3,000 square foot Conference Center could be configured in a variety of ways, including use of smaller conference rooms could reach a maximum occupancy of 350 persons.

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

It is expected that on rare occasions, two of these uses could occur simultaneously, but all three uses would not occur simultaneously. As such, if the Concert Hall and Conference Center were to be conducted at the same time, up to 1,050 persons could occupy the site. Even if attendees doubled up for each vehicle, this would amount to 525 vehicles or 321 parking spaces short of the projected vehicle estimates. This shortage in parking is at issue with the City’s Development Code parking standard, however, the applicant has indicated that negotiated parking agreements with adjoining property owners will provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events. The lack of on-site parking may present a significant parking impact. However, the following mitigation measure would reduce this potential impacts to a less than significant level:

TRANS 1 – Mitigation Measure:

Prior to the first event in which two uses are occurring at the same time, requiring in excess of 204 parking spaces, the applicant shall submit off-site parking agreements for review and approval that satisfy the event attendance. The final parking agreements shall be for a duration that is commensurate with the event and shall be to the satisfaction of the Community Development Director and City Engineer.

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

Two methods were used to calculate VMT for the existing uses and the proposed project: A Zip Code method that looked at literal distances traveled based on ticket sales, and a typical Trip Generation calculation method using assumptions for average trip lengths by land use.

Existing Conditions and Traffic Constraints for Local Intersections and Roadways – The existing traffic conditions were obtained from a recent traffic study in the area (*Traffic Impact Analysis for the Idaho Maryland Mine Project, Nevada County prepared by KD Anderson dated March 24, 2020*) and the appropriate weekday evening times were selected as relevant for this performing arts project. Specifically, the time-of-day scenario selected was the 6:30 to 7:30 p.m.

scenario, and the results of this data show that LOS A and LOS B conditions were the typical conditions of traffic during this evening time period. **Figure 1** shows these values on a map at various intersection locations. It can be seen that LOS B conditions surround the project site on Idaho Maryland Road, Whispering Pines Road and Brunswick Road. **Table 1**, Level of Service (LOS) definitions, shows the meaning of what LOS A versus LOS B means, and all other values through LOS F. The City of Grass Valley identifies LOS D or better as the acceptable Level of Service at intersections and roadways in community regions, so with all local intersections in the region operating at LOS B conditions, this means that traffic conditions are two levels better than the acceptable LOS D.

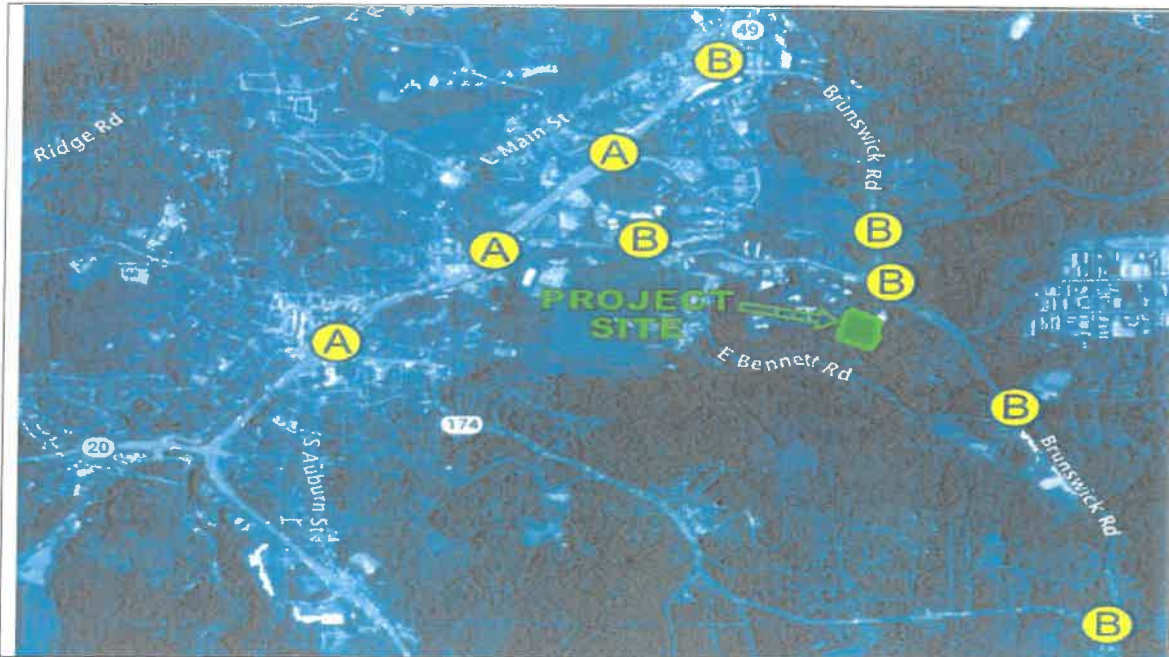


FIGURE 1. LEVELS OF SERVICE OF LOCAL ROADWAYS AND INTERSECTIONS 6:30 PM TO 7:30 PM

² TRAFFIC IMPACT ANALYSIS FOR THE IDAHO-MARYLAND MINE PROJECT, Nevada County, CA, Prepared by KDAnderson & Assoc. March 24, 2020

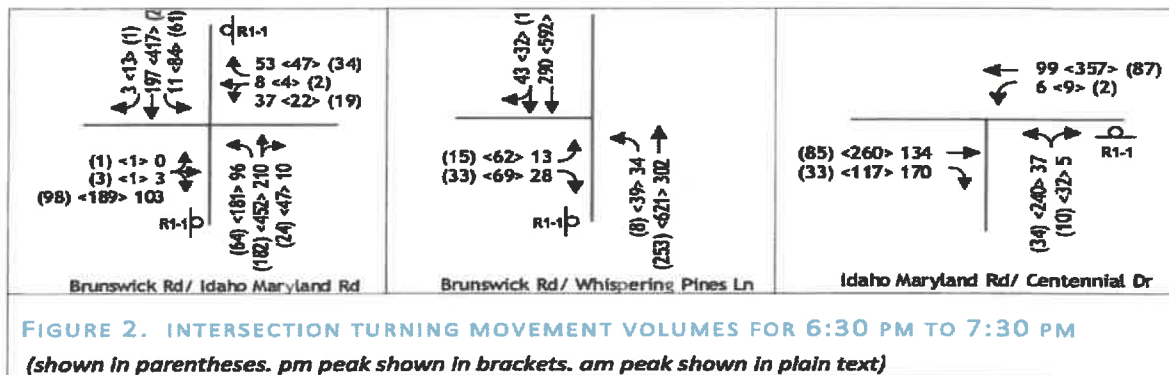
The LOS shown in yellow circles in **Figure 1** (LOS A and LOS B at all intersections) indicate that there is no evening congestion in the study area; average delay in between 10 and 20 seconds (as shown in **Table 1**).

The time of analysis as stated before, is 6:30 p.m. to 7:30 p.m., which generally coincides with the time of arrival for evening performing arts events and shows. This intersection turning movement data is shown for key intersections in the following **Figure 2**. These volumes yield LOS A and LOS B conditions as depicted in **Figure 1**.

TABLE 1. LEVEL OF SERVICE (LOS) DEFINITIONS

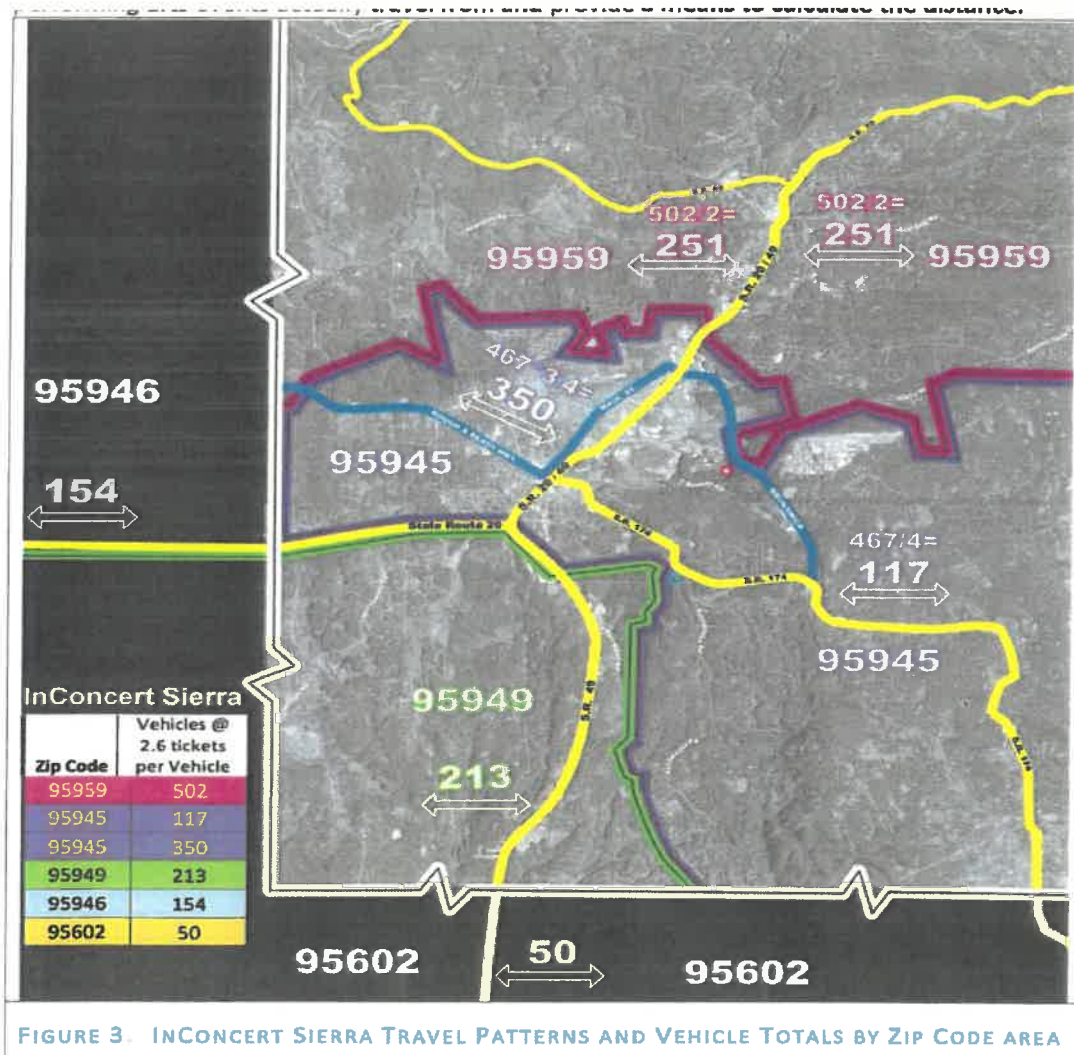
LOS	Signalized Intersection	Unsignalized Intersection
A	Uncongested, all queues clear in a single-signal cycle. Delay < 10.0 sec	Little or no delay. Delay < 10 sec/veh
B	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and < 20.0 sec	Short traffic delays. Delay > 10 sec/veh and < 15 sec/veh
C	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and < 35.0 sec	Average traffic delays. Delay > 15 sec/veh and < 25 sec/veh
D	Significant congestion. Cars wait more than one cycle. No long queues. Delay is 35.0 - 55.0 sec	Long traffic delays. Delay > 25 sec/veh and < 35 sec/veh
E	Severe congestion, long queues...may block nearby intersections. Delay > 55.0 sec and < 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and < 50 sec/veh
F	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh

Sources: Highway Capacity Manual, 6th Edition Transportation Research Board, 2016. Sec/veh – seconds per vehicle



It can be seen from Figure 2 that the hourly volumes shown for the 6:30 p.m. to 7:30 p.m. time period (shown in parenthesis) is about 25% of those shown for the more congested p.m. peak hour from 3:30 p.m. to 4:30 p.m. What this means is that traffic for the evening time period coinciding with the proposed project traffic would be about one-fourth (1/4) of that just three hours earlier. In other words, the project will not cause any significant traffic operations impact. Even the worst-case assignment of traffic all out Idaho Maryland Road towards the freeway would result in traffic volumes that are still less than the worst 3:30 p.m. to 4:30 p.m. peak. Since there are multiple pathways the existing plus proposed project volumes at all intersections will be at approximately 50% of the 3:30 p.m. to 4:30 p.m. totals.

Existing Performing Arts Business Travel Patterns and VMT Totals by Zip Code Method
– Ticket sales for InConcert Sierra monthly events were utilized for this analysis because the data also included a zip code category in the database sales. A zip code map of Nevada County was utilized to graphically document the geographical locations where customers/patrons of the performing arts events actually travel from and provide a means to calculate the distance.



The combination of distance code centroid or concentration area of homes, and ticket sales, can be multiplied/calculated to yield vehicle miles traveled, or VMT. **Figures 3** and **Figure 4** show the vehicle totals by zip code in the study area for the InConcert Sierra venue (located at the Seventh Day Adventist Church located at 12889 Osbourne Road, Grass Valley). These maps and vehicle totals were utilized, along the Google Maps tool to ultimately determine the trip length for both existing and proposed locations.

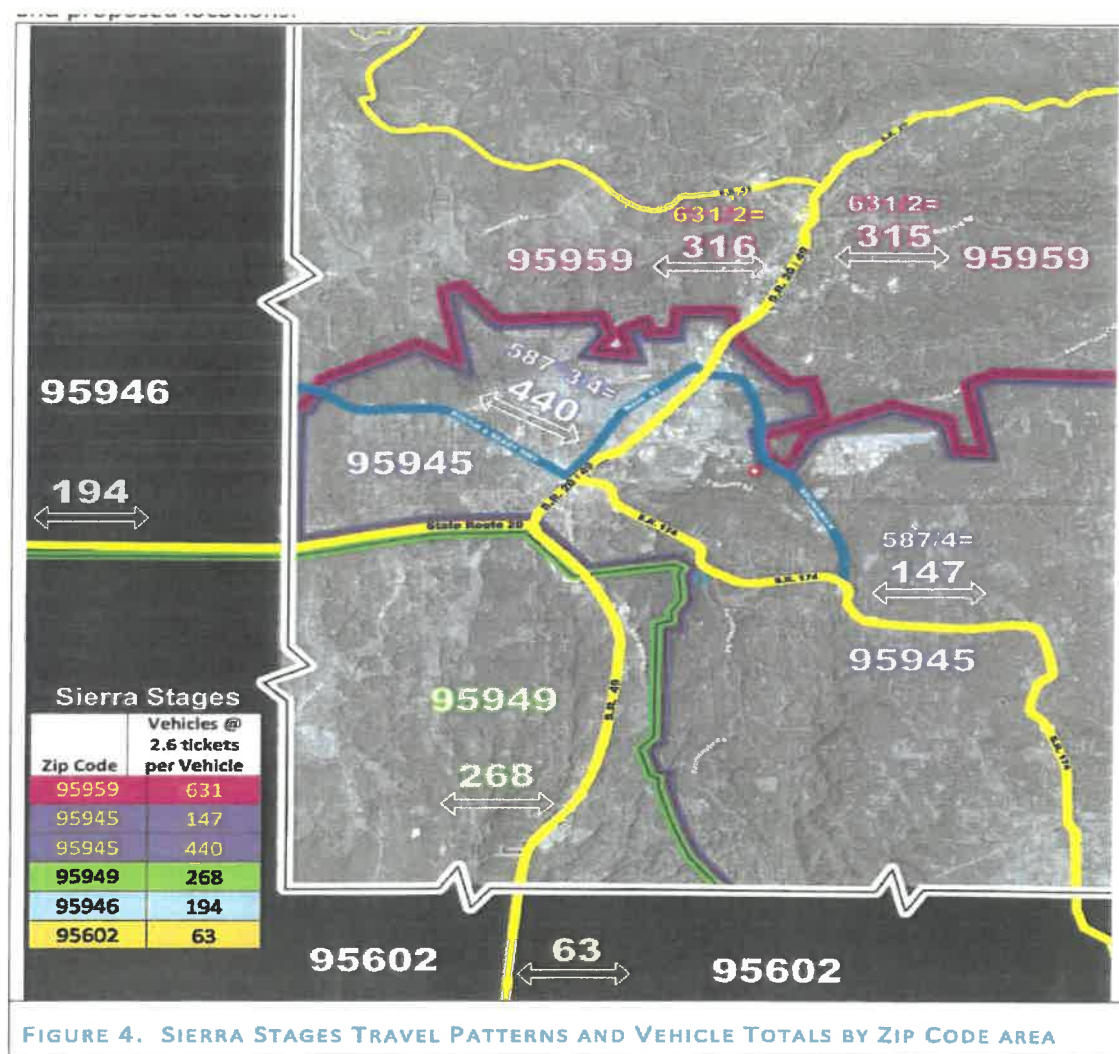
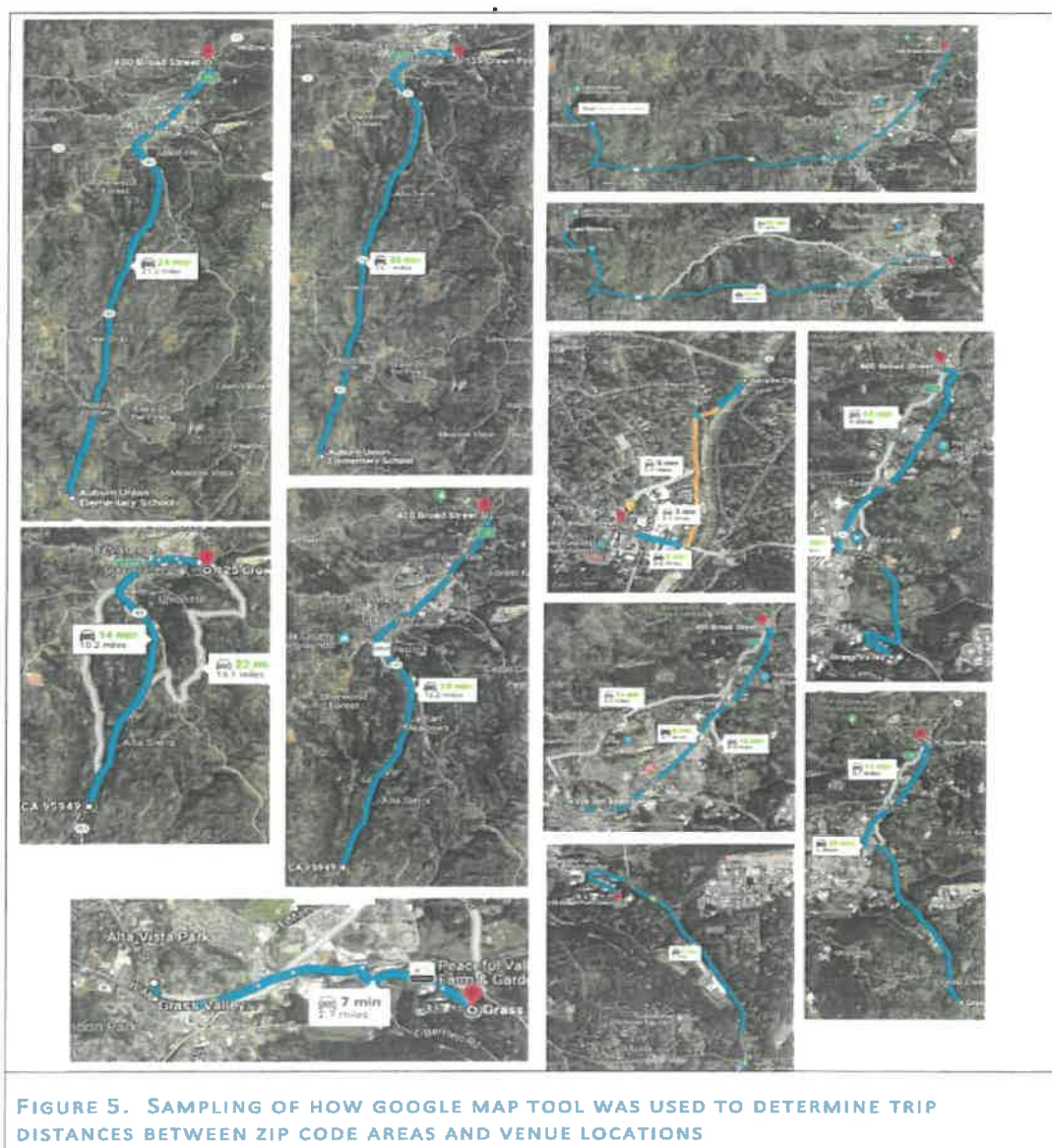


Figure 5 shows how the Google Maps distance measure tool from point to point was used to determine the distance to each one of the existing and proposed performing arts business locations from the centroid of the various zip code areas associated with ticket sales.



All distances between zip code centroids or where the density of residential development exists were measured to and from each of the existing and proposed performing arts venue locations (125 Crown Point Court, 400 Broad Street and 12889 Osborn Road). This trip length data by zip code to and from venues were compiled into "Table 2 – VMT Calculations: which follows:

TABLE 2. VMT CALCULATIONS. DISTANCE FROM ZIP CODE CENTROID TO PERFORMING ARTS VENUE LOCATIONS (OLD AND NEW).

					YEARLY**		MONTHLY**		DAILY VMT				
VENUE		ZIP CODE	YEARLY TICKET SALES	Yearly Number of VEHICLES*	Miles from Venue to ZIP Code Centroid		VMT Estimate from ZIP Code Centroids		VMT Estimate from ZIP Code Centroids		Existing DAILY # of CARS	VMT Estimate from ZIP Code Centroids	
					OLD	NEW	OLD	NEW	OLD	NEW		OLD	NEW
InConcert Sierra	95959	1305	502	5.8	4.3	1813	4317	48	360	42	485	360	
	95959 east	304	117	2.1	3.0	490	701	41	58	10	41	58	
	95945 west	911	350	3.4	2.7	2382	1891	189	158	29	198	158	
	95949	553	213	9.7	10.2	8132	4345	184	362	18	344	362	
	95946	401	154	12.7	13.3	3912	4096	138	341	13	326	341	
	95602	130	50	19.2	19.2	1930	1920	161	160	8	161	160	
	OTHER	852	328	25	25	14400	16400	1987	1367	27	1367	1367	
4455			1714										
TOTALS>				78.0	77.7	45098	33671	2922	2806	148	2922	2806	
WEIGHTED AVERAGE TRIP LENGTH>>				10.2	9.8	typical daily VMT							

*assuming 2.6 passengers per vehicle

**These are intermediate calculations and are for a yearly and monthly total, and do not represent the typical DAILY VMT values shown in last column

				YEARLY**		MONTHLY**		DAILY VMT				
VENUE	ZIP CODE	YEARLY TICKET SALES	Yearly Number of VEHICLES*	Miles from Venue to ZIP Code Centroid		VMT Estimate from ZIP Code Centroids		VMT Estimate from ZIP Code Centroids		Existing DAILY # of CARS	VMT Estimate from ZIP Code Centroids	
				OLD	NEW	OLD	NEW	OLD	NEW		OLD	NEW
Sierra Stages	95959	1641	631	0.5	4.3	841	5428	158	1357	7	53	452
	95945 east	382	147	6.0	3.0	1741	881	440	220	5	147	73
	95945 west	1145	440	4.7	2.7	4184	2378	1035	594	2	345	198
	95949	695	268	11.2	10.2	8134	5463	1634	1366	11	545	455
	95946	504	194	12.7	13.3	3912	5150	1681	1288	60	494	429
	95602	163	63	19.2	19.2	1930	2414	600	603	0	223	201
	OTHER	1071	412	25	23	14400	18952	5180	4738	0	1717	1579
5601			2155									
TOTALS>				85.0	78.7	42248	40665	2158	10166	86	3522	3389
WEIGHTED AVERAGE TRIP LENGTH>>				9.8	9.4					typical daily VMT		

*assuming 2.6 passengers per vehicle

**These are intermediate calculations and are for a yearly and monthly total, and do not represent the typical DAILY VMT values shown in last column

PERFORMING ARTS BUSINESS TOTALS>>	143.0	133.4	74336	13457	12972	6445	6195
WEIGHTED AVERAGE TRIP LENGTH>>	10.0	9.6					

worst case VMT, if
both events happen on
same day (not likely)
due to parking
conflicts

Table 2 shows the final ticket, vehicle, and VMT totals for both the InConcert Sierra business and the Sierra Stages business. It should be noted that the ticket sales totals compiled were for yearly sales totals for the Year 2019 before the Covid shutdowns. These tickets were converted into number of vehicles by zip code using a 2.6 vehicle occupancy rate, and then the yearly VMT totals were calculated by zip code for each business. The subsequent columns show how these yearly VMT totals were converted into monthly VMT totals and finally into the analysis relevant daily VMT totals as shown. The conversion factor for InConcert Sierra to determine a daily VMT was knowing that they have one concert per month today, and that also becomes the worst-case daily VMT total since all of these venue trips took place on the same day/evening. The Sierra Stages business has between 36 and 45 events per year (three shows with 12-15 performances for each per year), and so to be conservative, 3 events per month were assumed as the worst-case situation that would yield the highest VMT calculation for a single day (last columns). The InConcert Sierra venue has a value of 2,992 daily VMT on the day of the concert, and with the new location this drops to 2,806, an improvement. The Sierra Stages daily high VMT is 3,522 and

decreases to 3,389 with the change of location. Overall, VMT for the combined events goes from 6,445 to 6,195, a drop in VMT with the project. It should be noted that it is not likely that InConcert Sierra and Sierra Stages would have a performance on the same night, unless overflow parking was arranged in advance.

Other Project Traffic – There are other trips taking place to and from the existing venues and the proposed location at 125 Crown Point Court, such as employee trip, deliveries, etc. However, the number of vehicle trips related to employee trips are small, and these employee related trips would not be taking place at the same time as the venue patron traffic but would be more during the daytime work shift (8 a.m. to 5 p.m.). There are also rehearsal related traffic volumes which could add up to as many as 70 choir members, but this will not take place on the same day or time as a monthly concert. In addition, there are board meetings up to 10 persons, 10 times a month for 10 months out of the year (a total of 100 meetings during normal workday hours). These trips represent traffic for up to about 25 additional vehicle trips which is not a significant factor when compared to the total for the musical concerts or theater events. On a daily VMT basis however, this will add approximately 500 additional VMT to the totals, which is still over conservative.

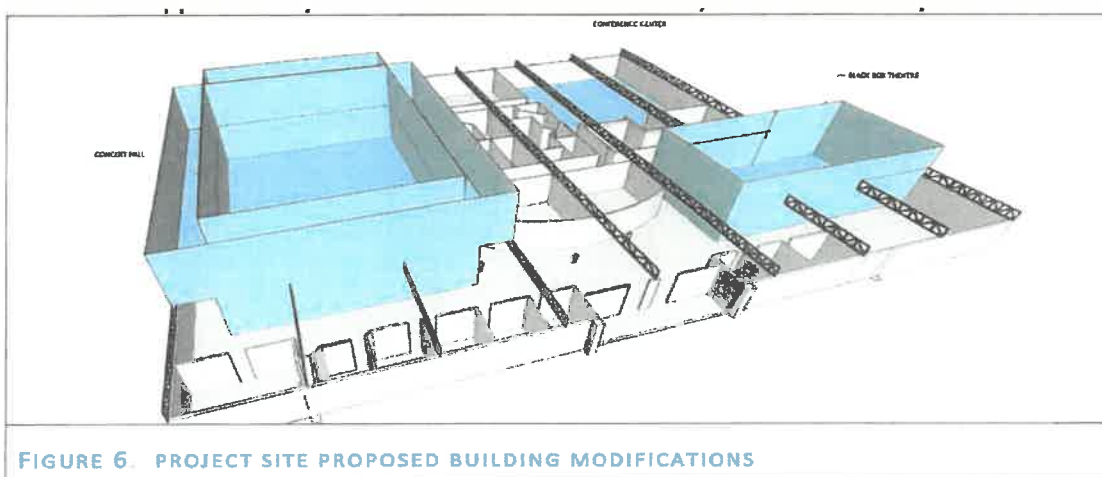


FIGURE 6. PROJECT SITE PROPOSED BUILDING MODIFICATIONS

Proposed Performing Arts Businesses Vehicle and VMT Totals by Trip Generation Method – VMT in this methodology was calculated using an ITE Trip Generation Rate for the existing facility (that used to be the Grass Valley Group) and the Business Park Category (770) was used based on 41,600 square feet of building space. The proposed performing arts facilities in the same building (after modifications) is based on the number of physical seats available in the Concert Hall and the Black Box Theater, and was assumed full capacity (worst case) for these shows.

TABLE 3. VMT CALCULATIONS BY TRIP GENERATION.**EXISTING CONDITIONS: Grass Valley Group Building (41,600 SF)**

ITE Trip Generation Manual Trip Generation Period (770 Business Park)	ITE Trip Generation Rate per KSF GFA	KSF of Facility	Trips	Vehicle Miles Traveled (VMT)*	
DAILY TRIPS	12.44	41.6	517.5	15525	
AM PEAK TRIPS	1.40	41.6	58.2	1747	
PM PEAK TRIPS	1.26	41.6	52.4	1572	

*Nevada County Census information indicates that 72.2% of all workers drive alone to work (source: Census data: ACS 2020 5-year). This equates to 31,731 people who have an average commute time of 24.7 minutes. Only 6.6% carpool. Workers commuting IN to Nevada County = 4,506 and OUT = 11,230, or about 1/3 of total, which a distance of 50 miles for commutes to and from other counties was assumed. Average trip distance overall = 30 miles.

PROPOSED CONDITIONS in 41,600 SF Building, but using only 16,200 SF for 3 Uses

ITE Trip Generation Manual Trip Generation Period	CAPACITY of Space In Persons	Carpool Factor	Cars	Vehicle Miles Traveled (VMT)*	Difference between Project and Business Park
CONCERT HALL	600	2.6	231	4523	-11002
BLACK BOX THEATER	150	2.6	58	1085	-14441
MULTI PURPOSE/CONFERENCE	300	1.5	200	6000	-9525

*Values taken from VMT Analysis tables for InConcert Sierra and for Sierra Stages (9.8 miles and 9.4 miles weighted average trip length respectively), and factored up to account for new increased audience capacity at new location facility (125 Crown Point Court). Average trip length assumed for Conference Center was 15 miles.

In Table 3 above, it can be seen that there is a significant reduction in VMT for the proposed project when compared to the existing business park land use. In fact, the VMT is expected to be less than one-third (1/3) of the VMT impact of the existing land use. In Table 3, the Business Park use would generate a daily VMT of 15,525, compared to the proposed 600 seat InConcert Sierra venue which would have a daily VMT of only 4,523 based on the weighted average trip length of 9.8 miles (taken from Table 2 calculations). The Conference Center uses would also be slightly more than just one-third (1/3) of the Business Park daily total VMT.

The Appendix of this report contains the US CENSUS information used to calculate home to work trip length assumptions used in Table 3 for Business Park traffic (assumptions shown in noted on Table 3).

VMT will significantly reduce with the Project – The project will have significantly less vehicles in motion on less days, resulting in a minor reduction in greenhouse gas emissions (and VMT) during a year, and even on a monthly basis. The proposed project consisting of InConcert Sierra, Sierra Stages and a Conference Center event taking place during the daytime hours, once a month. In the event of a Conference Center event taking place during the daytime hours, this will not conflict with an evening show. It should be noted that of a

30-day month, there are four weekends, and this would coincide with four evening weekend shows (three for Sierra Stages and one for InConcert Sierra). Through staggering of weekend scheduling, these two performing arts businesses can adequately share the proposed facility and parking.

Daily VMT of Project is estimated to be one-third of business park use – When the Project facility has an activity or event, which is not every day, the amount of VMT will be approximately one-third of the amount that the Business Park use would generate. This report shows that the estimated VMT of the proposed project will actually significantly reduce VMT totals on a daily basis (see **Tables 2 and 3**) with the land use change. On a monthly basis and yearly basis this reduction is even larger since there are many days where no significant activity would take place at the site (with the exception of business operation office and the employees which happens daily and has been estimated at around 500 VMT daily). These low VMT numbers for the Project, less than 6,000 VMT for the Conference Center, compares to a Business Park VMT for the same facility which is calculated at 15,000 VMT.

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

- The project is located in Travel Analysis Zone (TAZ) 1211. (The number of the travel analysis zone from Nevada County Travel Demand Model in which the parcel is located)
- TAZ 1211 VMT is 8.9 miles per vehicle (The metric average for the entire TAZ)
- Subarea VMT is 16.5 miles per vehicle (the VMT metric average for the entire subarea)
- % Difference is -46.1 (compares TAZ results to subarea results; positive values indicate TAZ results are greater than the subarea; 0% indicates TAZ and subarea results are equal; and, negative values indicate TAZ results are less than the subarea)

Total VMT per Service Population

- Threshold 14.2 (the maximum VMT metric to pass screening)
- Within a low VMT Yes (The project passes screening)

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

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

- c) The project will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). No impact will occur.

- d) The roadways of Whispering Pines Court, Crown Point Circle, and Whispering Pines Lane are ± 40 feet in width with two travel lanes and parking on each side of the street. Arterial streets include Brunswick Road to the south and Idaho Maryland Road to the east/west providing evacuation routes. The project has been reviewed by the City of Grass Valley Fire Department for emergency response. The project has been determined by the City of Grass Valley Fire Department to be in compliance with the City of Grass Valley fire standards and City Development Code. The project will not result in inadequate emergency access. This impact is less than significant.

XVII. UTILITIES AND SERVICE SYSTEMS –

Would the project:

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

SETTING

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

Domestic water service to the proposed development is provided by Nevada Irrigation District (NID) via existing water lines that were installed following development in the project area. According to the City's General Plan EIR, water supplies are adequate to supply growth anticipated in the General Plan, which included the project site.

Sanitary sewer is already provided by the City of Grass Valley. Sewer fees are calculated based upon the use and demand.

IMPACTS

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. No impact will occur.

- b)-c) Existing water connections are provided by Nevada Irrigation District. The project will have sufficient water supplies available to serve the project and reasonably foreseeable future during normal, dry and multiple dry years. This potential impact is less than significant.

The City's wastewater treatment facility, which serves the project has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. This impact is less than significant.

- d)-e) The project will not generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The project will comply with federal, state and local management and reduction statutes and regulations related to solid waste. These potential impacts are less than significant.

XIX. WILDFIRES –

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

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

XIX. WILDFIRES –

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

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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SETTING

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

IMPACTS

- a) The project has been reviewed by the City of Grass Valley Fire Department. The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. This impact is less than significant.
- b)-c) The project area is developed and has relatively flat topography. The project will not exacerbate wildfire risks and thereby expose project occupants to pollution concentrations from a wildfire or the uncontrolled spread of a wildfire.

The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or on-going impacts to the environment. All utilities serving the site are installed underground in accordance with City of Grass Valley Development Standards. These impacts are considered less than significant.

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

Would the project:

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

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

- Federal Highway Administration, 1983
- U.S. Bureau of Land Management, 1980
- City of Grass Valley 2020 General Plan
- City's 2020 General Plan Certified Environmental Impact Report (SCH#98082023)
- Association for Protection etc. Values v. City of Ukiah (1991)
- Topanga Beach Renters Assn. v. Department of General Services
- United States Department of Agriculture land inventory
- Public Resources Code Section 12220(g).
- U.S. Department of Agriculture
- California Department of Forestry and Fire Protection
- Northern Sierra Air Quality Management District (NSAQMD)
- California Emission Estimator Model (CalEEMod) Version 2016.3.2
- California Department of Fish and Wildlife (CDFW)

- United States Army Corps of Engineers
- Section 404 of the Clean Water Act
- California Department of Fish and Wildlife (CDFW) Code Section 1600 et. seq.
- California Natural Diversity Database
- United States Fish and Wildlife Service (USFWS)
- Wetlands Delineation Manual (Environmental Laboratory, 1987)
- Migratory Deer Ranges Nevada County General Plan map
- USGS Topographic Quadrangle for Grass Valley
- Natural Wetlands Inventory (NWI) and HDD datasets
- Migratory Bird Treaty Act (MBTA)
- Resource Management Plan, Best Management Practices (BMPs)
- Chapter 12.36 of the City of Grass Valley Municipal Code
- Pacific Gas and Electric (PG&E)
- California Energy Resources Conservation and Development Commission in June 1977
- California Green Building Standards Code (Part II, Title 24) was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations).
- Cultural Resources Inventory prepared by Sean Michael Jensen, M.A., July 2019
- City of Grass Valley Historic Building Ordinance
- City of Grass Valley Historic Commission
- City of Grass Valley Development Review Committee
- North Central Information Center (NCIC)
- Native American Heritage Commission (NAHC)
- United Auburn Indian Community (UAIC)
- Geologic Map of the Colfax - Grass Valley Area (Tuminas, 1981).
- California Geological Survey Open File Report 96-08, Probabilistic Seismic Hazard Assessment for the State of California
- California Fault Parameters
- The 1997 edition of California Geological Survey Special Publication 43, Fault Rupture Hazard Zones in California
- Cal/EPA Air Resources Board Regulation 93105
- Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM)
- City of Grass Valley Energy Action Plan
- Nevada County Airport Land Use Compatibility Plan
- Mountain Counties Hydrologic region overlay zone (DWR 2011)
- Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0633E dated February 3, 2013.
- General Plan Mineral Management Element (MME) on August 24, 1993
- Noise Equivalent Level (CNEL)
- California Airport Noise Regulations
- Public Resources Code Section 21099
- Office of Planning and Research (OPR)
- California Natural Resource Agency
- 10th Edition of the Institute of Transportation Engineers (ITE)
- Nevada County Transportation Planning Agency (NCTPA)
- City of Grass Valley Capital Improvement Program
- Grass Valley Traffic Impact Fee Program
- Nevada County's Local Hazard Mitigation Plan

- Fire Safe Council of Nevada County
- Nevada County Office of Emergency Services (OES)
- Fire Safe Council
- OPR Technical Advisory on Evaluating Transportation Impacts in CEQA
- Nevada County Transportation Commission (NCTC)
- City of Grass Valley 2019-2027 Housing Element
- City of Grass Valley Historic 1872 Townsite
- City of Grass Valley Development Code
- CA Department of Forestry and Fire Prevention
- City of Grass Valley Municipal Code
- Nevada County General Plan and General Plan EIR
- City of Grass Valley Grading Ordinance
- Background Report, City of Grass Valley General Plan Update, November 1998
- Soil Survey of Nevada County, United States Department of Agriculture, Soil Conservation Service
- Online soil survey maps and data from USDA - <http://websoilsurvey.nrcs.usda.gov>

EXHIBITS

- Exhibit A** - Vicinity Map
- Exhibit B** - Aerial Photograph
- Exhibit C** - Site Plan
- Exhibit D** - Site Photographs
- Exhibit E** - Proposed Floor Plan
- Exhibit F** - Concert Hall, Black Box and Conference Center Floor Plans
- Exhibit G** - Existing and Proposed Building Height Increase
- Exhibit H** - Nevada County Airport Land Use Commission Correspondence dated August 23, 2022
- Exhibit I** - Theatre Seating Example
- Exhibit J** - Black Box Theatre Example

TABLES

- Table 1** - Project Construction and Operational Estimates
- Table 1.-** Level of Service (LOS) Definitions
- Table 2** - VMT Calculation distances from Zip Code Centroid to Performing Arts Venue Locations (Old and New)
- Table 3** - VMT Calculations by Trip Generation

FIGURES

- Figure 1** - Levels of Service of Local Roadways and Intersections 6:30 p.m. to 7:30 p.m.
- Figure 2** - Intersection Turning Movements Values 6:30 p.m. to 7:30 p.m.
- Figure 3** - InConcert Sierra Travel Patterns and Vehicle Totals by Zip Code Area
- Figure 4** - Sierra Stages Travel Patterns and Vehicle Totals by Zip Code Area
- Figure 5** - Sampling of how Google Map Tool was used to determine Trip Distances Between Zip Code Areas and Venue Locations
- Figure 6** - Project Site Proposed Building Modifications



NEVADA COUNTY AIRPORT LAND USE COMMISSION

Grass Valley • Nevada City • Nevada County

File: 0040.1.4

August 23, 2022

Monroe Lovelady
P.O. Box 205
Nevada City, CA 95959

SUBJECT: InConcert Sierra Consistency Review – Nevada County Airport Land Use Compatibility Plan

The Nevada County Airport Land Use Commission (NCALUC) has delegated the review and consistency determination of major land use actions to the NCALUC Executive Director. The project site at 125 Crown Point Court in Grass Valley, California, is located within Compatibility Zone D (Traffic Pattern Zone) of the Nevada County Airport Land Use Compatibility Plan. The project includes a Specific Plan Amendment and a Supplemental Use Permit application for InConcert Sierra to purchase and convert the exiting office building, to a venue for the performing arts and a community meeting and conference center.

After reviewing the project details and the proposed number of event attendee and employees on site, I find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Nevada County Airport Land Use Compatibility and give approval of the project, on behalf of the NCALUC.

Please let me know if you have any questions regarding this project.

Thank you,

Mike Woodman, Executive Director
Nevada County Airport Land Use Commission
Nevada County Transportation Commission

EXHIBIT I



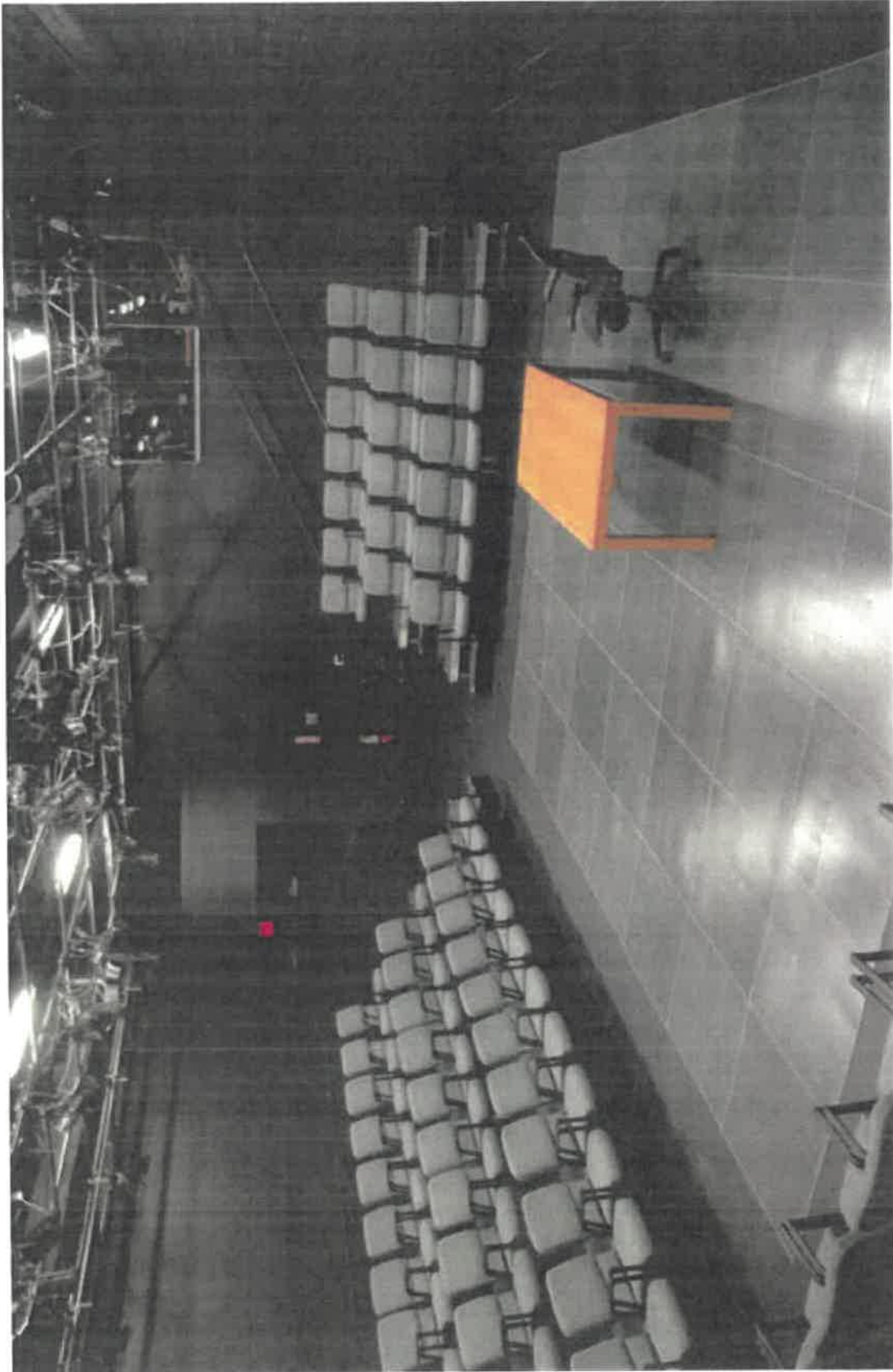


EXHIBIT J

Item # 3.

**MITIGATION MONITORING
& REPORTING PLAN**

**INCONCERT SIERRA - WHISPERING PINES SPECIFIC
PLAN AMENDMENTS, USE PERMIT AND
DEVELOPMENT REVIEW PERMITS
(22PLN-18)**

City of Grass Valley

September 20, 2022

Prepared by:

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

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for the InConcert Sierra Project located at 125 Crown Point Court, Grass Valley, CA 95945.

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley City Council concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The City Council may direct that changes be made to the measures contained in this document prior to its adoption.

IN CONCERT SIERRA PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
XVI.	PARKING	TRANS 1 – Mitigation Measure: Prior to the first event in which two uses are occurring at the same time, requiring in excess of 204 parking spaces, the applicant shall submit off-site parking agreements for review and approval that satisfy the event attendance. The final parking agreements shall be for a duration that is commensurate with the event and shall be to the satisfaction of the Community Development Director and City Engineer.	2 & 4	CDD	OG		

Findings and Conditions of Approval – InConcert Sierra Whispering Pines Specific Plan Amendments, Use Permit and Development Review Permits (22PLN-18)

Item # 3.

FINDINGS:

In accordance with Section 5.5 of the Whispering Pines Specific Plan, the City Council is required to make the following specific findings before it approves an amendment to the Whispering Pines Specific Plan.

1. The City received a complete application for the Whispering Pines Specific Plan Amendment 22PLN-18.
2. The Community Development Department prepared an Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.
3. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study/Mitigated Negative Declaration prior to making its decision on the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.
4. The 2020 General Plan designates the project site as Business Park. The proposed uses are consistent with the General Plan or any applicable Specific Plan.
5. Changes in the community have occurred since the adoption of the Specific Plan warranting an amendment as requested.
6. The change will benefit the Whispering Pines Specific Plan area.
7. The change is in conformance with the adopted Whispering Pines Specific Plan.
8. The change will not adversely affect adjacent properties and can be properly serviced.
9. The physical constraints of the property are such that the Whispering Pines Specific Plan Amendment is warranted.
10. The project is consistent with the applicable sections and development standards in the Development Code.
11. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.

**Findings and Conditions of Approval – InConcert Sierra Whispering
Pines Specific Plan Amendments, Use Permit and Development
Review Permits (22PLN-18)**

Item # 3.

12. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
13. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

A. GENERAL/DESIGN CONDITIONS OF APPROVAL:

1. The approval date for the Use and Development Review Permits *is October 11, 2022*. This project is approved for a period of one (1) year and shall expire on *October 11, 2023*, 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 Project Description on file with the Community Development Department (22PLN-18) approved by the City Council. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the City Council's Approval. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.
3. The applicant shall file a Notice of Determination (NOD), including payment of associated Fish and Game and County Recorder fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the NOD to the City.
4. Prior to construction, the applicant shall obtain building, plumbing, electrical and mechanical permits from the Community Development, Building Division.
5. The applicant shall obtain a tree removal permit from the Grass Valley Public Works Department.
6. 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. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

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. Placement of construction fencing around all trees designated to be preserved in the project shall be completed.

Item # 3.

**Findings and Conditions of Approval – InConcert Sierra Whispering
Pines Specific Plan Amendments, Use Permit and Development
Review Permits (22PLN-18)**

3. The applicant shall submit a Dust Mitigation Plan for review and approval by City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
 - a. Persons responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner shall be shown on the improvement plans.
 - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and/or causing a public nuisance. Watering during summer months should occur at least twice daily, with complete coverage of disturbed areas.
 - c. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary to minimize dust emissions.
 - d. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
 - e. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - f. All inactive portions of the development site shall be covered, seeded, watered, or otherwise stabilized until a suitable cover is established.
 - g. All material transported off-site shall be either sufficiently watered or securely covered to prevent it being entrained in the air, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
 - h. Paved streets adjacent to the project shall be swept or wasted at the end of each day, or more frequently, if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the project site.
 - i. Prior to final occupancy, the applicant shall reestablish ground cover on the site through seeding and watering.
4. The contractor shall comply with all Occupational Safety & Health administration (OSHA) requirements.
5. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering, and building divisions.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
AMENDING THE WHISPERING PINES SPECIFIC PLAN.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:

SECTION 1. The Whispering Pines Specific Plan is hereby amended as shown in **Exhibit “A”**. Bold text represents new text of the SP – 1A.1 Zone, which is to be added to the SP – 1A Zone.

SECTION 2. In compliance with Whispering Pines Specific Plan, the City Council adopts the following findings in support of the Whispering Pines Specific Plan Amendments:

1. The proposed amendments are consistent with the General Plan. *Rationale: The 2020 General Plan acknowledges the previously adopted Whispering Pines Specific Plan and identifies policies reflected in the Whispering Pines Specific Plan. The proposed amendments allow for a site-specific use that is compatible with adjoining uses in the SP – 1A Zone.*
2. Changes in the community have occurred since the adoption of the Specific Plan warranting an amendment as requested. *Rationale: The Whispering Pines Specific Plan was adopted in 1984 with a range of uses that were common 40 years ago but are less common today. The proposed amendments would permit a site-specific public assembly use in the existing 41,600 square foot building with approval of a Use Permit by the Planning Commission. The site-specific use is not anticipated to have any negative impacts on adjoining land uses in the Whispering Pines Specific Plan area as outlined in the Initial Study/Mitigated Negative Declaration prepared for the project.*
3. The change will benefit the Whispering Pines Specific Plan area. *Rationale: Occupancy of the existing 41,600 square foot building with a use that primary operates during off hours from adjoining uses will benefit the Specific Plan area. From an air quality and Vehicle Miles Traveled standpoint, the site-specific use is anticipated to be less impactful than the current office uses formally occurring in the building.*

4. The change is in conformance with the adopted Whispering Pines Specific Plan.

Rationale: The Whispering Pines Specific Plan includes policies, goals, and objectives to reduce land use conflicts and environmental impacts. The site-specific use is compatible with adjoining land uses in the Whispering Pines Specific Plan area.

5. The change will not adversely affect adjacent properties and can be properly serviced.

Rationale: The amendments permit use of the existing 41,600 square foot building for public assembly use. The InConcert Sierra public assembly uses have been evaluated and have been determined to be compatible with adjoining uses.

6. The physical constraints of the property are such that the Whispering Pines Specific Plan Amendment is warranted.

Rationale: There are no physical constraints associated with the property. The 41,500 square foot building is appropriate for the contemplated public assembly use and will not have negative impacts on adjoining uses.

7. The project is consistent with the applicable sections and development standards in the Development Code.

Rationale: The project is consistent with the Development Standards in the Development Code.

8. The proposed amendments would not be detrimental to the public interest, health,

safety, convenience, or welfare of the City. *Rationale: The proposed amendments and project have been evaluated and do not result in any significant changes that could be detrimental to the public interest, health, safety, convenience, or welfare.*

9. On September 20, 2022, the Grass Valley Planning Commission conducted a public hearing on the proposed amendments and provided a recommendation of approval as Development Code Amendments noted in **Exhibit "A"**.

10. The Community Development Department prepared an Initial Study/Mitigated

Negative Declaration as the appropriate level of environmental review for the project. The environmental review was circulated for public review commencing on August 26, 2022, and ending close of business on September 14, 2022.

11. The City Council concurs with the recommendations of the Planning Commission and determines the Initial Study/Mitigated Negative Declaration as the appropriate level of environmental review for the proposed amendments to the Whispering Pines Specific Plan.

SECTION 3. The City Council amends the Whispering Pines Specific Plan through its approval of this ordinance as referenced and noted in **Exhibit "A"**.

SECTION 4. This ordinance shall take effect thirty (30) days from and after the date of its adoption and a summary of said ordinance shall be published once within fifteen (15) days upon its passage and adoption in The Union, a newspaper of general circulation printed and published in the Grass Valley Area.

INTRODUCED and first read on the 11rd day of October 2022

PASSED AND ADOPTED this 25th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney

PUBLISH DATE: _____

A. SUBAREA SP – 1A

A.1 General Plan Business Park

A.2 Specific Plan Designation Corporate District

A.3 Existing Conditions The subarea totals 125 acres. The subarea is bordered by Idaho-Maryland Road on the north, Brunswick Road on the east, a power line easement along a portion of the west and is traversed by Whispering Pines Lane. The subarea is heavily wooded and consists of natural hill slopes and knolls which vary from near level to steep 2 to 1 slopes.

A.4 Planned Conditions The proposed long-range plan for this subarea is to develop as a Corporate District with a “campus” type character. A “campus” type character includes landscaped open space between buildings, screened service areas, uniform sign and street lighting standards and maintenance of the whispering pines theme throughout. The existing use may remain but are expected to eventually phase into office uses. This area will provide opportunities for corporate administrative offices and small and medium size research and development firms to locate in Grass Valley within a high quality development. Land uses within the subarea should be compatible with adjacent residential uses and buffered from them.

A.5 Permitted Land Use Categories The following uses are permitted provided that a development map has been approved:

Administrative and Research
Characteristics

- a. Variable lot requirements;
- b. Traffic limited to employee vehicles and minor delivery;
- c. Visibility and design image important;
- d. Restriction promoted against vicinity impacts of noise, appearance, odor and dust;

- Examples
- a. Research and Testing;
 - b. Experimental Laboratory Facilities;
 - c. Division of Corporate Headquarters;
 - d. Instrument Design;
 - e. Data Processing

Restricted Light Industry
Characteristics

- a. Variable lot size requirements;
- b. Traffic includes employee vehicles and delivery;
- c. Visibility moderately important;
- d. Restrictions may be necessary for noise, appearance, odor and dust;

* From back of curb

Examples

- a. Semiconductor Manufacturer;
- b. Products Assembly;
- c. Printing and Publishing;
- d. Finished Paper Products;
- e. Photographic Processing;
- f. Machine Assembly;

Warehouse/Showroom
Characteristics

- a. Small lot size requirements;
- b. Uses may be clustered in small centers;
- c. Traffic includes employees from surrounding business and minor generation from outside the area;
- d. Visibility, access and appearance important;

Examples

- a. Restaurant
- b. Motel – Conference Center
- c. Automatic Branch Bank
- d. Gymnasium
- e. Caretaker Residence
- f. Day Care Facilities

Office/Professional
Characteristics

- a. Small lot requirements through similar uses should be clustered;
- b. Traffic split between vicinity business and area businesses;
- c. Visibility moderately important;

Examples

- a. Attorneys
- b. Accountants
- c. Doctors
- d. Architects
- e. Real Estate Offices
- f. Engineers

Accessory Uses
Characteristics

- a. Administrative, professional and business offices and dining facilities associated with and accessory to a permitted use.

A.6 Conditional Uses

Urban Medium Residential

Characteristics

- a. Developed in conjunction with an industrial project or housing.
 - b. Follows uses and development standards of Subarea SP-1C.
- One and one-half (1.5) acres.

Churches

* From back of curb

A.7 Minimal Parcel Size

a. Whispering Pine Lane

Parking Setback – Forty (40) feet*

A.8 Minimum Setback Requirements

Building Setback – Forty (40) feet*

Front Yard:

b. Local Streets

Parking Setback – Fifteen (15) feet*

Building Setback – Thirty (30) feet*

c. Interior Sideyard – Twenty (20) feet*

d. Corner Sideyard – Thirty (30) feet*

A.9 Building Design Standards

a. The maximum height of all structures within the SP – 1A shall be limited to a maximum of two (2) stores, plus high bay, not to exceed twenty-five (25) feet in height except that heating, cooling, other roof equipment and fire storage facilities may extend above the 25 foot height provided they are screened and integrated into the architecture of the building.

b. Materials. Exterior building walls may be of tilt-up concrete, textured concrete, brick or stone masonry, ornamental concrete block, wood, stucco, or flush metal panels. Sheet, ribbed, or corrugated metal panels, or prefabricated buildings should not be allowed.

c. Colors may be light grey or earth tones. Bright, contrasting colors shall be avoided, except primary colors may be used as trim or accent with approval of the City Planner.

d. Outdoor mechanical equipment, transformers, utility vaults and meters, fire protection apparatus, and other utilities shall be treated as an integral part of the building design. When it is necessary to locate such equipment between the front of the building and the street, it shall be screened from view.

e. Building should be designed and oriented to maximize solar access and minimize heating and cooling requirements. Where appropriate, energy conservation methods such as glazed/double paned windows, recessed entryways, awnings and the use of solar collectors should be utilized.

* From back of curb

A.9.1 SUBAREA SP – 1A.1**A.9.2 General Plan Business Park****A.9.3 Specific Plan Designation Public Assembly Uses****A.9.4 Existing Conditions** This subarea is located at 125 Crown Point consisting of 5.53 acres (APN: 009-700-063).**A.9.5 Planned Conditions** The existing 41,600 square foot building with parking and landscaping is to be used for Studio Uses, such as art, dance, music uses, and theater, or performing arts.**A.9.6 Permitted Land Uses** Uses permitted in the SP – 1A Zone.**A.9.7 Conditional Uses** Studio Uses, such as art, dance, music uses, and Theater, or performing arts.**Examples** A large-scale indoor facility for group entertainment, other than sporting events. Examples of these facilities include: Civic theaters, and facilities for “live” theater and concerts.**A.9.8 Building Design Standards** The maximum height of all structures within the SP – 1A.1 shall be limited to a maximum of forty-five (45) feet in height except that heating, cooling, other roof equipment and fire storage facilities may extend above the 25 foot height provided they are screened and integrated into the architecture of the building.**A.9.9 Design Standards** All other standards of the SP – 1A.1 Zone shall comply with the SP – 1A Zone.

* From back of curb

Lance Lowe

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

September 14, 2022

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

As you know, in February 2017 a lawsuit was filed, challenging the City's approval of two text amendments and its adoption of a Negative Declaration. The lawsuit resulted in a settlement agreement by and between the City of Grass Valley and Citizens Advocating Responsible Development (CARD). Part of that settlement agreement was that the City conduct a Comprehensive Review of the Whispering Pines Specific Plan. (See settlement attachment) In 2020 the City proposed a Negative Declaration and Text Amendment to the Whispering Pines Specific Plan for a different proposal. In response to that 2020 proposal, is the letter (attached) sent to the City reminding the City of the terms of the settlement, regarding the comprehensive review of the Specific Plan.

It is my understanding that the Comprehensive Review has not been conducted, I am therefore asking the Planning Commission to recommend that the City Council *not* adopt 22PLN-18 until such time that the City has conducted and completed a Comprehensive Review of the Whispering Pines Specific Plan and made corresponding changes in accordance with CEQA as required by that 2017 settlement agreement.

Sincerely,

Gary Pierazzi

In response to the comments received on the InConcert Sierra Project (22PLN-18), staff offers the following for Planning Commission and City Council consideration. The following pages identify the comments received followed with a staff response addressing the specific environmental issue raised. The comments provided herein, identified in *italic text*, are listed in chronological order by date of receipt.

Letter 1 – Email Correspondence received September 14, 2022, from Gary Pierazzi:

As you know, in February 2017 a lawsuit was filed, challenging the City's approval of two text amendments and its adoption of a Negative Declaration.

The lawsuit resulted in a settlement agreement by and between the City of Grass Valley and Citizens Advocating Responsible Development (CARD). Part of that settlement agreement was that the City conduct a Comprehensive Review of the Whispering Pines Specific Plan. (See settlement attachment)

In 2020 the City proposed a Negative Declaration and Text Amendment to the Whispering Pines Specific Plan for a different proposal. In response to that 2020 proposal, is the letter (attached) sent to the City reminding the City of the terms of the settlement, regarding the comprehensive review of the Specific Plan.

Response: In accordance with applicable Sections 1.5 (a) & (b) the Settlement Agreement specifies that (a) "...the City agrees to initiate a comprehensive review of the Specific Plan, including designation and land uses, to determine whether any updates or amendments to the Specific Plan are necessary to allow an appropriate range of uses while mitigating impacts from such uses."

(b) As determined by the outcome of City's comprehensive review of the Specific Plan, City agrees to fully comply with the requirements of CEQA with regards to any update or amendments to the Specific Plan.

Staff acknowledges that it has yet to complete a comprehensive review of the Whispering Pines Specific Plan (WPSP) with the appropriate level of environmental review as outlined in the Settlement Agreement. Although the City has agreed to a comprehensive review of the WPSP, the Settlement Agreement does not bar the City from making minor amendments to the WPSP altogether.

To that end, although the InConcert Sierra Project under consideration amends the WPSP, the project constitutes a minor amendment of the WPSP that applies to a singular parcel with existing improvements. The 125 Crown Point Court property making up ±5.53 acres (APN: 009-700-063) contains an existing 41,600 square foot building with parking, landscaping, and lighting improvements. Except for a roof height increase and interior tenant improvements, the InConcert Sierra project will utilize existing improvements as is. No further development of the property is slated with the project.

The current uses permitted in the SP-1A Zone include Administrative and Research, Restricted Light Industrial, Warehouse/Showroom, Employment Center Support, Office/Professional Uses and Churches with a Use Permit. Upon review of the proposed project, the proposed InConcert Sierra uses are akin to the uses permitted in the SP-1A Zone.

Specifically, when evaluated from an environmental perspective, the contemplated uses are anticipated to be environmentally better than uses currently permitted in the SP-1A Zone. That is, the conclusions contained in the Initial Study/Mitigated Negative Declaration have determined that air quality and Vehicle Miles Traveled (VMT) impacts will be less impactful than existing permitted uses in the SP-1A Zone. Accordingly, it is Staff's opinion that Sections 1.5 (a) and (b) are inapplicable to the InConcert Sierra Project (22PLN-18) in that the project is not a comprehensive evaluation of the WPSP but a site-specific project applicable to the sole property of 125 Whispering Pines Court. The City acknowledges that a comprehensive review of the Specific Plan with appropriate level of environmental review is forthcoming per the Settlement Agreement.



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 22PLN-36
Subject: Use Permit to relocate the NEO Youth Center and reopen its programs in the Litton Building.
Location/ APN: 220 Litton Drive / APN 035-540-032
Applicant: Jennifer Singer
Zoning/General Plan: CBP (Corporate Business Park)/Business Park
Environmental Status: Exempt pursuant to Section 15061

RECOMMENDATION:

Staff recommends the Planning Commission approve Use Permit 22PLN-36 subject to the Findings and Conditions of Approval on pages 3 and 4 of this staff report.

BACKGROUND:

In 2015, the City approved a Minor Use Permit for NEO (New Events and Opportunities) to operate a youth drop-in center and allow theater, concert and performing art events four times per month. NEO was located at 139 Joerschke Drive. In 2020, NEO had to close its operations because of the COVID 19 pandemic. Since then, NEO has merged with Bright Futures for Youth and has provided limited services to the local youth. Attachment 2 includes additional background information on NEO.

PROJECT DESCRIPTION:

NEO proposes to reopen its afterschool youth programs within a 3,680 square foot area on the first floor of the Litton Building (see page 3 of Attachment 2). NEO offers a variety of programs which are described on page 2 of Attachment 2.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The Litton property and building sits on the top of the hill on Litton Drive. The property is fully developed with a four-story building, parking lot and small softball field. Other uses in the building include Northern Sierra Air Quality Management District, Center for the Arts offices, Bright Futures for Youth, a glass blowing business, misc. offices, and Litton Engineering and Lab. Surrounding land uses include business park and offices, and residential and open spaces to the south and west.

ENVIRONMENTAL DETERMINATION:

The basic purpose of the California Environmental Quality Act is to inform the decision makers of the potential significant environmental effects of a proposed activity or project.

A key factor in this determination is whether the activity will result in significant environmental damage. Staff has reviewed the proposed use and determined it is exempt from environmental review pursuant to Section 15061 b.3 of the California Environmental Quality Act (CEQA).

Section 15061 b.3 applies to activities covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Specifically, a project must result in a direct or indirect physical change on the environment. Since the proposed use takes place within a fully developed building and no exterior building improvements are occurring, the project meets this exemption. Staff believes the proposed use complies with all the criteria noted above and therefore is exempt from further environmental review.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Business Park, which is categorized as one of the two mixed-use designations in the General Plan. The intent of this designation is to accommodate a variety of employment-generating uses. The proposed use is not an employment generating use, but the implementing zoning designation allows these types of uses with a Use Permit. The analysis below demonstrates the proposed use is consistent with, and does not create any conflicts with, the General Plan.

Zoning:

The CBP zoning allows, with approval of a use permit, a range of mixed uses related to education and public assembly. This includes schools, meeting facilities, and indoor and outdoor recreational uses. Since no exterior changes or uses are proposed, the City's development standards in the CBP zone do not apply.

ANALYSIS:

Section 17.72.060 of the Development Code requires the Planning Commission to make specific findings before it approves a use permit. The following is a list of those findings followed by staff's response in italics:

1. The proposed use is consistent with the General Plan:
The intent of the Business Park land use designation is to promote employment opportunities and mixed uses. There are no General Plan policies related to this specific type of use, but there are several policies and vision statements which promote mixed-use development. Since the site is fully developed, most of the General Plan policies do not apply to this particular use.
2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code:
The proposed use requires a use permit in the CBP Zone. The proposed activities are similar to several of the uses allowed in the CBP Zone; specifically, schools, meeting facilities, and indoor recreational uses. Since the site is fully developed, the

Development Code has limited applicability. This building currently contains a broad range and mix of uses. Since the site is fully developed and no changes are proposed to exterior of the building, City staff believes the use complies with the Development Code.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity:
The proposed uses will take place indoors and are similar to some of the other uses in the building. This use would add to the mix of activities within the building and uses occurring in the vicinity. The property is also within walking distance from Nevada Union High School and Sierra College.

4. The site is physically suitable in terms of designs, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.), to ensure that the density, intensity, and type of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located:
The site is fully developed, and there are large areas of open spaces around the building. The two AJA video buildings are located closest to the building and the proposed NEO uses would not interfere with that business. Staff notes that the City received no complaints about NEO's operations on Joerschke Drive when it operated from that location between 2015-2020. Since all the uses will be taking place indoors and the property is surrounded by large open space buffers and parking lots, the proposed use is not expected to be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.

FINDINGS:

1. The City received a complete application for Use Permit Amendment 22PLN-36 on August 29, 2022.
2. The Grass Valley Planning Commission reviewed Use Permit application 22PLN-36 at its meeting on September 20, 2022.
3. The project is exempt from environmental review pursuant to Section 15061 b.3 of the California Environmental Quality Act (CEQA) Guidelines.
4. The proposed Use Permit is consistent with the Grass Valley General Plan.
5. The proposed Use Permit is consistent with the Grass Valley Development Code.

6. As conditioned, the Use Permit will not adversely affect the health or safety of persons residing or working in the neighborhood or the property and will not be materially detrimental to the public welfare or injurious to property or improvements of the environment in the neighborhood.

CONDITIONS OF APPROVAL:

1. The use shall operate in accordance with the application and as approved by the Grass Valley Planning Commission for Use Permit 22PLN-36.
2. 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.
3. If the approved use discontinues for a period of twelve (12) months or more, the permit shall expire and become null and void with no further action by the Planning Commission.

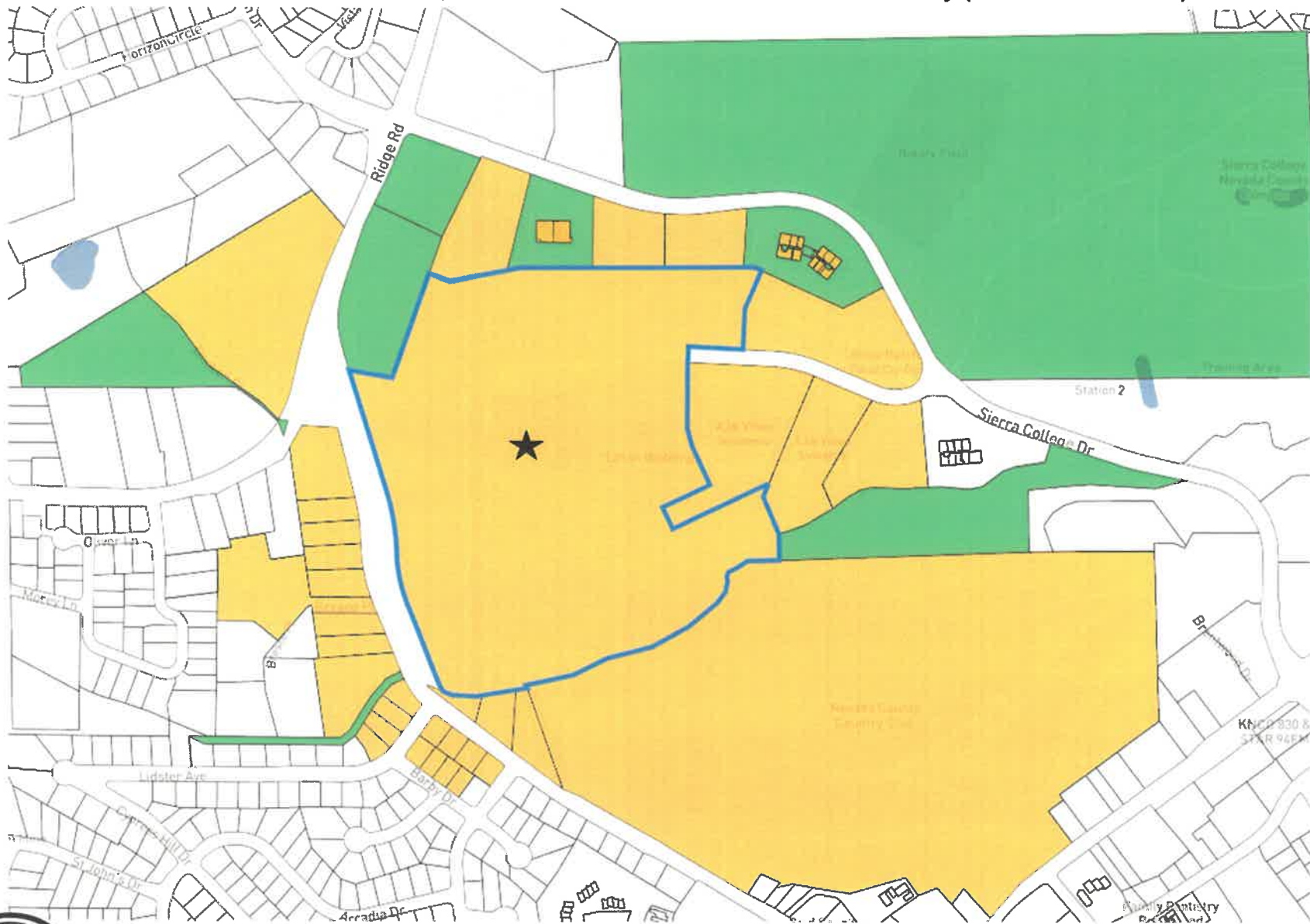
Attachments:

1. Location Map
2. Supplemental description of the history of NEO and proposed use, and floor plan

Attachment 1

Use Permit (22PLN-36) for the NEO Youth Center to relocate and reopen its programs and facility in the CBP (Corporate Business Park) zone located at 200 Litton Dr, Grass Valley (APN: 035-540-032)

Item # 4.



City of Grass Valley Notification Map

22PLN-36

September 8, 2022



Property Owners Notified

300' Owner Notification Zone



Project Location

Attachment 2

The NEO Youth Center opened in 2015 on Joerschke Drive.

The program enjoyed five years of providing an essential service to the community, welcoming youth 11-25 after school, providing a safe place for them to enjoy activities, art, play music, and access to positive peer support.

At the height of the program, NEO was serving as many as 60 youth per day at the Center and had outgrown the space.

NEO intended to renovate the space but realized that was not the best location as its “forever home.” Also, the cost for the extensive renovation was prohibitive. In 2020, the COVID pandemic forced NEO to close the after-school program.

In the meantime, conversations had started with The Friendship Club about the possibility of merging the organizations to better serve the growing needs of youth in our community. The organizations merged in October 2020 and became Bright Futures for Youth (BFFY). During this time, in an effort to find a way to engage more youth in our community, BFFY partnered with Nevada County and the Nevada County Fairgrounds to establish a distance learning hub. This was an essential service to youth in our community without reliable access to internet who were required to Zoom into classrooms. The Distance Learning Center operated from 8 a.m. to 2 p.m., leaving the afternoons free for NEO to conduct after-school activities – always following health and safety guidelines -- from October through June 2021. Since then, NEO has been holding meetings at the current BFFY site at 200 Litton Drive. However, we’ve had to limit the number of youth who can participate daily because of space requirements

Beginning in 2020, Bright Futures for Youth and NEO were in conversation with Nevada Joint Union High School District about using an old school site for the eventual “forever home” of the NEO Youth Center. We engaged in months of talks, planning and preparation and waited for the county to move its programs from the site. In March 2022, we determined the site would not work for NEO. We quickly had to pivot to find a new, suitable and affordable location. Luckily, we learned that our current site has the potential with the downsizing of a business. The Litton Building now has space on the first floor that can be renovated, allowing all our programs to live under one roof.

The Litton Building is a much better fit, with the ability to house all of Bright Futures for Youth’s three programs. The building is also near the high school, so students can walk and we can more easily provide transportation to our location.

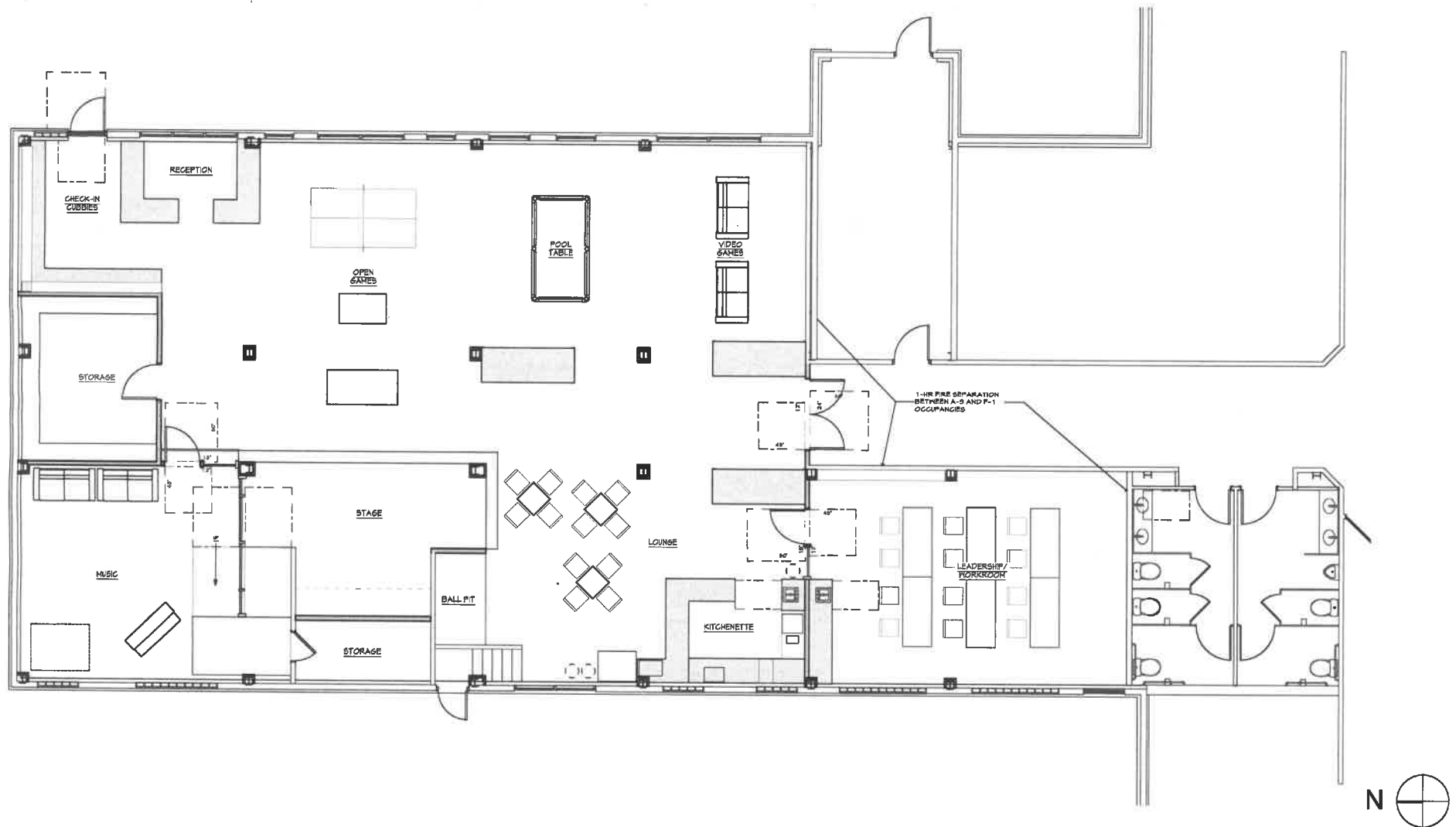
NEO welcomes youth every day after school and provides a critical service for them to gather, have fun, develop and enjoy friendships, build confidence, have a healthy meal, and engage with positive friends and adult leaders. As we have seen, youth in our community and across the nation have suffered greatly during the pandemic. Anxiety and depression rates have risen, and schools report that students are far behind in their academic and social skills as well. NEO

and the other programs offered through Bright Futures for Youth are essential for helping our youth get back on track, seek support, and re-connect with their peers in pro-social activities.

At NEO, youth can:

- Play games and engage with peers
- Access musical instruments and interact with other youth – jam sessions, lessons, and band formations.
- Have grab and go food/snacks upon arrival, as well as enjoy a hot meal daily (our commercial kitchen is located on the third floor)
- Art instruction as well as free time to draw, paint, and create
- Access to wellness activities and resources
- Homework help, tutors and mentors
- Access to positive adult leaders who are also able to guide them and provide support if needed. We also provide access to counseling and health services, food and clothes.
- We also offer access to services if they are housing insecure or experiencing homelessness
- Summer brings even more opportunities with camps and activities at the center as well as in the community.

We continue to expand our footprint in the community and provide much-needed support for youth in Nevada County.



1

FLOOR PLAN

1/8" = 1'-0"

siteline architecture

644 Zion Street
Nevada City CA 95959
530.478.9415 - t
www.sitelinearch.com

NEO YOUTH CENTER
BRIGHT FUTURES FOR YOUTH

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FLOOR PLAN
8/26/22

A 1



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 22PLN-35
Subject: A Request for Interpretation by the Planning Commission to determine if the Development Code allows more than one Short-Term Rental per property
Location/ APN: General interpretation of the Development Code, not specific to a particular property
Applicant: Evan Glasco and Joy Garner

RECOMMENDATION:

Staff recommends the Planning Commission reject the applicant's interpretation that the City's Development Code permits more than one short-term rental on a parcel of land.

BACKGROUND:

In 2018, the City amended the Development Code to allow short-term rental (STRs) units in certain single-family residential zones. Prior to this amendment, STRs were not allowed in the City. Short-term rentals fall into two specific categories: 1) hosted short-term rentals, where no more than 2 rooms can be rented in a home; and 2) vacation rental homes, where the entire home can be rented. Since its implementation, staff has consistently implemented this new provision to allow only one STR per property. Earlier this year the applicants applied for a 2nd STR (a vacation rental home) on their property and City staff rejected that application.

INTERPRETATION REQUEST:

The applicants request the Planning Commission make an interpretation of the Development Code that it allows more than one STR per property. They have provided the Planning Commission with documentation they believe allows for more than one STR per property (Attachment 1).

ANALYSIS:

Staff position is that the Development Code only allows one STR per property. If the Code intended to allow more than one STR on a property, the City would have then stated what that number was. If the City did not, there would be no limit. Specifically, if interpreted to allow more than one, then why not 3, 4 or 5 STRs on a property? This is clearly not the intent since the City was trying to also protect the residential character of the single-family neighborhoods where STRs were going to be allowed. The position of allowing multiple STRs would have created a significant conflict with the neighborhood

character. Some of the specific concerns were with the commercialization of residential areas, additional traffic, and lack of parking in these neighborhoods.

Table 2-7 of the City's Development Code refers to "Vacation Rental Unit", the singular form. This is typical of almost all the uses identified in the land use tables. The intent is singular uses for each zone.

As it pertains to the use of plural forms of specific uses, the Development Code uses the general plural form hundreds of times, and when used, it is clearly not intended to imply that limitless specific uses are to be allowed on a property. Plural forms are used in general terms as the use applies city-wide.

When examining the intent of the STRs, and the City's consideration to even allow those uses in the City, both the Planning Commission and City Council expressed concerns with converting rental housing into STRs. As noted above, the City debated the concern with protecting the residential character of established neighborhoods with allowing limited STRs with specific operating standards. Also, during the hearing process there was significant concern raised by housing advocates with the loss of long-term rental properties to the STRs. See Attachment 2 for the City Council and Planning Commission staff reports from 2018.

During the most recent amendments of the Development Code, the Planning Commission (in June) agreed with staff's request to confirm that only one STR was allowed on a property. Additionally, the Commission supported the position that second units on a property could not be used as STRs. The City Council also agreed and adopted this amendment to further reinforce this position. In conclusion, the City Council concurred with staff's position that only one STR is allowed per property and that was the intent of this code provision.

Attachments:

1. Applicant's justification packet
2. Council Staff Report from April 2018, including three Planning Commission reports (no other attachments provided but available at City Hall)
3. Current text on short-term rentals

Planning Commission
City of Grass Valley

Formal Request for Interpretation
of Municipal Code 17.44.205, Section A, C
“Purpose,” & “Standards for Vacation Rental Homes”

Requested by
Evan Glasco & Joy Garner
Foothill Management Services
352 Marshall Street
Grass Valley, CA 95945
APN: 029-150-026

JUSTIFICATION STATEMENT FOR INTERPRETATION OF MUNICIPAL CODE

17.44.205 A., C., “Purpose,” & “Standards for Vacation Rental Homes”

August 19, 2022

Planning Commission:

We are formally requesting the interpretation of Municipal Code 17.44.205, Section A, C “Purpose,” & “Standards for Vacation Rental Homes.” (EXHIBIT A)

DISCUSSION

- The purpose for our request is to clarify that existing code does not prohibit additional vacation rentals on a single property. This interpretation is necessary for the granting of our Second Application for Minor Use Permit (22PLN-32) located at our duplex in NG-2 zoning at 352 Marshall Street, Grass Valley, CA 95945, APN# 029-150-026. We have attached the documents to this letter that we brought in support of granting our application. (EXHIBIT B)
- The Community Development Director suggested we ask for the planning commission's official interpretation as he did not feel comfortable making the interpretation that the law permits a second Vacation Rental on a single property. We are writing this letter in support of the interpretation that the code *does not prohibit an additional Vacation Rental on a single property*. The Community Development Director and planning staff made the suggestion recently to amend the code to say that there should only be *one* Vacation Rental allowed per property. This is an admission that the code does not currently prohibit more than one.
- Generally speaking, the higher courts have favored the idea that land uses that have not been expressly prohibited should be permitted. Unless the law, i.e. municipal code, expressly prohibits it, it should be permitted. Therefore, if the law does not say that only one per property is allowed, *then more than one is allowed*.
- The Community Development Director asserts that existing municipal code implies in a singular tense that only one Vacation Rental home is allowed per property. Even if it was implied in a singular “tense” according to Grass Valley’s municipal code 17.10.050 B - Rules of interpretation (EXHIBIT C), “The singular number includes the plural number, and the plural the singular,

unless the natural construction of the word indicates otherwise,” e.g. the word “one.” For example, if we were to interpret the law literally in only its singular form, only one property owner would be permitted. Clearly, we are meant to interpret the law to mean property owner(s) not just the singular, *property owner*. If we were to interpret the law literally in its singular form, we also would not be permitted to have more than one property or more than one permit at another location.

- Amending the code to specify that only “one” Short Term Rental is allowed per property is a concession that in fact, it is not already in the law, nor was it at the time of our application.

Given the above facts (that the law is meant to be interpreted in a plural form) and that the Community Development Director is in the process of asking the Planning Commission and the City Council to amend the code to only allow “one” short term Vacation Rental home per property, (which is an admission that the law does not currently prohibit more than one in a residential neighborhood), and the fact that legally that which is not forbidden *must be permitted*, we hope you support us in our interpretation of the code that it does allow for more than one Vacation Rental home per property at this time.

We understand the need to clarify this law, and we support the Community Development Director in his desire to amend it. However, you cannot preemptively forbid someone from using their property in a manner which is not *currently* prohibited by the law. Every day that we are forbidden to run our additional vacation rental, we are suffering financial damages. We are fully compliant Vacation Rental owners that take great pride in what we do, and provide a necessary service to the Community. We encourage you to review our supporting documents in full so you can understand the scope of our request and all our supporting arguments.

CONCLUSION

At the time of this letter, there are no published city regulations prohibiting the interpretation thereof. The Applicant requests approval, and thanks you for your consideration.

Most Sincerely,

Evan Glasco & Joy Garner

Date: _____

EXHIBIT A

Standards for Specific Land Uses

17.44.200

17.44.205 – Short Term Rentals

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.
- B. Standards for hosted short term rental units.**
1. No more than two (2) rooms per property shall be rented at the same time;
 2. A hosted short term rental unit shall require a business license;
 3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
 4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
 5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
 6. Food services provided to renters shall comply with County Environmental Health requirements;
 7. No exterior signs advertising the business shall be allowed on the property;
 8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
 9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
 10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.
- C. Standards for vacation rental homes.**
1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
 2. A vacation rental home shall require a business license;
 3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
 4. The owner or manager must live within 30 miles of the vacation rental home. The owner shall provide to the City as part of the Minor Use Permit, the name and telephone number of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a 24-hour basis at all times the vacation rental home is rented or occupied;

EXHIBIT A (CONT.)

Standards for Specific Land Uses

17.44.200

5. ~~The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;~~
 6. ~~No exterior signs advertising the business shall be allowed on the property;~~
 7. ~~Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;~~
 8. ~~A vacation rental home with five or more guest rooms, or capacity for 10 or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;~~
 9. ~~Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,~~
 10. ~~The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.~~
- D. **Violations; Revocation of Permit; Penalties.** The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this Section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the City's residents that are created when persons fail to abide by the rules, requirements, and regulations of their Minor Use Permit and the Municipal Code. To the extent the provisions of this Section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Section shall control and take precedence.
1. **Violations and noncompliance.** Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.
 2. **Notice of Violation.** Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.
 3. **Right to Appeal.** The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
 4. **Appeal Hearing and Rules of Evidence -**
 - a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

EXHIBIT B

Public Hearing Aug 10, 2022 9:00 am
City of Grass Valley
Application for Minor Use Permit (22PLN-32)

Foothill Management Services
352 Marshall Street
Grass Valley, CA 95945
APN: 029-150-026

Evidence in Support of Granting Second Permit

Summary of Evidence

We are here today to support the granting of our second minor use permit. We want to start by first acknowledging that you have been tasked with maintaining a delicate balance between deciding what's best for economic growth, the residents, and the environment. We know that your decision is based on what you believe is *best* for our community. We appreciate your efforts in all of this, as we may not agree ideologically, we will do our best to persuade you.

Below you will find a list of exhibits with brief descriptions in support of our application.

Exhibit A (pg. 6):

Standards for Specific Land Use
Municipal Code 17.44.205

Please read and review the highlighted area of the exhibit.

Existing law and municipal code does not say (or imply in a singular tense) only one Vacation Rental home is allowed per property. Even if it was implied in a singular "tense" according to Grass Valley's municipal code 17.10.050 B - Rules of interpretation, *The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise,* e.g. the word "one." Adding a clause to the municipal code specifying that only "one" Short Term Rental is allowed per property through clarifying amendment is a concession that in fact, it is not already in the law, *nor was it at the time of our application*. This should allow us to be "grandfathered" in.

Exhibit B (pg. 8):

Email correspondence with Abigail Walker
Community Services Analyst at Community Development Department
July 13, 2022

Please read and review the highlighted area of the exhibit.

In this email, planning staff admitted that there is nothing expressly written in the law stating that a property owner is only allowed one Short Term Rental per property, it also stated that the planning commission had recently passed an amendment to the existing law to clarify

that they only allow one per property. Which was untrue. The amendment had been suggested, but had not passed by the planning committee until the following business day, and it still hasn't been passed by city council and amended into the municipal code as of today, August 10, 2022).

This Exhibit also shows the number of Short Term Rentals in the city as of July 2022, there was a total of only 23 hosted (home share) and 21 non-hosted (whole house) rentals.

Exhibit C (pg. 9):

NG-2 Zoning Information
Municipal Code 17.21.080

Please read and review the highlighted area of the exhibit.

NG-2 Zoning can allow for multifamily housing, no additional strain on the property beyond usual capacity. We only allow a maximum of 4 guests per unit.

Exhibit D (pg. 10-14):

Photos of Property and adjacent parcels

Exhibit D (1) pg. 10: Google Maps view of cross street Park Ave. w/ Marshall St.; view of project address, adjacent vacant lots, and large highschool

Exhibit D (2) pg. 11: Google Maps view of cross street Park Ave. w/ descriptions

Exhibit D (3) pg. 12: Photo of project address and 6 available parking spaces

Exhibit D (4) pg. 13: S/W facing view of project address; project address on right, highschool on left

Exhibit D (5) pg. 14: Aerial Google Maps view of project address w/ descriptions of surroundings

Exhibit D (6) pg. 14: Aerial view of parcel project address w/ descriptions of surrounding parcels

The purpose of these photo exhibits is to show the neighborhood and surrounding parcels so you can understand the level of activity and limited residential impact of running another Short Term Rental; including the fact that we are sandwiched between Highway 49 and Silver Springs Highschool on both sides of our property. We are surrounded by loud noises and constant disturbances that actually impact our ability to even run a successful Short Term Rental. Despite this, we've managed to do okay by adding significant sound dampening improvements to the home. We are also next to a great deal of vacant lots, so there is a large buffer between us and any residential homes. In fact, the only home directly near us is on the N/E side. On all other sides of our home we are surrounded by vacant lots, a highschool, and a highway!

We are not located in a quiet, single family residential area. This area is already loud, high use, and overrun by highschoolers and freeway noise. There is no reason to believe that adding an additional Short Term Rental would in any way cause a nuisance

or disturb the character or integrity of the area, as there is very little “character” to begin with and the area is already a nuisance to the residents due to the highway noise and highschool.

In these photos we also demonstrate how many available parking spaces we have on our property. We only allow a maximum of 4 guests per unit, and we have 6 available on site parking spaces, with lots of available street parking.

Exhibit E pg. 15:

The Union

“Grass Valley homes to be demolished, making way for hotel”

December 16, 2020

John Orona

As you are aware, the city has already approved the demolition of many single-family rental homes in Brunswick in favor of developing the West Olympia hotel in close proximity to, (in the center of) other residential neighborhoods. The Community Development Director said that the zoning of this parcel, (office professional zoning) justifies tearing down 11 single family homes, displacing 23 residents, because “it’s a long time coming.” There are dozens of other single family homes that are also surrounding the future West Olympia Hotel in the same zoning, are we to argue in favor of demolishing them for even more professional office space, displacing dozens of more residents? In our opinion, the Planning Department and Community Development Department should not be in the business of using “zoning” as an excuse to restrict small, local Short Term Rentals to advance their interests in maintaining a healthy housing supply, while simultaneously using “zoning” as an excuse to diminish it. If the community is concerned about housing, then favoring the development of more hotels by destroying numerous homes seems at the very least, hypocritical. The mitigated impact report (as cited in the article), said the impact of displacing 23 residents was minimal considering there are over 7000 housing units in Grass Valley. We could easily argue this means our second Short Term Rental would have minimal impact on the housing supply.

Exhibit F (pg. 16):

The Union

“Grass Valley city council OKs regulating vacation, Short Term Rentals”

April 11, 2018

Liz Kellar

In this article, dated in April 2018, the Community Development Director was quoted directly saying that “city staff estimated the number of current vacation rentals in the city at between 50 and 60” If you refer back to **Exhibit E**, the city clearly said there is only a total of 44 hosted and non hosted vacation rentals. That means that within 4 years, there has actually been a reduction in the number of Short Term Rentals.

Hearing this you may think “could it be that not every landlord wants to run a Short Term Rental?—does it take a great deal of effort?—After all the taxes and management fees, the homeowners may barely make a profit?” The truth is, all of the above is correct. It takes a special kind of property owner to run their home as a Short Term Rental. It takes dedication, effort, and money—unless you plan to run and clean the place yourself (which is often what we do!). Vacation rentals naturally regulate themselves because of cost.

Since there has been an obvious *decline* in the amount of Short Term Rentals in the area in the past 4 years, not an increase, our additional Short Term Rental poses no threat.

Exhibit G (pg. 17-18):

Screenshots of recent reviews, our listing and superhost status, and our house rules

Exhibit G (1) pg. 17: Example of some of our most recent reviews

Exhibit G (2) pg. 18: Image of our listing and our Superhost Status, 47 reviews and 4.96 overall rating!

Exhibit G (3) pg. 18: House Rules (posted inside our home and on our listing)

As you can see in our reviews—we are great managers! We take pride in our ability to keep our guests happy by maintaining our property, cleaning our units well, and providing excellent hospitality. We love to keep our community happy by following all rules and regulations by getting an honest permit and paying our taxes on time. We live less than five miles away from our Short Term Rental and are very responsive hosts. Providing this great environment for our guests leaves them wanting to return. Our city benefits greatly from us providing this service to tourists. Hotels do not provide many amenities like the ones found in our home. Many guests want to have the option of a kitchen, washer and dryer, and extra bedrooms. We also provide temporary housing in local crises, we have housed people displaced from snow storms when their homes were destroyed, and we’ve helped locals that have been evacuated as a result of the fire season. We can even provide longer-term/short-term housing to traveling nurses.

In Exhibit G (3) we show an example of our house rules, which are posted inside our unit as well. We do not allow parties and only allow a maximum of 4 guests. We are very strict, and charge fees and ask guests to leave if the rules are violated. We’ve never had an issue with house parties or noise disturbances. We’ve not had any complaints from our neighbors either—in fact, they’ve thanked us for taking such good care of the landscaping! We even go as far as blowing off their walkways and the leaves from the public road.

Exhibit H (pg. 19-20):

Exhibit H (1) pg. 19: Email correspondence w/ Abigail Walker, Community Services Analyst at Community Development Department, October 4, 2022 about building two ADU's

Exhibit H (2) pg. 20: Email correspondence w/ Lance Lowe, Principal Planner for the City of Grass Valley, March 9, 2022 about building two ADU's

These exhibits of our recent e-mail correspondence with the city and planning staff serve as proof that we do intend to build additional dwelling units on our property. As you may already know, ADU's approved under the new California state laws are restricted from being used as Short Term Rentals. We would happily run them as long-term rentals replacing any potential long-term housing lost as a result of approving our Short Term Rental application. We are in the process of applying for the CalHFA grant and qualifying with a lender so that we can build two additional long-term housing units on our lot. This will provide additional housing to this community. The revenue we would generate from running another Short Term Rental was going to qualify us for financing to develop these additional dwelling units.

Exhibit I (pg. 21-22):

Justification Statement for Minor Use Permit Application; Submitted July 18, 2022 by Evan Glasco

Additional Points and Conclusion:

- We love this city and want to keep reinvesting back into it. We have even bigger goals and development plans for the future. We are passionate about building and renovating homes in this area. Supporting us in our small Short Term Rental business supports the city in their goals to improve the community and increase the housing supply.
- We have 3 different helpers/maids/and handymen that we help keep partially employed by regularly contracting work with them.
- Airbnbs are good for the city. They bring tourists, money and taxes!
- There aren't "too many" of them yet. There is no reason to panic right now and halt the growth.
- The new amendment to only allow one Short Term Rental per property isn't law yet—you can still conditionally approve this application without making special exceptions under existing code. You can conditionally approve our application with reasonable limits or demands, and we are willing to discuss or negotiate whatever terms of approval you see fit and we promise to strictly adhere to them.

Exhibit A

Standards for Specific Land Uses

17.44.200

17.44.205 – Short Term Rentals

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

- A. Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.
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 2. A hosted short term rental unit shall require a business license;
 3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
 4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
 5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
 6. Food services provided to renters shall comply with County Environmental Health requirements;
 7. No exterior signs advertising the business shall be allowed on the property;
 8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
 9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
 10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.
- C. Standards for vacation rental homes.**
1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
 2. A vacation rental home shall require a business license;
 3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
 4. The owner or manager must live within 30 miles of the vacation rental home. The owner shall provide to the City as part of the Minor Use Permit, the name and telephone number of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a 24-hour basis at all times the vacation rental home is rented or occupied;

Exhibit A (continued)

Standards for Specific Land Uses

17.44.200

5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
 6. No exterior signs advertising the business shall be allowed on the property;
 7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;
 8. A vacation rental home with five or more guest rooms, or capacity for 10 or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;
 9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
 10. The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.
- D. **Violations; Revocation of Permit; Penalties.** The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this Section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the City's residents that are created when persons fail to abide by the rules, requirements, and regulations of their Minor Use Permit and the Municipal Code. To the extent the provisions of this Section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Section shall control and take precedence.
1. **Violations and noncompliance.** Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.
 2. **Notice of Violation.** Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.
 3. **Right to Appeal.** The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
 4. **Appeal Hearing and Rules of Evidence -**
 - a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

Exhibit B

From: Abigail Walker abigailw@cityofgrassvalley.com
Subject: RE: 354/352 Marshall Street
Date: July 13, 2022 at 9:24 AM
To: Elisse Garner elisse@foothillmanagement.com

Hey Elisse,

It does not explicitly state it in the current municipal code (it is implied in the singular tense...), which is why Planning Commission recently approved staff's recommendation to add a statement to the ordinance regarding the limitation of one STR per property:

2022 Development Code Amendments

Section	Current Text	Proposed Text	Purpose of Amendment
SHORT TERM RENTALS (STRs)			
Staff requests direction on whether Planning Commission/City Council would like to put a cap on the total number of allowed STRs in City. Currently, 40% of STRs (Hosted & Home) owners do not live in City limits. There are 23 Hosted STRs, 21 Vacation Home STRs, and 9 BRBs			
17.44.205 Short Term Rentals	A. Purpose. This section provides standards for vacation rental homes and hosted short-term rental units...	ADD Each property is limited to one short term rental, and short-term rental units are not permitted in ADUs/Second Units.	To limit short term rentals in residential neighborhoods; to comply with State law, and to ensure the intent of this section (to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods) is maintained.
17.44.205 Short Term Rentals	B. Standards for Hosted Short-Term Rental Units. C. Standards for Vacation Rental Homes.	ADD Pursuant to the intent of Government Code Section 65852.150, second units are prohibited from being used for short term rentals.	To clarify that short term rentals are only allowed from primary dwelling units. The intent is to reserve second units/ADUs for long term rental stock.
Table 3-3	<u>Lodging</u> Bed and breakfast inn; hosted short term rental units; vacation rental home 1 space for each guest room, plus 2 spaces for the manager or owner. For vacation rental home, - if owner or manager do not occupy home - 1 space per each guest room.	ADD May be accommodated through on-site tandem parking - managed by owner or operator.	Because most properties within the City can accommodate the off-street parking requirements for STRs via tandem parking, and tandem parking is unlikely to cause an issue as guests are likely renting STR together.
Table 2-7	Hosted Short Term Rental Vacation Home Rental	Hosted Short Term Rental Permitted in R-2 & R-3 if existing Legally Non-Conforming (LNC) Single Family Dwelling (SFD) Vacation Home Rental Permitted in R-2 & R-3 with approval of MUP and existing LNC SFD *STR use would be void if single family dwelling is replaced with multifamily use.	To allow for an exception to the restriction of STRs in multifamily zones where there is an existing single-family dwelling. The City has received multiple requests for STRs from SFDs in multifamily zones, this would address their desire to have access to the same use as SFDs in single family zones.

Best,



Abigail Walker | Community Services Analyst II
 Community Development Department
 (P): (530) 274-4714 | (F): (530) 274-4399
 City of Grass Valley | 125 E Main St, Grass Valley, CA 95945
www.cityofgrassvalley.com

From: Elisse Garner <elisse@foothillmanagement.com>
Sent: Wednesday, July 13, 2022 9:09 AM
To: Abigail Walker <abigailw@cityofgrassvalley.com>
Subject: Re: 354/352 Marshall Street

Exhibit C

Neighborhood General-2 (NG-2) Standards

17.21.080

Table 2.5: Neighborhood General 2 (NG-2) Zone Allowed Land Uses and Permit Requirements

Land Use Type ¹	Permit Required	Specific Use Regulations	Land Use Type ¹	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly			Retail		
Library, museum	P		Neighborhood market	UP	
Park, playground	P		Services: Business, Financial, Professional		
Meeting facility, public or private	UP		Medical services: Extended care	UP	
Residential			Services: General		
Dwelling: Multi-family - Duplex	P	17.44.160	Day care home: Large family	MUP	17.44.060
Dwelling: Single family	P	17.44.210	Day care home: Small family	P	
Home occupation	P	17.44.100	Lodging: Bed & breakfast inn (B&B)	MUP	17.44.040
Residential accessory use or structure	P	17.44.020	Lodging: Licensed short term rental units	P	17.44.205 B
Residential care, 6 or fewer clients, in a home	P		Lodging: Vacation rental home	MUP	17.44.205 C
Residential care, 7 or more clients	UP		Public safety facility	UP	
Second unit or carriage house	P	17.44.190			
Transitional and Supportive Housing	P				

Key

P Permitted Use

MUP Minor Use Permit Required

UP Use Permit Required

NA Use Not Allowed

End Notes

¹ A definition of each listed use type is in Article 10 (Glossary).

Exhibit D (1)



Exhibit D (2)



Exhibit D (3)

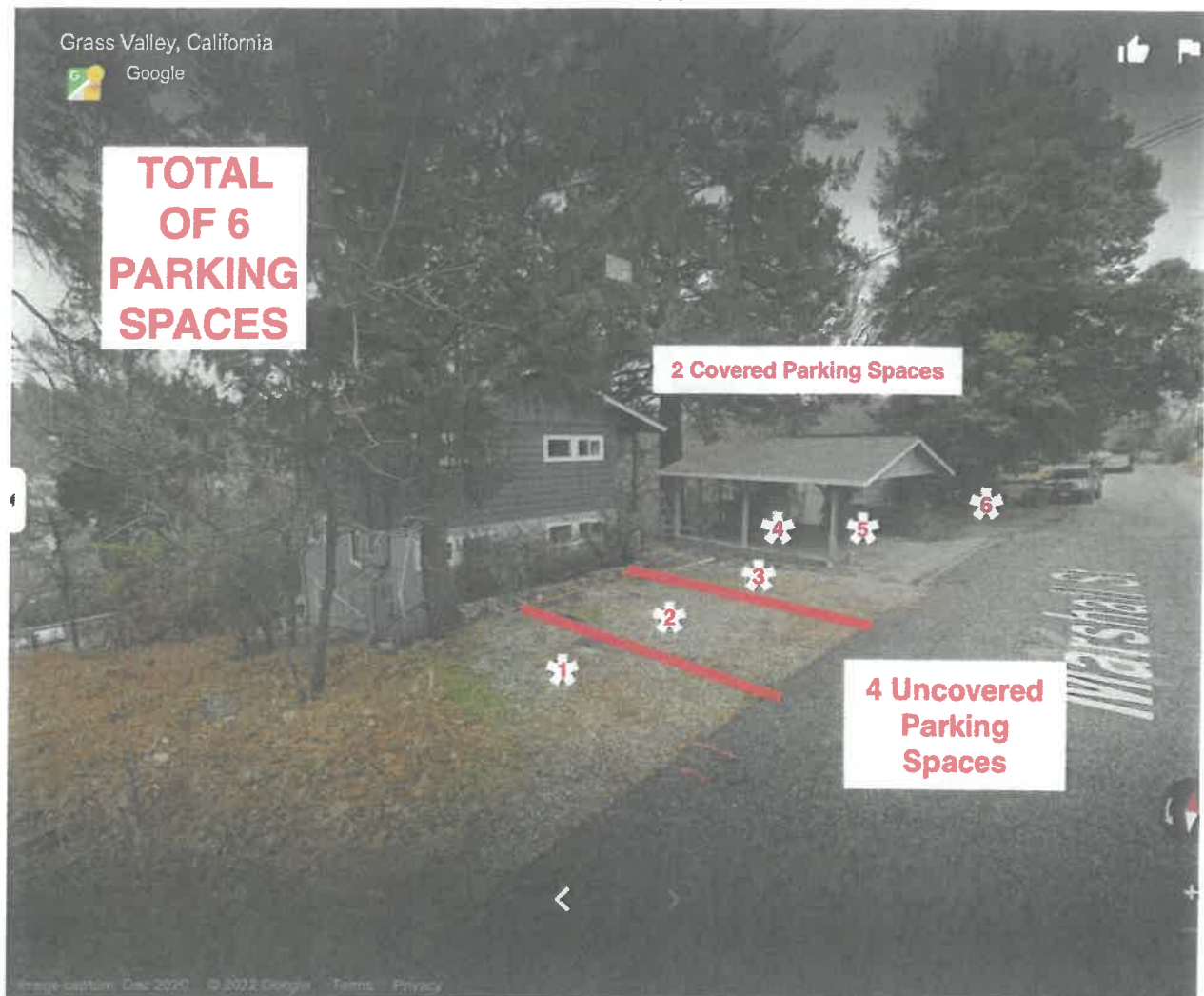


Exhibit D (4)

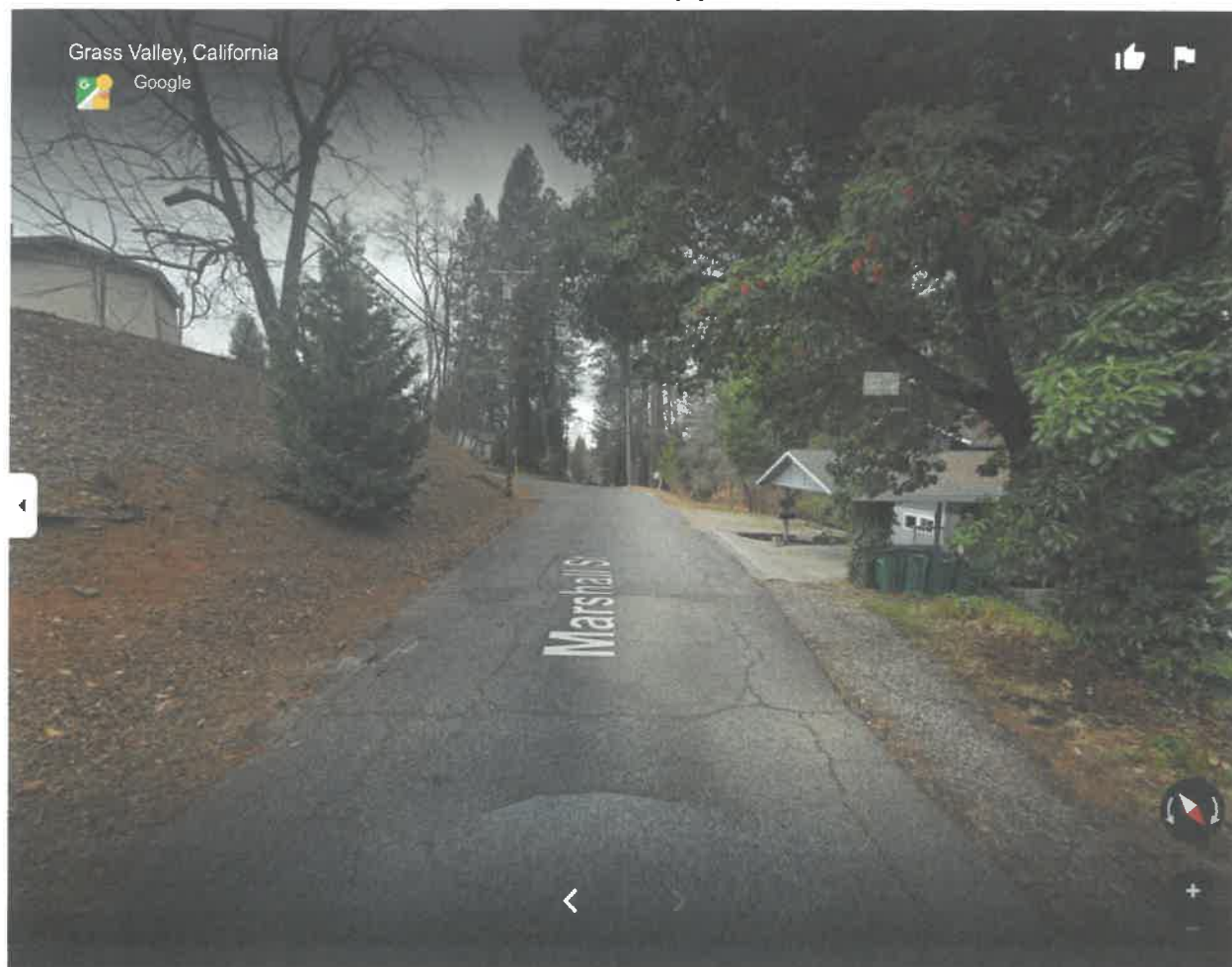


Exhibit D (5)



Exhibit D (6)

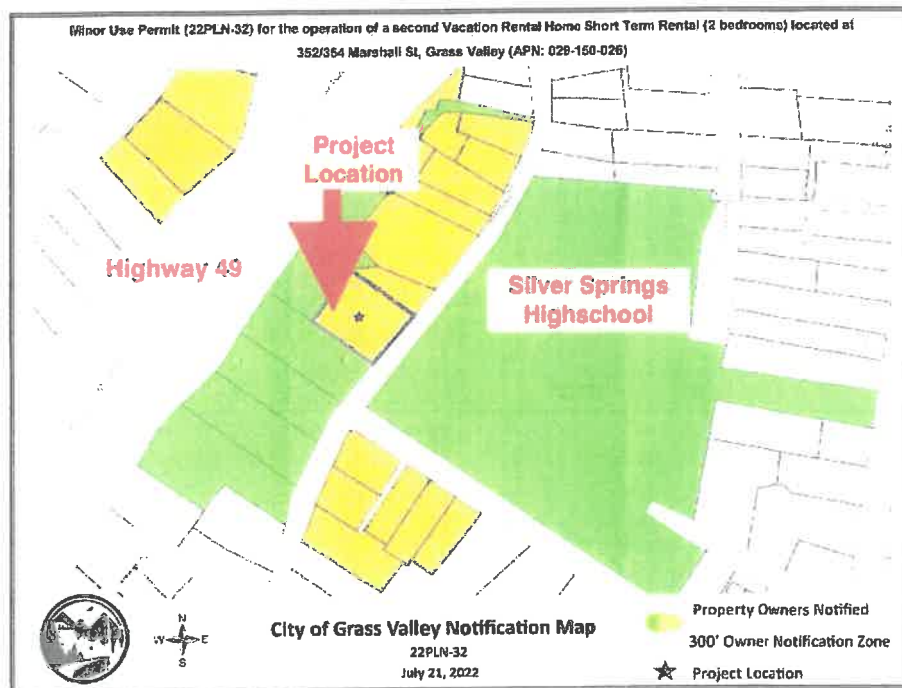


Exhibit E

8/8/22, 5:19 PM

Grass Valley homes to be demolished, making way for hotel | TheUnion.com

THE UNION

YOUR AD HERE

Grass Valley homes to be demolished, making way for hotel

News [FOLLOW NEWS](#) | December 10, 2020John Orona [FOLLOW](#)
jorona@theunion.com

A two-story, 74-room hotel is in the works for Grass Valley, but not before 11 homes are demolished in the process.

On Tuesday the Grass Valley Planning Commission approved the development of the West Olympia Hotel project slated for East Main Street and West Olympia Drive in a 3-to-zero vote.

According to project engineer Sean O'Neill, work is not likely to be done over the next summer due to the pandemic, meaning demolition would not begin until 2022. The 39,500-square-foot project will include a fitness center, pool and would target mid-tier customers.

"I understand that they would like to stay where they are," Commissioner Elizabeth Coots said of the tenants. "But this has been a long time coming and still will be."

As part of the conditions of approval, the developer will give six months' advance notice before eviction and the demolition permit would not be issued before a building permit, giving tenants more time before they are forced to move.

Trending Articles



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69 comments



Don Rogers: Free agency calls

68 comments



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56 comments



Jerry Easli

49 comments

Road and sidewalk improvements to both streets are also required by the conditions of approval.

According to the project's mitigated negative declaration report, the displacement of tenants was not deemed "substantial," because an estimated 23 people would be displaced compared to the nearly 7,000 housing units in Grass Valley.

The report also found the homes had no historical significance, despite claims from some public commenters who felt the cottage or cabin-style homes were a representation of early miner dwellings. It also noted the area is zoned Office Professional, meaning the residential use would be phased out eventually.

The Department of Toxic Substances Control found that because Highway 49 used to run through the area, soil could have been exposed to aerially deposited lead from car gasoline. Soil samplings will be taken.

According to resident Kathy Tillett, in anticipation of the project — which came before the city as a 99-room hotel in 2018 — maintenance on the properties has declined. She asked the commission not to allow the demolition if COVID-19 is still a significant factor in 2022.

"If COVID is still present, I don't think it would be right to kick us all out," Tillett said.

To contact Staff Writer John Orona, email jorona@theunion.com or call 530-477-4229.

Exhibit F

YOUR AD HERE

Grass Valley city council OKs regulating vacation, short-term rentals

Local News [FOLLOW LOCAL NEWS](#) | April 11, 2018



Liz Keller [FOLLOW](#)
l.keller@theunion.com

Grass Valley officials backed away from a proposal to limit the number of vacation rentals in town. But during a meeting Tuesday, council members voted to approve an ordinance that will regulate short-term rentals of rooms within homes as well as whole-house rentals.

Short-term rentals have been a hotly debated topic, with some saying such vacation homes are exacerbating a growing housing crisis by taking long-term rentals off the market.

The issue first came before the city council in June 2017. In September, the council agreed Grass Valley should establish regulation for such rentals. During Planning Commission hearings on the proposed ordinance in January and February, many locals came out to speak, mostly on the topic of vacation rental homes.

The new ordinance creates a new section to allow short-term rentals, which are categorized as hosted short-term rental units (with no more than two rooms to be rented in a home), and vacation rental homes (the whole home can be rented). A swift process will be created to address violations of the operating standards.

Among other requirements, homeowners or property managers must live within 30 miles of the vacation rental and be readily available in the event the city needs to make contact.

Both rental categories would be required to pay transient occupancy taxes and obtain business licenses.

The draft ordinance also proposes scaling back requirements for traditional bed and breakfast inns in order to level the playing field for those businesses, which compete with online rentals through websites like AirBnB, VRBO and HomeAway.

One proposed portion of the ordinance, to limit the number of permits for vacation rental houses to 20, proved controversial.

Community Development Director Tom Last said city staff estimated the number of current vacation rentals in the city at between 50 and 60, leading to questions about the selection process to whittle down that number.

"Are we stripping people of their rights?" said council member Jason Fouyer.

Last pointed out that vacation rentals are not permitted and are in violation of the city's zoning code.

"This would legitimize them," he said.

"We have granted permission by not enforcing the rules on the books," Fouyer said. "I'm not necessarily interested in taking that away."

Council member Lisa Swarthout agreed, saying, "You're on a very slippery slope when you tell people what they can or cannot do with their homes."

According to Swarthout the ordinance was initiated by one complaint from a neighbor, as well as the desire by one council member to collect transient occupancy tax on the rentals.

"I hate the fact that we are being put in the position of mediating issues between neighbors," she said. "This is not really within our purview."

The ordinance, minus any limit on permits, was approved by the council on a 3-1 vote with Swarthout voting against it and Mayor

<https://www.theunion.com/news/local-news/grass-valley-city-council-oks-regulating-vacation-short-term-rentals/>

Page 2 of 3

Exhibit G (1)



Leah, July 2022

This was an incredible stay. Perfectly clean, well appointed, detail oriented and designed with a lot of care. The location was just minutes away from DT Grass Valley and right off the freeway. Covered parking spot kept the car cool in the 100 degree weather. And the A/C worked super well. Can't wait to go back!



Richard, July 2022

Very nice place with woods on two sides. Clean and well located. Quite close to the center of Grass Valley.



Stephen, July 2022

Very clean and comfortable. Nice quiet place to stay. Host was accommodating for my reservation.



Whitney, July 2022

Such a beautiful space! Located in the beautiful area of Grass Valley, you are in the beauty of nature but just minutes from some of the best coffee shops, restaurants, and stores! We had the most amazing time and can not wait to come back! Thank you Joy & Evan!



Megan, July 2022

We loved our stay here! Perfect location and very well done home!



April, July 2022

The Ivy is a beautiful and cozy space. The space is very clean and comfortable. We only stayed one day but would definitely return.



Gabrielle, July 2022

This place was perfect for going to the world fest music festival and the magnificent Yuba River. Spacious and working A/C! Comfy beds... would definitely return.



Windy, July 2022

The Ivy is the best little location in Grass Valley! Walk to shops, food and activities! Super clean, attentive hosts and covered parking! I highly recommend staying here!



Nicole, July 2022

So much thought is put into The Ivy and it's a great, relaxing place to stay. My partner and I worked from home from this spot and had comfortable places to work, plenty of space, and fast, reliable internet. The place is clean and comfortable with nice modern design. Just a really nice place to stay with a communicative and responsive host. Also, bonus points for the beautiful old growth trees on either side of the house.

Exhibit G (2)

The Ivy

★ 4.96 · 47 reviews · Superhost · Grass Valley, California, United States

Share Save

Get listing data

[Learn more about AirReview & Rankbreeze](#)

Entire home hosted by Joy

4 guests · 2 bedrooms · 2 beds · 1 bath



\$122 night

★ 4.96 · 47 reviews



Self check-in

Check yourself in with the smart lock.



Joy is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

CHECK-IN
Add dateCHECKOUT
Add dateGUESTS
1 guest

Check availability

Exhibit G (3)

Additional rules

- *There is absolutely no smoking allowed anywhere on the grounds inside or outside. There will be a \$250 cleaning fee for violations and we may ask you to leave.
- *No parties allowed
- *Be respectful of our neighbors
- *Quiet hours are from 10pm-8am
- *Please remove your shoes upon entry
- *Please do not use any heavy fragrances in the home like scented candles, incense or perfumed sprays as we have many guests with scent sensitivities and allergies
- *Please leave the place like you found it
- *Please only park in the designated spots for this unit
- *No pets
- *No moving or rearranging large furniture or there may be a \$100 fee
- *No unregistered guests
- *Late check-outs that were not previously approved by host (please ask ahead of time) will be charged a \$50 fee immediately following 11:00 am check-out time.
- *Your reservation at the Ivy means you accept all house rules and have read the description of the home and accept any potential drawbacks of the property. Any negative review of our place based on traffic noise or other properly disclosed drawbacks will be disputed on the platform as you were well informed of the location and potential drawbacks prior to accepting the reservation in numerous sections of the description. The property is as described and presented.

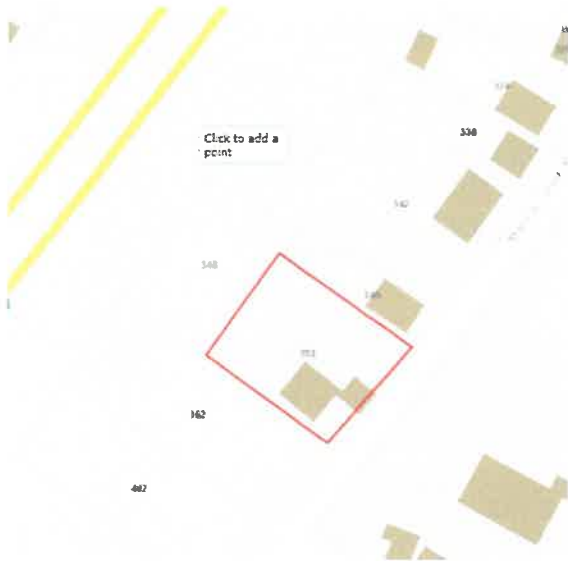
Exhibit H (1)

From: Abigail Walker abigailw@cityofgrassvalley.com
 Subject: RE: ADU service 352/354 Marshall st
 Date: October 4, 2021 at 8:51 AM
 To: Elisse Garner elisse@foothillmanagement.com
 Cc: Evan Glasco evan@foothillmanagement.com

Hi Elisse,

Can you confirm if you are referring to one of the surrounding parcels (362, 348, 346 Marshall?) - or are you talking about adding an ADU to the 352 parcel?

I don't see any record of 352 Marshall being split...



Anyway, if you are interested in adding an ADU to the existing lot at 352 Marshall that has your duplex on it, you would be able to add 1 ADU, but because you recently elected to make one of your duplex units a short term rental, you would be required to retain the added ADU as a permanent rental (more than 30 days).

Let me know if this is the lot you are referring to...if it is, you should be able to hook up to the existing water and sewer (you would contact PG&E to learn more about additional electrical hook ups).

additional electrical hook ups...

Best,



Abigail Walker | Community Services Analyst II
 Community Development Department
 (P): (530) 274-4714 | (F): (530) 274-4399
 City of Grass Valley | 125 E Main St, Grass Valley, CA 95945
www.cityofgrassvalley.com

From: Elisse Garner <elisse@foothillmanagement.com>
 Sent: Friday, October 1, 2021 3:49 PM
 To: Abigail Walker <abigailw@cityofgrassvalley.com>
 Cc: Evan Glasco <evan@foothillmanagement.com>
 Subject: ADU service 352/354 Marshall st

Hey Abby!

We are looking to get water/sewer/electric service to the parcel that is attached to our duplex (352 Marshall St. Grass Valley, CA 95945) and set up maybe one or two ADU's (additional dwelling units) and wondering where/how we start this process to get service? There was once a granny unit on the parcel that must've burned down or been demolished because original records show that there was a unit there in the 60's but now all that is left is a concrete foundation.

We had some guys from the city go out and check the place out today but they said there is no record of there ever being service there, not sure if they actually checked for lines to make sure. Regardless, we do want to put a separate meter and have separate sewer/water/electric since we may sell the parcel separately one day.

If you could guide us in the right direction on how to get the property evaluated for existing lines and how to figure out the costs, etc. we'd super appreciate it!

Thank you again!!

Elisse



Elisse Garner
 Owner/Manager, Foothill Management Services, LLC
 (530) 428-5515 | www.foothillmanagement.com
elisse@foothillmanagement.com

Exhibit H (2)

From: Joy Garner <joy.elisse@foothillmanagement.com>
Subject: Fwd: Following up on this guys, never got a reply Fwd: More questions about new development laws...
Date: March 9, 2022 at 3:35 PM
To: Evan Glasco <evan@foothillmanagement.com>, Elisse Garner <ELISSE@foothillmanagement.com>

Sent from my iPhone

Begin forwarded message:

From: Lance Lowe <lancel@cityofgrassvalley.com>
Date: March 9, 2022 at 2:23:52 PM PST
To: Joy Garner <joy.elisse@foothillmanagement.com>
Cc: Tom Last <toml@cityofgrassvalley.com>, Alena Loomis <alena@cityofgrassvalley.com>, Zac Quentmeyer <zacq@cityofgrassvalley.com>, Abigail Walker <abigailw@cityofgrassvalley.com>
Subject: FW: Following up on this guys, never got a reply Fwd: More questions about new development laws...

Joy,

Good afternoon and I sincerely apologize for our belated reply to your email. Regarding the below inquiry and have the following response for your consideration:

The property at 352 Marshall Street is in the NG-2 Zone and 0.32-acre (13,939 sq. ft.) in size. According to the City's building records, the property contains an existing duplex with associated parking.

In accordance with SB 9, you may apply for an urban lot split of 40% of the existing lot or 5,575 square feet. This would require a City Tentative Parcel Map application and preparation of a Tentative Parcel Map by a licensed survey. The TMP application shall be approved ministerially, without notice and public hearing by the City.

On the newly created 5,575 square foot lot you may construct a duplex in compliance with NG-2 setbacks; however, the setbacks shall allow units at least 800 square feet in size. Each of the units shall require one parking space per unit, 9 feet by 18 feet in size; not located in the front yard setback of 20 feet. Note that parking may not be required if within ½ mile of a transit stop.

The City may impose a condition of the urban lot split that the rental unit be rented for periods longer than 30 days and that you sign an affidavit stating that you intend to occupy one of the housing units as your principal residence for a minimum of 3 years from date of approval.

Regarding the conversion of the basement to a JADU for the existing duplex, this may be done via a building permit provided the square footages and other aspects comply with the City's ADU standards in Section 17.44.190:

https://www.cityofgrassvalley.com/sites/main/files/file_attachments/development_code_2020_website.pdf?1601573922

If you have any further questions, please let me know at your convenience.

Thanks,

Lance E. Lowe, AICP | Principal Planner

Exhibit I

JUSTIFICATION STATEMENT

July 18th, 2022

RE: Minor Use Permit for Short Term Rental located at 352 Marshall Street, Grass Valley, CA 95945

1. The proposed use of the property is consistent with the General Plan and any applicable specific plan.
2. The proposed use of this unit as a Short Term Rental is allowed within the NG-2 Zoning and complies with the current Development Code and the current published Municipal Code as of 7/18/2022.
3. The design, location size and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and, the site is physically suitable in terms of design, location, shape, size & operating characteristics, and the provision of public emergency.

DISCUSSION

Compelling Government Interest

It is currently a fact that, within city limits, there are only 21 Vacation Home Short Term Rentals and over 16,000 housing units. Additionally, there are numerous multifamily housing developments in the county almost to completion this year; Including the Lone Oak Senior Apartments, Loma Rica Ranch Development, Timberwoods Estates, Berriman Ranch and Brunswick Commons. The amount of development may soon outpace demand. It is axiomatic that Vacation Rental homes pose no threat the community and available housing. These facts, and others which clearly document an attempt to create and maintain a monopoly over short term housing, (see below) constitute a prima-fascia case that any additional related restrictions on the number of short term vacation rentals by the city government cannot be justified of defended under the legal requisite of a "compelling interest".

Locally-Owned Small Business

The proposed vacation rental will help our local community. We are active and engaged local managers who live only 5 miles away from the proposed Short Term Rental. We currently employ 4 local residents to maintain, clean and help manage our property. We presently bring significant revenue to the city by regularly paying our transient occupancy taxes. Airbnbs help advance the city's interest in tourism by providing unique housing that isn't otherwise available in conventional hotels, and it employs local residents that also reinvest back into our communities.

No Legitimate Government Interest in Exclusively Limiting Small Businesses

Exhibit I (Cont.)

The city has already approved the demolition of many single-family rental homes in Brunswick in favor of developing the West Olympia hotel in close proximity to, (in the center of) *other* residential neighborhoods. This gives a competitive advantage to large corporations and huge commercial investors. When combined with regulations which *further* limit locally-owned vacation rentals, this produces a monopoly, which is unlawful as in violation of California's Unfair Competition Law, i.e., Cal. BP Code, § 17200, seq. Proposed regulations which *further* limit temporary vacation housing, and which exclusively place these limits *only* upon small, locally-owned business, *and* doing so while approving the destruction of numerous single family dwellings *in favor of* large hotels to be located inside of, and in close proximity to, residential areas, is likely to produce legal challenges in the very near future. These would obviously include the largest vacation rental competitors who work for, and with, small local businesses in this and many other California counties, i.e., Airbnb, Booking.com, VRBO, and a dozen others with valuations above \$1 billion.

The Beginning of a Trend in Law

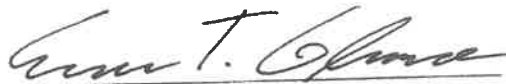
So far, when challenged, similar planning commission attempts to create a monopoly over local vacation rentals and hand it to large hotel corporations, have resulted in the holding in *Kracke v. City of Santa Barbara*, 63 Cal. App. 5th 1089 (2021) which found the planning commission could not violate other state laws in its efforts to shut down almost all *local* competition in the short-term rental business.

The various cities and counties who are further squeezing out local small business *in favor of* granting large hotel chains a monopoly over the majority of short-term rentals in the area, are very close to facing a flurry of new lawsuit, as they continue unfairly, and unjustifiably, preventing small local businesses from competing in the short-term rental business.

CONCLUSION

At the time of this particular application, there are no published city regulations prohibiting the granting thereof. The Applicant requests approval, and thanks you for your consideration.

Most Sincerely,



Evan Glasco, A Local Small Business Owner, Foothill Management Services LLC.

Date: July 18, 2022

EXHIBIT C

8/20/22, 12:53 PM

Grass Valley, CA Code of Ordinances

17.10.050 - Rules of interpretation.

- A. Authority. The director has the authority to interpret any provision of this development code. Whenever the director determines that the meaning or applicability of any development code requirement is subject to interpretation, the director may issue an official interpretation. The director may also refer any issue of interpretation to the commission for their determination.
- B. Language. When used in this development code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including, but not limited to . . .".
- C. Time Limits. Whenever a number of days is specified in this development code, or in any permit, condition of approval, or notice provided in compliance with this development code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Zoning Map Boundaries. See Section 17.12.020 (zoning map and zones).
- E. Allowable Uses of Land. See Section 17.20.030 (allowable land uses and planning permit requirements).
- F. State Law Requirements. Where this development code references applicable provisions of state law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.
- G. Conflicting Requirements. See Section 17.10.040.D (conflicting requirements).

Attachment 2



City of Grass Valley City Council Agenda Action Sheet

Council Meeting Date: April 10, 2018 **Date Prepared:** April 4, 2018

Prepared by: Thomas Last, Community Development Director 

Title: Development Code Amendment (17PLN-35), Planning Commission recommendation to the City Council on amendments to the Development Code, including short-term rental units.

Recommended Motion: Conduct a public hearing and approve the amendments to the Development Code by: 1) introducing the ordinance amendments, Title 17 of the Grass Valley Municipal Code; and, 2) waiving the first reading of the ordinance in its entirety read by title only.

Agenda: Public Hearing

Background: At the City Council meetings of June 27 and September 12, 2017, staff presented discussion items on short-term vacation rentals (STRs) and the trend to convert residential homes into full- or part-time vacation rentals. At the September meeting, the Council determined the City should establish regulations for STRs, and noted interest in developing regulations similar to Nevada City's. On October 10, 2017, staff requested direction from the City Council on 10 items to assist staff in the drafting of an ordinance. Council then provided direction on those 10 items and directed staff to initiate an amendment to the Development Code. The Planning Commission conducted its first public hearing on January 16, 2018. After substantial discussion, primarily focused on the vacation rental homes (rental of an entire home), the Commission continued the public hearing to its meeting of February 20, 2018. Both meetings included extensive comments from the public; again, focused more on the vacation rental home proposal.

The proposed amendments are attached to the Ordinance as Exhibit A and summarized as follows:

1. Modifications to Section 17.44.040, Bed and Breakfast Inns – These changes are proposed to ensure Bed and Breakfast Inns are treated equally with the STRs.
2. New Section 17.44.205 – This creates a new section to allow Short Term Rentals. It includes two main sub-sections that establish operating standards for: 1) “hosted short-term rental units” (where no more than 2 rooms can be rented in a home); and 2) “vacation rental homes” (where the entire home can be rented). The operating standards are intended to reduce or eliminate neighborhood conflicts. Subsection D of this section includes provisions to create a swift process to address violations to the operating standards. *NOTE: The Planning Commission did recommend vacation rental homes be limited to 20 in the City. Staff has some concerns with a limit and will discuss this at the meeting.*
3. The attached matrix includes specific changes to address Council direction as it pertains to where STRs are allowed and several new definitions.



City of Grass Valley City Council Agenda Action Sheet

4. The last three items in the matrix address miscellaneous amendments including:
 - a. Expanding the range of uses in the Open Space Zone to address existing uses in parks;
 - b. Adding mobile home, RV, and boat sales along with the auto sales category to address an oversight issue;
 - c. Eliminating a paragraph under the glossary term "Auto and Vehicle Sales and Rental" to reduce confusing and redundant text.

Staff will review each of the proposed amendments at the Council meeting. The exhibits to this report include the two Planning Commission Staff Reports, containing additional background information, and written correspondence from the public on this topic.

Reviewed by:

 City Manager

Exhibits:

1. Ordinance with Exhibit A, proposed text amendments and 2018 Development Code Matrix
2. Planning Commission Staff Report dated February 20, 2018, with attachments
3. Miscellaneous letters and information provided at the February 20, 2018, Commission Meeting
4. Planning Commission Staff Report dated February 20, 2018, with attachments



**PLANNING COMMISSION
STAFF REPORT
February 20, 2018**

Agenda Item: 7.3
Prepared by: Thomas Last, Community Development Director *TL*

DATA SUMMARY

Application Number: 17PLN-35
Subject: **Continued Public Hearing** - Amendments to the City Development Code to address short-term rentals, uses in the Open Space Zone District; mobile home, RV, and boat sales; and definition change for auto and vehicle sales and rentals.
Location/ APN: Applies City-wide
Applicant: City of Grass Valley
Zoning/General Plan: Multiple General Plan and Zoning designations
Environmental Status: Exempt

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Recommend the City Council adopt the findings noted in this staff report, and
2. Recommend the City Council adopt an ordinance approving the amendments to the Development Code.

PROJECT DESCRIPTION/BACKGROUND: The Planning Commission held a public hearing on this item on January 16, 2018. Upon conclusion of the hearing, the Planning Commission discussed then continued the item to its February meeting. Attached is the January 16th report. This report includes more background information on the subject. At the January meeting, the Commission expressed support for the amendments to Bed and Breakfast Inns; the concept and standards for "hosted short term rental units"; the Section on Violations, Revocation of Permit and Penalties; and the miscellaneous amendments related to the Open Space Zone, mobile home, boat, and RV sales, and other definition changes in the table of changes. However, the Commission requested additional time to review and consider the concept and standards for allowing vacation rental homes.

Vacation rental homes, as presented to the Commission in January, included the rental of an entire home in residential neighborhoods. Most of the Commissioners expressed concern with this type of use in an established residential neighborhood. Specific comments focused on concerns that vacation rental homes could have negative impacts on the nature and character of those residential neighborhoods. Since the last meeting the City has received additional emails and letters, which are included in Attachment 2. This attachment includes the two emails provided to the Commission at the January meeting.

ENVIRONMENTAL ANALYSIS: See January 16, 2018 staff report.

PROJECT DISCUSSION AND ANALYSIS: See January 16, 2018 staff report.

FINDINGS:

1. The City approved the Development Code in 2007. The City has since amended the Code several times to address errors, to clarify issues, and to add new items to address unforeseen issues.
2. As noted in this report, the project is exempt from environmental review pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA).
3. The Planning Commission conducted a public hearings on the amendments on January 16, and February 20, 2018.
4. The Planning Commission finds that the amendments to the Development Code are consistent with the City of Grass Valley 2020 General Plan.
5. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The proposed amendments are internally consistent with other applicable provisions of the Development Code.

Attachments:

1. Proposed Amendments
2. New letters/emails provided by the public
3. January 16, 2018, **staff report only** – previous backup materials for that report available at City Hall



**PLANNING COMMISSION
STAFF REPORT
January 16, 2018**

Agenda Item: 7.3
Prepared by: Thomas Last, Community Development Director *TL*

DATA SUMMARY

Application Number: 17PLN-35
Subject: Amendments to the City Development Code to address short-term rentals, uses in the Open Space Zone District; mobile home, RV, and boat sales; and definition change for auto and vehicle sales and rentals.
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RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Recommend the City Council adopt the findings noted in this staff report, and
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PROJECT DESCRIPTION/BACKGROUND: At the City Council meetings of June 27 and September 12, 2017, staff presented discussion items on short-term vacation rentals (STRs) and the trend to convert residential homes into full- or part-time vacation rentals. The online marketing sites such as Airbnb, VRBO, Homeaway, Vacasa and many others are making short-term rentals more popular and accessible to vacationers and travelers. Many homeowners use this strategy to create supplemental income. During these meetings staff noted short-term vacation rentals exist in the City limits, most operate in residential areas where they are not currently allowed, and code enforcement actions are taken only in response to neighborhood complaints. Staff presented information as to how other cities address this issue. Additionally, both staff and some members of the public raised concerns about the potential reduction of the rental housing inventory and subsequent increase in rental rates of single family homes as a result of entire homes being rented as STRs. At the September meeting, the Council believed the City should establish regulations for STRs and there was interest in developing regulations similar to Nevada City's. On October 10, 2017, staff requested direction from the City Council about 10 items to assist staff in the drafting of an ordinance. Council then provided direction about those 10 items and directed staff to initiate an amendment to the Development Code.

The proposed amendments are attached and summarized as follows:

1. Modifications to Section 17.44.040, Bed and Breakfast Inns – These changes are proposed to ensure Bed and Breakfast Inns are treated equally with the STRs.
2. New Section 17.44.205 – This creates a new section to allow Short Term Rentals. It includes two main sub-sections that establish operating standards for “hosted short term rental units” (where no more than 2 rooms can be rented in a home), and “vacation rental homes” (where the entire home can be rented). Subsection D includes provisions to create a swift process to address violations to the operating standards. *NOTE: Staff anticipates providing some changes at the Commission meeting to Subsection D pending input from the City Attorney’s office.*
3. The attached matrix includes specific changes to address Council direction as it pertains to where STRs are allowed and several new definitions.
4. The last three items in the matrix address miscellaneous amendments including:
 - a. Expanding the range of uses in the Open Space Zone to address existing uses in parks;
 - b. Adding mobile home, RV, and boat sales along with the auto sales category to address an oversight issue;
 - c. Eliminating a paragraph under the glossary term “Auto and Vehicle Sales and Rental” to reduce confusing and redundant text.

Staff will review each of the changes during the Planning Commission meeting.

ENVIRONMENTAL ANALYSIS: The project is exempt from environmental review pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA). This exemption applies to activities covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

The proposed amendments include standards to protect existing neighborhoods from potential conflicts and several minor clarifications and modifications to some definitions. Based on this, the project does not have the possibility to create a significant physical effect on the environment.

PROJECT DISCUSSION AND ANALYSIS:

The General Plan includes policies to protect and enhance the character of residential neighborhoods and many that pertain to promoting the economics of the City, including tourist related uses. The standards in this ordinance are intended to safeguard residential neighborhoods while creating a framework to allow STRs. Furthermore, the City acknowledges there are many STRs currently operating in the City. Complaints and conflicts for these uses have been minimal. Attached is a packet from Michael Wilkie noting his concern with STRs. Staff believes the proposed operating standards and enforcement regulations will provide adequate protection to single family residential

neighborhoods. Additionally, the operating standards will ensure the STRs will not create detrimental health, safety or welfare issues. The proposed violation section will create a quicker and more efficient enforcement process than what is currently in place to address other types of code violations.

Staff will seek input from the Commission on the maximum number of vacation rental homes (See Section 17.44.205 C.1) permitted in the City. The Council suggested there be a limit on the total number of these types of homes.

The proposed amendments are also written to ensure internal consistency with other applicable provisions of the Development Code. The changes will ensure Bed and Breakfast Inns are treated equally with STRs, ensure a quick process to address violations to the STR regulations, and clean up an existing inconsistency within the code.

As it pertains to expanding uses in the Open Space Zone, all the City parks are designated as Open Space. The list of permitted uses do not acknowledge the types of uses that have always taken place in our parks. Though the City could consider designating all the parks to Public or Parks and Recreation, the proposed change will still be consistent with the overall intent of the General Plan and reflect the reality of historical uses taken place within parks.

FINDINGS:

1. The City approved the Development Code in 2007. The City has since amended the Code several times to address errors, to clarify issues, and to add new items to address unforeseen issues.
2. As noted in this report, the project is exempt from environmental review pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA).
3. The Planning Commission conducted a public hearing on the amendments on January 16, 2018.
4. The Planning Commission finds that the amendments to the Development Code are consistent with the City of Grass Valley 2020 General Plan.
5. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The proposed amendments are internally consistent with other applicable provisions of the Development Code.

Attachments:

1. Proposed Amendments
2. Materials provided Michael Wilkie



**PLANNING COMMISSION
STAFF REPORT
January 16, 2018**

Agenda Item: 7.3
Prepared by: Thomas Last, Community Development Director *TL*

DATA SUMMARY

Application Number: 17PLN-35
Subject: Amendments to the City Development Code to address short-term rentals, uses in the Open Space Zone District; mobile home, RV, and boat sales; and definition change for auto and vehicle sales and rentals.
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The proposed amendments include standards to protect existing neighborhoods from potential conflicts and several minor clarifications and modifications to some definitions. Based on this, the project does not have the possibility to create a significant physical effect on the environment.

PROJECT DISCUSSION AND ANALYSIS:

The General Plan includes policies to protect and enhance the character of residential neighborhoods and many that pertain to promoting the economics of the City, including tourist related uses. The standards in this ordinance are intended to safeguard residential neighborhoods while creating a framework to allow STRs. Furthermore, the City acknowledges there are many STRs currently operating in the City. Complaints and conflicts for these uses have been minimal. Attached is a packet from Michael Wilkie noting his concern with STRs. Staff believes the proposed operating standards and enforcement regulations will provide adequate protection to single family residential

neighborhoods. Additionally, the operating standards will ensure the STRs will not create detrimental health, safety or welfare issues. The proposed violation section will create a quicker and more efficient enforcement process than what is currently in place to address other types of code violations.

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FINDINGS:

1. The City approved the Development Code in 2007. The City has since amended the Code several times to address errors, to clarify issues, and to add new items to address unforeseen issues.
2. As noted in this report, the project is exempt from environmental review pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA).
3. The Planning Commission conducted a public hearing on the amendments on January 16, 2018.
4. The Planning Commission finds that the amendments to the Development Code are consistent with the City of Grass Valley 2020 General Plan.
5. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The proposed amendments are internally consistent with other applicable provisions of the Development Code.

Attachments:

1. Proposed Amendments
2. Materials provided Michael Wilkie

Attachment 3

17.44.200

- b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.
- c. The display of vehicles for sale.

H. Removal of Tanks Upon Cessation or Change of Use. If, for any reason, a service station ceases to sell gasoline for more than one hundred fifteen out of one hundred twenty days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or treated in compliance with federal and state regulations, subject to the approval of the fire department.

17.44.205 Short-term rentals.

This section provides standards for short-term rentals where allowed by Article 2 (zones, allowable land uses, and zone standards).

A. Purpose. This section provides standards for vacation rental homes and hosted short-term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a minor use permit requirement and permit procedures for vacation rental homes. The intent of this section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.

B. Standards for Hosted Short-Term Rental Units.

1. No more than two rooms per property shall be rented at the same time;
2. A hosted short-term rental unit shall require a business license;
3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
6. Food services provided to renters shall comply with county environmental health requirements;
7. No exterior signs advertising the business shall be allowed on the property;
8. Off-street parking shall be provided as required by Section 17.36.040 (number of parking spaces required) for a hosted short-term rental unit;
9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
10. The hosted short-term rental shall operate without unduly interfering with the surrounding residential neighborhood.

C. Standards for Vacation Rental Homes.

1. The property owner of a vacation rental home shall obtain approval of a minor use permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
2. A vacation rental home shall require a business license;
3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
4. The owner or manager must live within thirty miles of the vacation rental home. The owner shall provide to the city as part of the minor use permit, the name and telephone number

17.44.205

of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a twenty-four-hour basis at all times the vacation rental home is rented or occupied;

5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;

6. No exterior signs advertising the business shall be allowed on the property;

7. Off-street parking shall be provided as required by Section 17.36.040 (number of parking spaces required) for a vacation rental home;

8. A vacation rental home with five or more guest rooms, or capacity for ten or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;

9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,

10. The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.

D. Violations; Revocation of Permit; Penalties. The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the city's residents that are created when persons fail to abide by the rules, requirements, and regulations of their minor use permit and the Municipal Code. To the extent the provisions of this section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this section shall control and take precedence.

1. Violations and Noncompliance. Failure by the permittee to comply with any requirement imposed by this section or any requirement or condition imposed by the minor use permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.

2. Notice of Violation. Upon discovery that a violation exists, the city manager shall issue a notice of violation to the permittee, which notice shall describe the nature of the violation and the date on which it occurred and cite the specific permit requirement or code section is alleged to have been violated. Said notice of violation shall be personally served or sent by U.S. certified mail. The permittee shall have ten days of the date of the notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the permit be immediately suspended.

3. Right to Appeal. The right to appeal shall terminate on the tenth calendar day after the date of the notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the city clerk and be accompanied by the filing fee identified in the city's planning fee schedule.

17.44.205

4. Appeal Hearing and Rules of Evidence.

a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

b. Oral evidence shall be taken only under oath or affirmation. The city manager or designee shall have authority to administer oaths and to receive and rule on admissibility of evidence.

5. Following a hearing with the city manager where a permit is revoked, the owner may reapply for a new permit no sooner than one year after the date of revocation. Revocation shall not constitute a waiver of the fees and taxes due under the MUP at time of revocation.

6. Penalties.

a. Each day in which the property is used in violation of any part of this chapter shall be considered a separate violation.

b. Any person who violates any provision of this section is guilty of a misdemeanor.

c. Any short-term rental establishment operated, conducted or maintained contrary to the provisions of this section shall be unlawful and declared to be a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such short-term rental establishments and restrain and enjoin any person from operating, conducting or maintaining a short-term rental establishment contrary to the provisions of this section.

d. The penalties set forth herein are cumulative and in addition to all other remedies, violations and penalties set forth in this chapter, or in any other ordinances, laws, rules or regulations of the City of Grass Valley, Nevada County, and the State of California, including, without limitation, administrative enforcement pursuant to Chapter 1.14 of this Code.

17.44.210 Single dwellings.

Single dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3 in residential and neighborhood zones shall comply with the following design standards. These requirements do not apply to mobile/manufactured homes within mobile home parks, unless these requirements are included in the conditions of approval of a mobile home park.

A. Design and Development Standards.

1. Facade Width. The street-facing facade of each single dwelling shall be a minimum of twenty feet wide, exclusive of garage.

2. Exterior Materials. Exterior materials shall conform to the standards of the Grass Valley Building Code.

3. Foundations. Foundations shall be along the perimeter of the structure and be of concrete or masonry material. Exterior materials shall extend to the foundation.

4. Roof Design and Materials.

a. Roofing materials shall comply with the building code.