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## GRASS VALLEY

### Planning Commission Meeting

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Tuesday, August 17, 2021 at 7:00 PM

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

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

E-Mail: [info@cityofgrassvalley.com](mailto:info@cityofgrassvalley.com)

Web Site: [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

### AGENDA

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

### COMMISSIONERS

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

### VIRTUAL MEETING NOTICE

In response to Governor Newsom's Executive Order N-08-21 and Resolution 2020-09 Declaring the Existence of a Local Emergency related to the COVID-19 pandemic, public participation in the Planning Commission Meetings shall be electronic only, and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. Planning Commission welcomes you to attend the meetings electronically, which are scheduled at 7:00 p.m. on the 3rd Tuesdays of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com), or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwdN8iTz8bI7SCuPQ>. Indexed archives of meetings are available via this link as well.

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

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

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AGENDA APPROVAL**

**ACTION MINUTES APPROVAL**

1. Action Minutes for July 20, 2021

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

**PUBLIC HEARING ITEMS**

2. **Use Permit (21PLN-22)** for an outdoor landscape materials sales yard for Kurt's Garden located at 519-525 East Main Street in the Heavy Commercial/Hills Flat Business District (C-3/HFBD) Zone (APNs: 009-210-024 & 025). Kurt's Garden is relocating operations from 595 East Main Street to the 519-525 East Main Street address. Environmental Determination: Categorical Exemption.
3. **General Plan Amendments, Rezones and Tentative Parcel Map (21PLN-08, 21PLN-12, & 21PLN-21)** of three dis-contiguous properties located at 354 North Church Street, 1784 Ridge Road, and 457 Brunswick Road (APNs: 008-260-021, 035-140-002 and 35-480-033). The 354 North Church Street General Plan Amendment is from Urban Low Density Residential to Urban High Density Residential and Rezone from Single Family (R-1) to Multiple Family (R-3) Residential. The 1784 Ridge Road General Plan is from Public to Urban Low Density Residential and Rezone from Public to Single-Family (R-1). A Tentative Parcel Map is also proposed to divide the ±1.67-acre parcel into two parcels of Parcel A - ±26,927 square feet undeveloped and Parcel B - ±45,683 square feet containing the Truth Worship Center Church. The project creates Lot A for a single-family dwelling. The 457 Brunswick Road General Plan Amendment is from Office Professional to Commercial and Rezone from Office Professional to Central Business (C-2) Zone. Environmental Determination: Statutory Exemption.

**NON-PUBLIC HEARING ITEMS**

4. Discussion on the Draft Subsequent Environmental Impact Report (SEIR) for the amendments to the Southern Sphere of Influence Planning and Annexation project. The purpose of this item is to provide the public with an opportunity to understand the contents of the Draft SEIR. Staff will summarize the contents of the Draft SEIR and review the findings as it pertains to potential environmental impacts of the proposed project. The proposed project includes: 1) an amendment to the General Plan land use designations on 237 of the 400 acres; 2) a prezone of 237 of

the 400 acres of land to various zone districts consistent with the proposed General Plan amendments; 3) an amendment to add 31 acres to the City's Sphere of Influence; and 4) the annexation of approximately 400 acres. No development is proposed as part of this project, and several of the properties involved are either fully developed or capable of additional development. The project site is located on both sides of State Route 49 (SR49) adjacent to the southern city limits of Grass Valley beginning in the vicinity of McKnight Road and extending south along SR49 and La Barr Meadows Road. Though not a public hearing, the public will be provided an opportunity to provide comments on the Draft EIR. The Planning Commission will take no actions on this item.

5. **131 Colfax Avenue** - General Plan conformity finding for a potential property purchase by the City of Grass Valley

#### **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 Public Planning Commission Meeting, scheduled for Tuesday, August 17, 2021 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Thursday, August 12, 2021.

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**Taylor Day, Deputy City Clerk**



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## GRASS VALLEY

### Planning Commission Meeting

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Tuesday, July 20, 2021 at 7:00 PM

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

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## MINUTES

### CALL TO ORDER

Chair Arbaugh called meeting at 7:05.

### PLEDGE OF ALLEGIANCE

Commissioner Robins led the pledge of allegiance.

### ROLL CALL

#### PRESENT

Commissioner Greg Bulanti

Commissioner Liz Coots

Commissioner Eric Robins

Chairman James Arbaugh

#### ABSENT

Vice Chairman Kimberly Warren-Rhodes

Vice Chairman Kimberly Warren-Rhodes joined the meeting at 7:07 pm.

### AGENDA APPROVAL

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

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

### ACTION MINUTES APPROVAL

Motion made to approve the Minutes by Commissioner Robins, Seconded by Commissioner Bulanti.

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

1. Minutes for June 15, 2021

### PUBLIC COMMENT -

No public comments.

## **PUBLIC HEARING ITEMS**

2. **Use Permit (21PLN-19)** for outdoor storage of portable toilets and trucks for Quick Response Septic Services located at 880 Idaho Maryland Road in the Light Industrial (M-1) Zone (APN: 009-201-045). Environmental Determination: Categorical Exemption.

Vice Chair Warren-Rhodes joined the meeting at 7:07 pm.

Lance Lowe, Principle Planner, gave presentation on item and went over the conditions of approvals. The applicant was available for questions.

Commissioners asked the applicant about cleaning of the bathrooms and Environmental Health's involvement with the business.

Motion made to approve Use Permit (21PLN-19) for outdoor storage of portable toilets and trucks for Quick Response Septic Services located at 880 Idaho Maryland Road in the Light Industrial (M-1) Zone (APN: 009-201-045). Environmental Determination: Categorical Exemption by Commissioner Robins, Seconded by Commissioner Coots.

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

3. **Tentative Parcel Map (21PLN-16)** for the division of a  $\pm 1.70$  square foot parcel into two parcels of: Parcel 1 -  $\pm 1.32$ -acres containing a  $\pm 750$  sq. ft. house, garage and shed; and Parcel 2 -  $\pm 0.38$  acres undeveloped. The property is located at 246 Glenwood Road in the Single Residential (R-1) Zone (APN: 035-270-009). Environmental Determination: Categorical Exemption.

Lance Lowe, Principle Planner, gave presentation to the Commissioners. Rob Wood was available to speak on the applicants behalf.

Public comment was received in regards to vegetation management. Attached.

Motion made to approve a Tentative Parcel Map (21PLN-16) for the division of a  $\pm 1.70$  acre parcel into two parcels of: Parcel 1 -  $\pm 1.32$ -acres containing a  $\pm 750$  sq. ft. house, garage and shed; and Parcel 2 -  $\pm 0.38$  acres undeveloped. The property is located at 246 Glenwood Road in the Single Residential (R-1) Zone (APN: 035-270-009). Environmental Determination: Categorical Exemption by Commissioner Coots, Seconded by Vice Chairman Warren-Rhodes.

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

## **OTHER BUSINESS**

4. **Review of City Council Items**

The 309 Mill Street Parking lot appeal will be brought before Council on July 27th, 2021.

5. **Future Meetings, Hearings and Study Sessions** - Potential dates for a study session on housing in Grass Valley and direction on specific housing topics.

Topics included; How to best get more "Work Force" housing? How best to promote opportunities to build affordable housing or offering an assistant program? Getting an overview of the General Plan works. Looking at some other cities and how they are handling affordable housing. How could the city promote ADU's? Review the ADU ordinance. Define the term "affordable housing". What has been approved and a breakdown of how many units are being proposed to being built and why are the projects being appealed? Possibility of rezoning for multifamily. Review of wild fire issues on the housing market. What are Nevada County and Nevada City doing to handle affordable housing?

#### **BRIEF REPORTS BY COMMISSIONERS**

#### **ADJOURN**

Chair Arbaugh adjourned the meeting at 8:10 pm.

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James Arbaugh, Chair

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Taylor Day, Deputy City Clerk

**Taylor Day**

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**From:** James Lingenfelter [REDACTED]  
**Sent:** Friday, July 16, 2021 4:26 PM  
**To:** Public Comments  
**Subject:** Use Permit 21PLN-19.

PLEASE, NO. The storage of portable toilets and trucks for septic tank pumping is totally inappropriate for this residential zone. The increased big truck traffic in the narrow curved road will slow and potentially back up local traffic. Tank trucks and cars cannot pass each other on the curves. The zoning change will be unsightly in this neighborhood and can detract from our property values, as well as possible potential future buyer attitudes. The increased noise for the nearby residents will be disturbing.

Deanna and James Lingenfelter  
373 Glenwood Pines Ct  
Grass Valley, CA. 95945.

Sent from my iPad

## Taylor Day

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**From:** Susan Rogers [REDACTED]  
**Sent:** Tuesday, July 20, 2021 4:50 PM  
**To:** Public Comments  
**Cc:** Tina Vernon; Kent Vernon; Gary Moon; Jerry Henderson; Susan Rogers; Bill & Ann Hendricks; Jerianne Vandijk  
**Subject:** Public Comment re: Item 3 on July 20 Planning Commission Agenda

Hello, this is a Public Comment re: Item 3 on tonight's agenda. My name is Susan Rogers and I live at the back of the Glenwood Road neighborhood behind SaveMart shopping center. I am the coordinator for the Firewise Community here. These are my comments and questions about the lot split:

See the photos in the packet as follows: page 38 View looking east from Glenwood Road. Notice the tall, dry grass between Glenwood Road and the fence of the parcel in question. I assume that the fence line is the property line -- the owner has done very good clearing. But next to the road, the City has not cleared that dry grass per code requirements that it be cleared in the first three feet from the road. You can see this again on the page 49 photo, looking directly at the dry grass between the road and the fence. The Grass Valley Codes for clearing are 8.16.230 & 8.16.240.

And on page 52, you can see, with Glenwood Road on the left, again the tall, dry grass. Cars have started parking at this corner frequently because rentals that are kitty-corner to the vacant parcel have numerous tenants with friends visiting frequently. I have been in touch with the property manager of the rentals, Karen Arnes, and told her that vehicles parked on the Glenwood Corner in the photo must be completely off the pavement due to evacuation concerns. We've seen good cooperation about that, but as you can see, this means that the vehicles are up against, and possibly parked right on top of, the dry grass, which is an extreme fire hazard. Ms. Arnes told me she would be in touch with the City regarding clearing the grass.

So, my questions are: who is responsible for clearing the dry grass?

When this property is developed, will the City be more pro-active in keeping the right-of-way cleared? Any development in this neighborhood just increases the evacuation problem, because Glenwood is our only evacuation route out. However, if the Fire Department is not concerned then I guess our input doesn't count. But if both of these parcels are developed with new construction, that's at least two additional vehicles that have to get out. I am raising this issue because if the parcel owner wants to put more than two household units on these two parcels (after the split), that will be a big cause for neighborhood concern and you would be hearing from us again.

Thank you very much,

Susan Rogers  
 for the Glenwood-Maidu-Charlene Firewise Community  
 Committee: Tina Vernon, Kent Vernon, Gary Moon, Jerry Henderson, Susan Rogers





**PLANNING COMMISSION  
STAFF REPORT  
August 17, 2021**

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

**DATA SUMMARY**

**Application Number:** 21PLN-22  
**Subject:** Use Permit for outdoor landscape materials sales yard for Kurt's Garden.  
**Location/APNs:** 519-525 East Main Street/009-210-024 & 025  
**Applicant:** John Whalin  
**Owner:** Jon Lee & Ken Myers  
**Zoning/General Plan:** Heavy Commercial-Hills Flat Business District (C-3-HFBD)/Commercial  
**Environmental Status:** Categorical Exemption

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**RECOMMENDATION:**

Staff recommends the Planning Commission approve the Use Permit, which includes the following actions:

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

**BACKGROUND:**

On October 12, 2010, the Development Review Committee approved a ±660 square foot modular office for vehicle sales. Conditions of approval required the modular office to be removed from the site within 5 years unless the Development Review Committee granted an extension. On February 14, 2017, the Development Review Committee approved a five-year extension of the condition ending February 14, 2022.

The site is currently vacant; however, the property has been used for vehicle sales, hotdog, and Christmas Tree sales.

## **PROJECT DESCRIPTION:**

The project consists of a Use Permit for a 0.58-acre property for outdoor landscape materials yard for Kurt's Garden to be located at 519-525 East Main Street. Kurt's Garden is relocating from 595 East Main Street to the 519-525 East Main Street property. Kurt's Garden, operational since 2001, is a retail and grower of specialty, rare and unusual plants, and trees. Their niche is hard to find fruit trees, native, broad leaf evergreen, and conifers.

*Site Plan* – Existing improvements consist of a ±660 square foot modular office with accessible ramp and accessible ADA parking stall, parking, monument signage and black metal fence around the perimeter of the property.

The ±660 square foot modular office includes horizontal wood and T-111 siding at the gable and lower skirting (**Attachment 3 – Site Photographs**).

Proposed improvements include a ±4,000 square foot covered shade structure at the southwest corner of the site fronting Scandling Avenue and East Main Street; a ±240 square foot shed; and ±300 square foot utility yard at the northeast corner of the property. The new ±4,000 square foot shade structure consists of a metal frame structure with green vinyl canvas covering. Illustrations of the shade structure and temporary shed are provided in **Attachment 5**.

*Access* – Access exists at the southeast corner of the property fronting Scandling Avenue and at the northwest center of the site along East Main Street.

*Parking* – An existing accessible ADA parking stall has been constructed immediately east of the modular office with accessible ramp. Twenty-five parking spaces are provided on-site serving the ±660 square foot office, shade structure, shed and utility yard. The parking space dimensions are 9 feet by 18 feet with backing distances of 24 feet.

*Landscaping* – For sale plants are proposed around the East Main Street property frontage. Except for parking and site improvements, the entirety of the property is reserved for plants and trees.

*Lighting* – Lighting consists of existing parking lot pole lighting and building lighting. No new additional lighting is proposed.

*Fencing* – A new chain-link fence with slates is proposed along the north side of the property. The existing black metal fence along the property frontage will be upgraded where needed. Illustrations of the chain link fencing with slats are in **Attachment 5**.

*Refuse Enclosure* – No refuse enclosure is proposed with the project.

*Drainage* – The property drains from east to west onto East Main Street. Drainage inlets are located south of the subject property.

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

Vacant for the last year, the 0.58-acre project site has been used as a car sales lot for many years. The site contains a 660 sq. ft. modular office, asphalt parking lot, several parking lot lights, and a monument sign. A chain link fence with slats exists along the east property line and a black metal fence along the south and west property lines exists. The property is surrounded by retail and automobile sales commercial uses.

### **ENVIRONMENTAL DETERMINATION:**

The project qualifies for a Class 1 Categorical Exemption. A Class I Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include: (e) Additions to existing structures provided that the addition will not result in an increase of more than (2) 10,000 sq. ft. if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and (B) The area in which the project is located is not environmentally sensitive. The project qualifies for a Class 1 Categorical Exemption.

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

**General Plan:** The project area has a land use designation of Commercial according to the *City of Grass Valley 2020 General Plan*. The Commercial designation is a broad category intended to encompass all types of retail commercial and commercial establishments.

**Zoning:** The property is within the Heavy Commercial (C-3)/Hills Flat Business District Combining (HFBD) Zone. The C-3 Zone is applied to areas of the City that are intended to provide for heavier and auto-oriented land uses that are inappropriate in the C-1 Zone. The HFBD is a combining zone, which establishes a streamlined review process and design standards through implementation of the City's Community Design Guidelines.

### **ANALYSIS:**

To facilitate redevelopment of the area, the Hills Flat Business District Combining Zone provides a streamlined approval process in and around the area generally from the East Main Street round-a-bout north to West Berryhill Drive.

The project site has been unoccupied for the past year, with landscaping and site improvements starting to deteriorate. According to the applicant, a lease to own option has been secured for the property and he plans to occupy the property, relocating from 595 East Main Street.

*Modular Office* – Except when extenuating circumstances warrant, the City reviews and approves permanent buildings on property subject to the City's Design Guidelines. In this case, the Development Review Committee approved a temporary modular office to

be removed for a specific duration. This temporary approval allowed the former auto-sales dealer to establish his business and subsequently make the much-needed permanent improvements at a later date. However, this arrangement did not come to fruition and the modular office still resides on the property.

As noted, the expiration of the temporary modular office occurs on February 14, 2022 (6 months). Given the new user coupled with the vast amount of landscaping around the property, staff is less concerned about the aesthetics and temporary nature of the modular office unit. Therefore, staff is recommending that the term of the modular office be extended with an option for an additional three years with two 1-year extensions to be approved by the Community Development Director (see Condition of Approval A – 3).

Additionally, prior to expiration of the temporary structure, the applicant shall submit for a Development Review Permit for permanent structures consistent with the City's Design Guidelines per Condition of Approval A – 4. A Lot Line Adjustment is also required prior to Final Inspection of the permanent structures per Condition of Approval A – 5 should any conflict in building/property line exist.

Public Works Condition of Approval B – 1 requires an upgraded driveway encroachment as well as curb, gutter, sidewalk, and ADA ramp along the East Main Street frontage. Extending the curb, gutter and sidewalk along the property frontage completes accessible and drainage improvements along this segment of East Main Street.

Public Works Condition of Approval B – 2 also requires installation of curb, gutter sidewalk, and ADA ramp connection along Scandling Avenue. Public Works has deferred these improvements until permanent buildings are proposed due to the PG&E power poles along this segment of Scandling Avenue.

### **FINDINGS:**

1. The City received a complete application for Use Permit Application 21PLN-22.
2. The Community Development Department reviewed the project in accordance with the California Environmental Quality Act and Guidelines and determined that the project qualifies for an Existing Facilities Class 1 Categorical Exemption.
3. The Class 1 Categorical Exemption reflects the City's independent judgement and analysis as lead agency in accordance with the CEQA and the CEQA Guidelines.
4. The City of Grass Valley Planning Commission reviewed the application at its regularly scheduled meeting on August 17, 2021.
5. The proposed use is consistent with the City's 2020 General Plan and any applicable specific plan.

6. The project is consistent with the applicable sections and development standards in the Development Code and Municipal Code.
7. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
8. The proposed use is allowed within the applicable zone with approval of a Use Permit and complies with all other applicable provisions of this Development Code and the Municipal Code.
9. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
10. The site is physically suitable in terms of design, 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.

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

1. The approval date for this project is August 17, 2021. This project is approved for a period of one (1) year and shall expire on August 17, 2022, unless the Use Permit has been effectuated (business license or building permit have been issued) or the applicant requests a time extension that is approved by the Grass Valley Planning Commission pursuant to the Development Code.
2. The business shall operate as described in the project description and plans approved by the Planning Commission for Use Permit 21PLN-22 unless changes are approved by the Planning Commission prior to commencing such changes, minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.
3. The temporary office use may be extended and/or used for an additional three years from the date of Planning Commission approval (August 17, 2021 – August 17, 2024). Prior to expiration, the applicant may also request two-1 year extension approvals from the Community Development Director.
4. Prior to the expiration of the temporary use noted above, the applicant shall submit for a Development Review Permit application for permanent structures. The permanent structures shall be designed in accordance with the City's Community Design Guidelines.

5. Prior to the placement of permanent structures, the applicant shall submit for a Lot Line adjustment in accordance with the City's Development Code. The LLA shall be completed prior to the issuance of a Final Inspection for the permanent structures.
6. The applicant shall file a Notice of Exemption, including payment of associated recording fees, within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
7. 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. PUBLIC WORKS:**

1. Prior to the issuance of a business license, the applicant shall install commercial concrete driveway and curb, gutter, sidewalk, and ADA ramp along East Main Street in accordance with the City's Design Standards.
2. Prior to Final Inspection of permanent buildings, the applicant shall install a commercial driveway, curb, gutter, and sidewalk along Scandling Avenue in accordance with the City's Design Standards.

#### **C. FIRE DEPARTMENT**

1. If the 12-foot by 20-foot metal structure is to be used for storage of lawn and garden chemicals (i.e., fertilizers, pesticides, etc.) an NFPA-704 placard for the items being stored shall be placed on the outside of the structure and one portable fire extinguisher with a minimum size and rating of 10 lb. 2-A:10:C shall be provided for the structure.

#### **ATTACHMENTS:**

**Attachment 1** – Location Map

**Attachment 2** – Aerial Photograph

**Attachment 3** – Site Photographs

**Attachment 4** – Site Plan

**Attachment 5** – Shade Structure, Utility Shed & Chain-link fencing

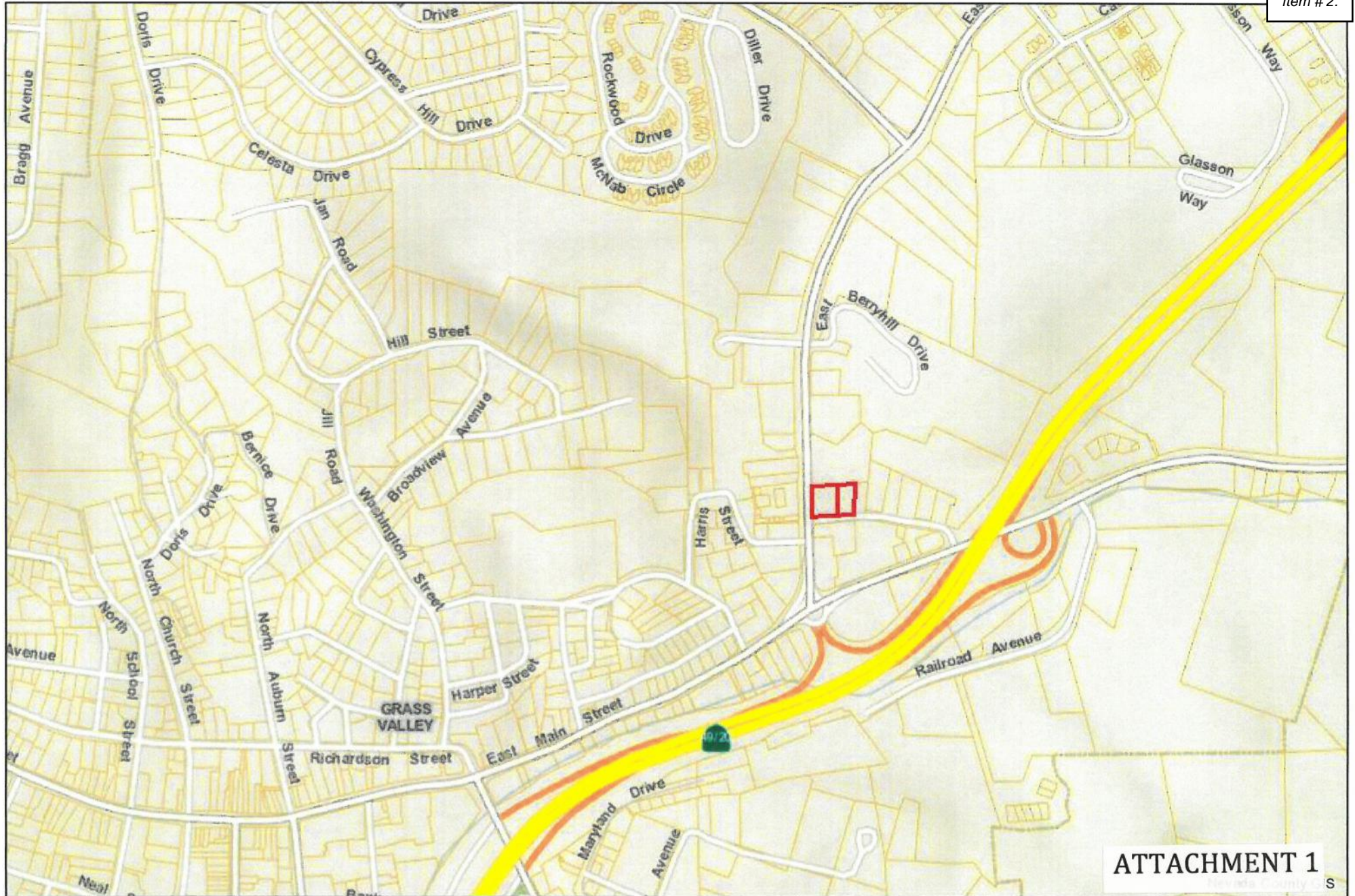
# ATTACHMENTS



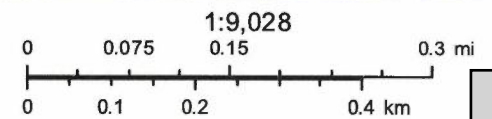


# 519-525 East Main Street

Item # 2.



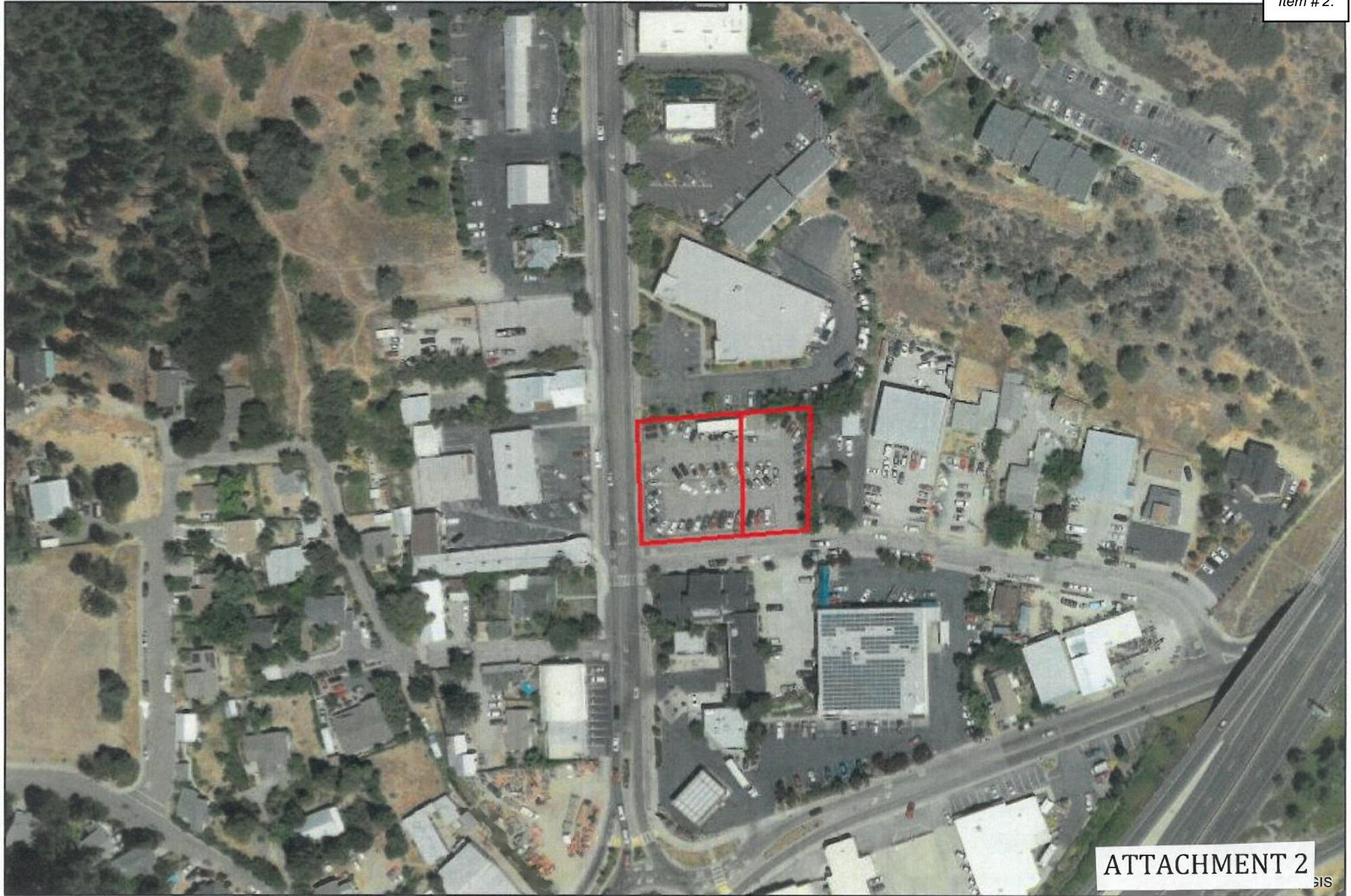
July 14, 2021





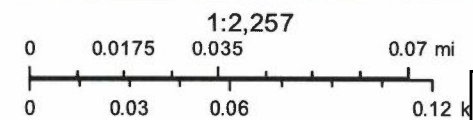
# 519-525 East Main Street

Item # 2.



ATTACHMENT 2

July 14, 2021





ATTACHMENT



View looking northeast on East Main Street





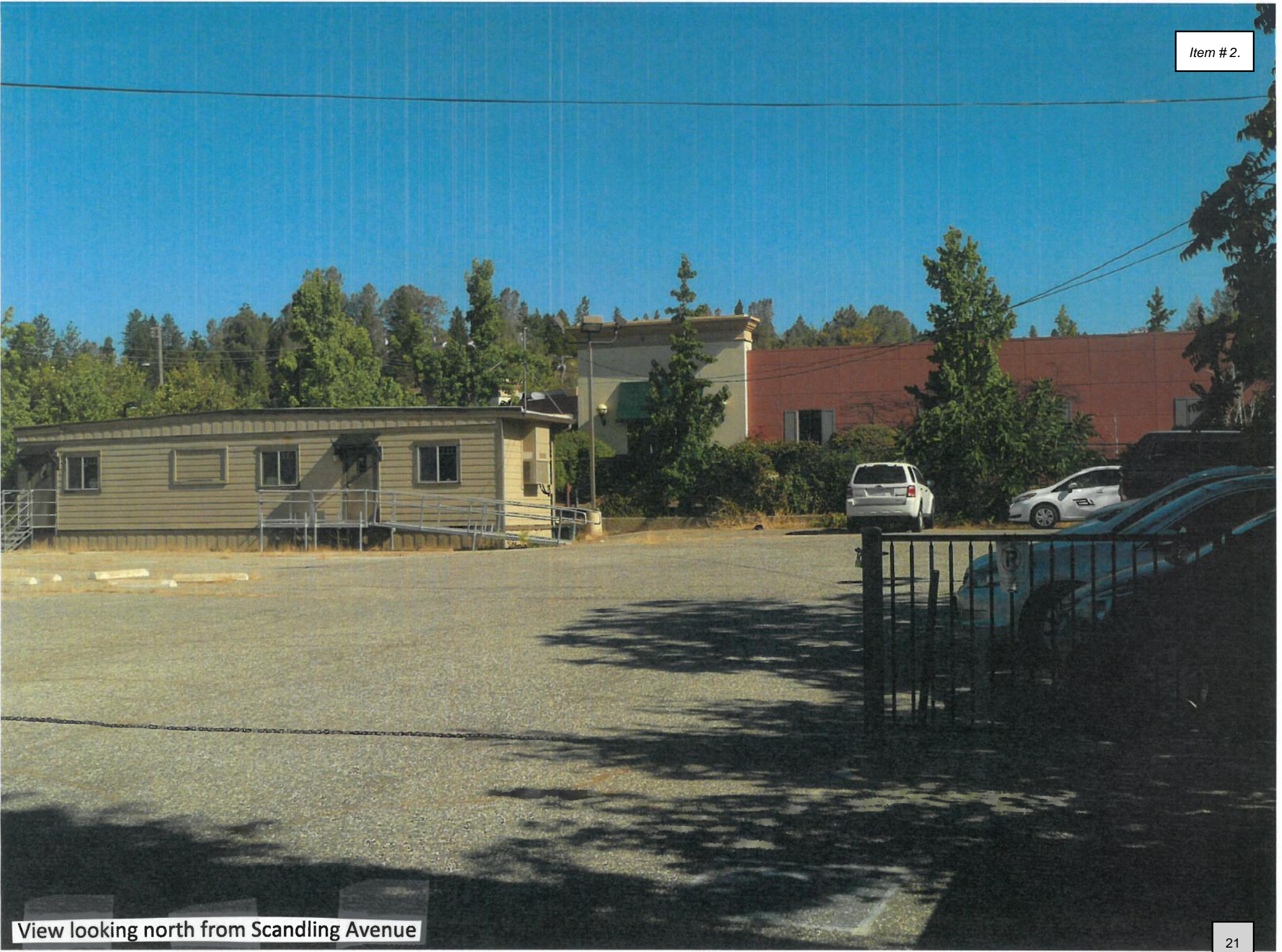
View looking east on East Main Street





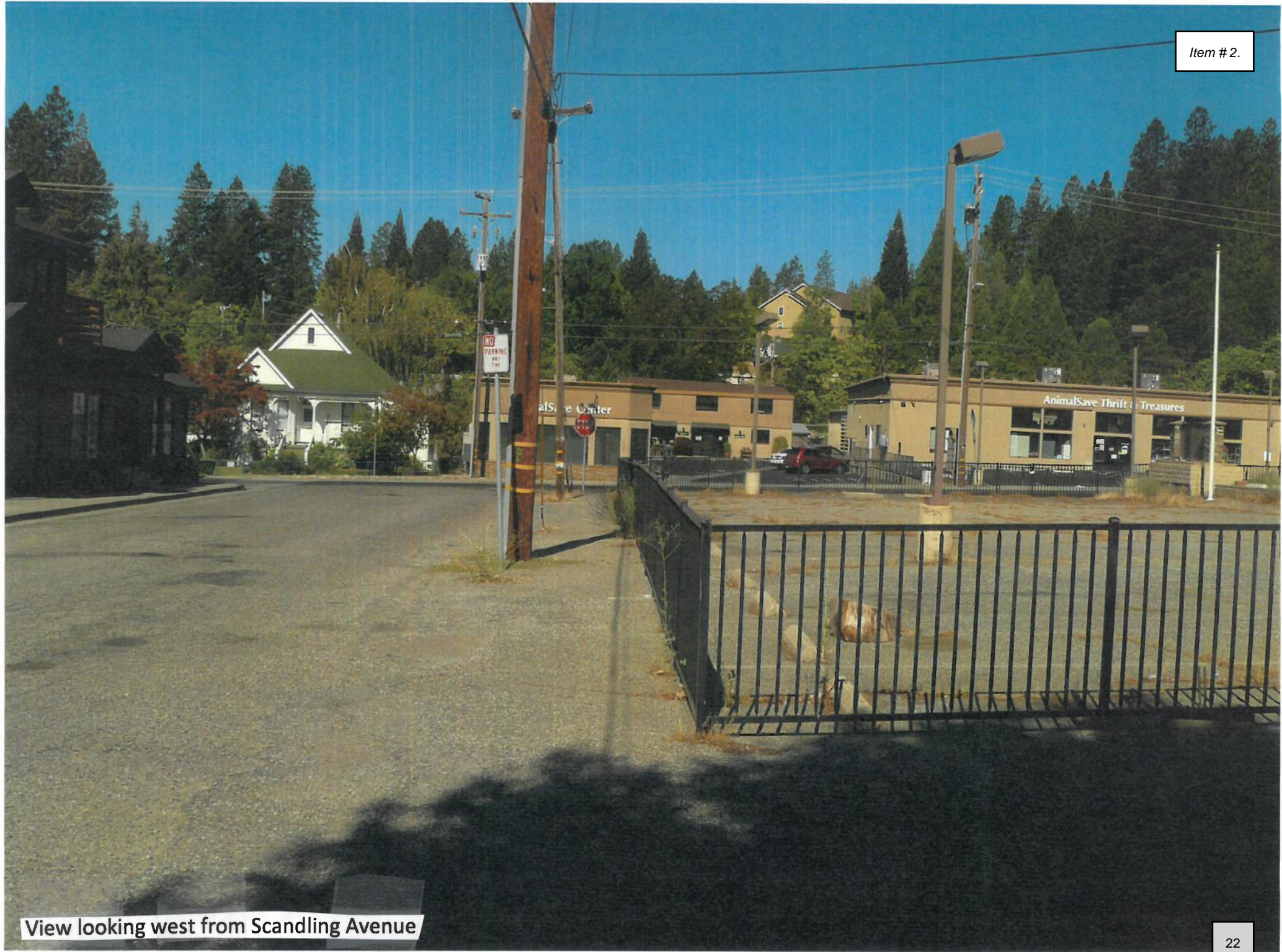
View looking north on East Main Street





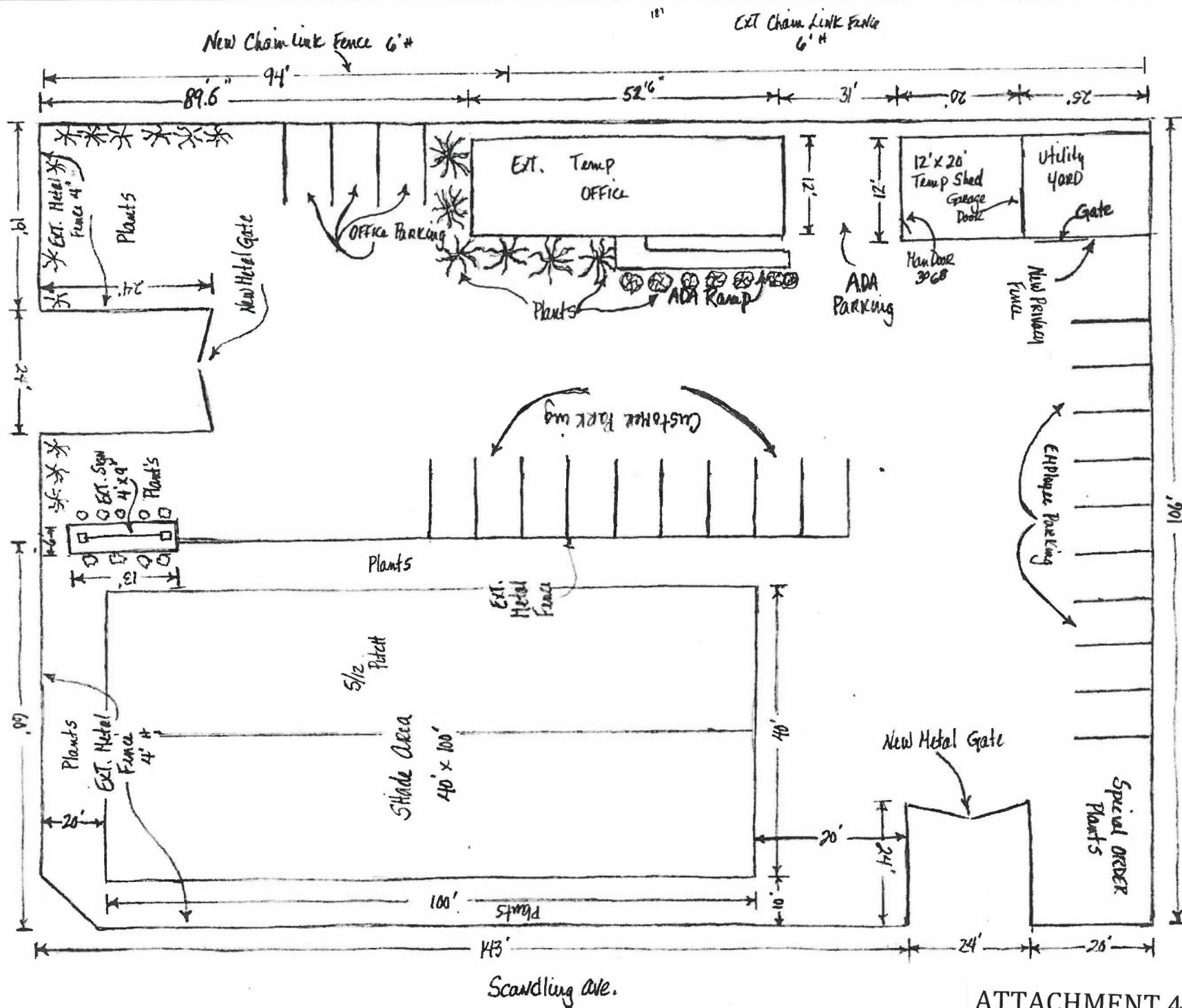
View looking north from Scandling Avenue





View looking west from Scandling Avenue

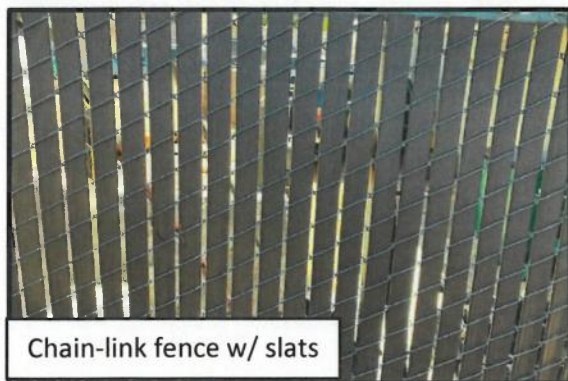




ATTACHMENT 4



Illustration of 4,000 square foot shade structure with green vinyl canvas covering



Chain-link fence w/ slats



Temporary shed example





**PLANNING COMMISSION  
STAFF REPORT  
August 17, 2021**

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

**DATA SUMMARY**

**Application Numbers:** 21PLN-08, 21PLN-12 & 21PLN-21  
**Subject:** General Plan Amendments, Rezones and Tentative Parcel Map of three dis-contiguous properties.  
**Location/APN:** 354 N Church Street, 1784 Ridge Road, & 457 Brunswick Road/APNs: 035-140-002, 008-260-021 & 035-480-033  
**Applicants:** Cheryl Neil, Sandy Jansen & Robert Vernazza  
**Owners:** Cheryl Neil, Truth Worship Center Church & Robert Vernazza  
**Zoning/General Plan:** Low Density Residential, Public & Office Professional  
**Entitlements:** General Plan Amendments, Rezones and Tentative Parcel Map  
**Environmental:** Statutory Exemption

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**RECOMMENDATION:**

The Planning Commission recommend that the City Council approve the General Plan Amendments, Rezones and Tentative Parcel Map, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Determine the project Statutorily Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt a Resolution Amending the General Plan as outlined in this Staff Report;
3. Adopt an Ordinance Amending the Zoning as outlined in this Staff Report;
4. Adoption of Findings of Fact for approval of the General Plan Amendments, Rezones and Tentative Parcel Map, as presented in the Staff Report; and,
5. Approve the General Plan Amendments, Rezones and Tentative Parcel Map in accordance with the Conditions of Approval as presented in the Staff Report.

**BACKGROUND:**

The Community Development Department received three separate General Plan Amendment and Rezone applications the past several months. In lieu of processing these

applications separately, staff elected to bundle the legislative entitlements as a singular project. Bundling entitlements makes up one General Plan Amendment vs. three separate General Plan Amendments.

### **PROJECT DESCRIPTION:**

The project consists of General Plan Amendments, Rezones, and a Tentative Parcel Map for three dis-contiguous properties as outlined:

**354 North Church Street** – A General Plan Amendment and Rezone of  $\pm 0.6$ -acres is proposed in the Urban Low Density Residential (R-1) Zone designation. The General Plan Amendment is from the Urban Low Density Residential to the Urban High Density Residential and Rezone from the Single Family (R-1) Zone to the Multiple Family (R-3) Zone.

The applicant has several accessory buildings on the property and seeks to remove and/or convert these buildings to a duplex and accessory dwelling unit(s). The General Plan Amendment and Rezone is necessary to increase the density and affords the applicant the opportunity to apply for building permits for the additional dwellings units than otherwise would be permitted in the Urban Low Density and Single Family (R-1) Zone (**Attachment 6 – Site Plan**).

Due to limited access on North Church Street, further development beyond what is proposed is contingent upon North Church and a secondary means of access being improved.

Except for the subject property, the entirety of the east side of North Church has a High Density Residential General Plan designation and is within the Multiple-family (R-3) Zone. To this end, many of the properties have developed in accordance with the high-density residential land use with a mixture of single and multiple family dwellings on similar lot sizes. Empire Cottages consisting of 17 cottages adjoins the property to the north.

**1784 Ridge Road** – A General Plan Amendment, Rezone, and Tentative Parcel Map of a  $\pm 1.67$ -acre parcel in the Public (P) Zone. The General Plan Amendment is from Public to the Urban Low Density Residential and Rezone from Public to the Residential, Single-family (R-1) Zone for Lot A.

The Tentative Parcel Map subdivides the  $\pm 1.67$ -acre parcel into two parcels: Parcel A –  $\pm 26,927$  square feet undeveloped and Parcel B –  $\pm 45,683$  containing the Truth Worship Center Church, parking, and related facilities. The project is proposed to create Lot A for single family development.

The applicant seeks to split the vacant lot from the church property and sell the property for single family development. The Public General Plan designation and zoning does not allow single family development thus requiring a General Plan Amendment/Rezone/Tentative Parcel Map applications.

Due to the proximity of City sewer, the applicant is required to obtain a septic permit from Nevada County Environmental Health Department. All other services including gas, electric and water are available to the property.

**457 Brunswick Road** – A General Plan Amendment and Rezone of ±3 acres from the Office Professional (OP) General Plan and Office Professional (OP) Zone to the Commercial and Central Business (C-2) Zone.

The property is undeveloped with professional offices to the east and West American Bank to the west. The General Plan Amendment and Rezone to the C-2 Zone is anticipated to increase the marketability of the property. According to the listing agent, the property has been actively marketed for the last 5 years with little interest due to the Office Professional (OP) Zone designation. In addition to office uses, the Central Business (C-2) Zone permits uses such as mixed-use projects and retail with approval of a Development Review Permit for site planning and design review.

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

The 0.6-acre 354 North Church Street property is in an area of single and multiple family dwellings at various densities on similar sized lots. The site is relatively level (<5% gradient) with trees and landscaping throughout. Empire cottages adjoins the property to the north. Access is provided via North Church Street, which is a two-lane road without curb, gutter, and sidewalk.

The ±1.70-acre 1784 Ridge Road property is situated between the Truth Center Church located to the east and First Baptist Church parking lot to the west. Except for the Truth Center and First Baptist Church, the project is in an area of low-density residential dwellings with gently sloping terrain (less than 5%). Access is provided via Horizon Circle, which is a two-lane roadway with parking on one side of the street.

The ±3-acre 457 Brunswick Road property is situated in an area of commercial and office uses. The property is situated between West America Bank and Brunswick East Professional Offices. Tullies are located along the property frontage indicating wetlands. The property slopes from south to north with 15 to 20 percent gradient. Large Pine and Cedar trees are shattered throughout.

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

**General Plan:** The 354 North Church Street property has a General Plan designation of Urban Low Density. The Urban Low Density Residential land use designation permits 1.01 to 4.0 units per acre.

The 1784 Ridge Road property has a General Plan designation of Public (P). The P designation is used to identify areas in public sector ownership/control and is used for the purpose of providing non-commercial facilities and services to meet public needs. Examples are administrative and other public-sector facilities, public parks, natural areas,

community centers, fire stations, schools, hospitals, public senior, or childcare facilities. P designation is most comparable to the Public (P) zoning district.

The 457 Brunswick Road property has a General Plan designation of Office Professional (OP). The OP classification provides for concentrations of free-standing offices and large complexes. The designation is intended to facilitate both offices and supporting activities and land uses.

**Zoning:** The 354 North Church Street property has a Zoning designation of Single-family Residential (R-1). The R-1 Zone permits single family dwellings and accessory uses.

The 1784 Ridge Road property has a Zoning designation of Public (P). The P designation applies to sites of existing and proposed Federal, State, and local governmental uses and non-profit community service uses.

The 457 Brunswick Road property has a General Plan designation of Office Professional (OP). The OP classification provides for concentrations of free-standing offices and large complexes. The designation is intended to facilitate both offices and supporting activities and land uses.

#### **ENVIRONMENTAL DETERMINATION:**

The California Environmental Quality Act applies to legislative and discretionary projects, such as General Plan Amendments, Rezones, and Tentative Parcel Maps that may have an impact on the environment. However, when there is no evidence that the project may have a potential significant effect on the environment, the project is exempt from CEQA. A project is exempt from CEQA in accordance with Section 15061(b)(3) where the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that an activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

All three properties constitute infill development. The 354 North Church Street property project will allow the existing accessory structures to be legally converted to single family dwellings and accessory dwelling units consistent with the neighborhood. However, additional multiple family dwellings, in addition to what exists, is limited due to ingress/egress on North Church Street.

The 1784 Ridge Road project permits one additional single-family dwelling and one accessory dwelling unit on a ±26,927 square foot lot.

The 457 Brunswick Road project allows additional commercial uses in a built out commercial area.

The properties were contemplated for development according to the City's General Plan. As an infill property with bus stops in the vicinity, the 457 Brunswick Road property Vehicle Miles Traveled is categorically less than significant. Other potential impacts will be

evaluated when a project specific proposal is undertaken. Prior to development of the site, a Development Review Permit, at a minimum, is required with the appropriate level of environmental review. While the City is required to evaluate potential impacts at the earliest feasible time, this evaluation is not ripe for consideration and would be merely speculative at this time.

### **ANALYSIS:**

Each of the legislative entitlements considered either recognizes existing land uses, allows negligible development, or provides a greater array of uses thereby facilitating infill development consistent with adjoining land uses. Accordingly, the General Plan Amendment and Rezones are more procedural than development orientated. That is, substantive development is not anticipated to occur resulting from the legislative entitlements. Each of the properties are either developed or slated for development.

In staff's opinion, the Planning Commission can satisfactorily recommend approval of the Findings to the City Council in the affirmative as the projects are consistent with the City's 2020 General Plan relating to housing, infill development, commerce, and mixed-use projects. As proposed, the properties are adequate for the type of development contemplated with the revised general plan land use designations.

Lastly, standard conditions of approval have been imposed relating to obtaining permits from the City, Nevada Irrigation District and Nevada County Environmental Health prior to further development of the properties, as applicable.

### **FINDINGS:**

1. The City received complete applications for 21PLN-08, 21PLN-12 & 21PLN-21.
2. The Community Development Department reviewed the project in accordance with the California Environmental Quality Act and Guidelines and determined that the project qualifies for a Statutory Exemption pursuant to Section 15061(b)(3).
3. The Statutory Exemption reflects the City's independent judgement and analysis as lead agency in accordance with the CEQA and the CEQA Guidelines.
4. The City of Grass Valley Planning Commission reviewed the application at its regularly scheduled meeting on August 17, 2021.
5. The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan.
6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
7. The site is physically suitable in terms of design, 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.

8. The proposed amendment is internally consistent with other applicable provisions of the Development Code.
9. The site is physically suitable for the type of development.
10. The design of the subdivision will not cause substantial damage to fish or wildlife or their habitat.
11. The design of the subdivision will not cause serious public health or safety concerns.
12. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. This finding may be made if the Planning Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large acquired easements of access through or use of property within the proposed subdivision.
13. The discharge of sewage from the proposed subdivision into the community sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

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

1. The approval date for this project is September 17, 2021. The project shall be in accordance with the plans recommended by the Planning Commission and approved by the City Council, 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.
2. The applicants shall file a Notice of Exemption, including payment of associated recording fees, within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
3. The applicants agree 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. 354 NORTH CHURCH STREET:**

1. The division of the existing single-family to a two-family dwelling poses no issue from a fire perspective.
2. The conversion of the existing garage and shed (U occupancies) to habitable units/ADUs is permissible based on 2 ADU/1 Primary dwelling ratio and acceptable by fire. Since the maximum number of ADUs per primary dwelling unit has been reached any units constructed shall be classified as Group R-3 SFDs.
3. Any future dwellings shall be constructed in accordance with all applicable codes and standards and require the installation of approved NFPA-13D Fire Sprinkler Systems.
4. All work shall be in accordance with all applicable codes and standards and required complete plan submittals are required.
5. Due to the existing limited ingress/egress of North Church Street, construction of any new multiple family dwellings shall require improved emergency access.

**C. 1784 RIDGE ROAD:**

1. Prior to the issuance of a building permit, the applicant shall obtain approval from Nevada County Environmental Health Department for a septic permit. Said permit shall be finalized prior to issuance of a Certificate of Occupancy by the City.
2. 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.
3. All existing sewer laterals to the City sewer main shall include or be modified to include a cleanout, sewer backwater valve, and a pressure relief valve.

**ATTACHMENTS:**

- Attachment 1** – Vicinity Map  
**Attachment 2** – 354 North Church Aerial Photograph/Site Photographs  
**Attachment 3** – 1784 Ridge Road Aerial Photograph/Site Photographs  
**Attachment 4** – 457 Brunswick Road Aerial Photograph/Site Photographs  
**Attachment 5** – 1784 Ridge Road Tentative Parcel Map  
**Attachment 6** – 354 North Church Street Site Plan

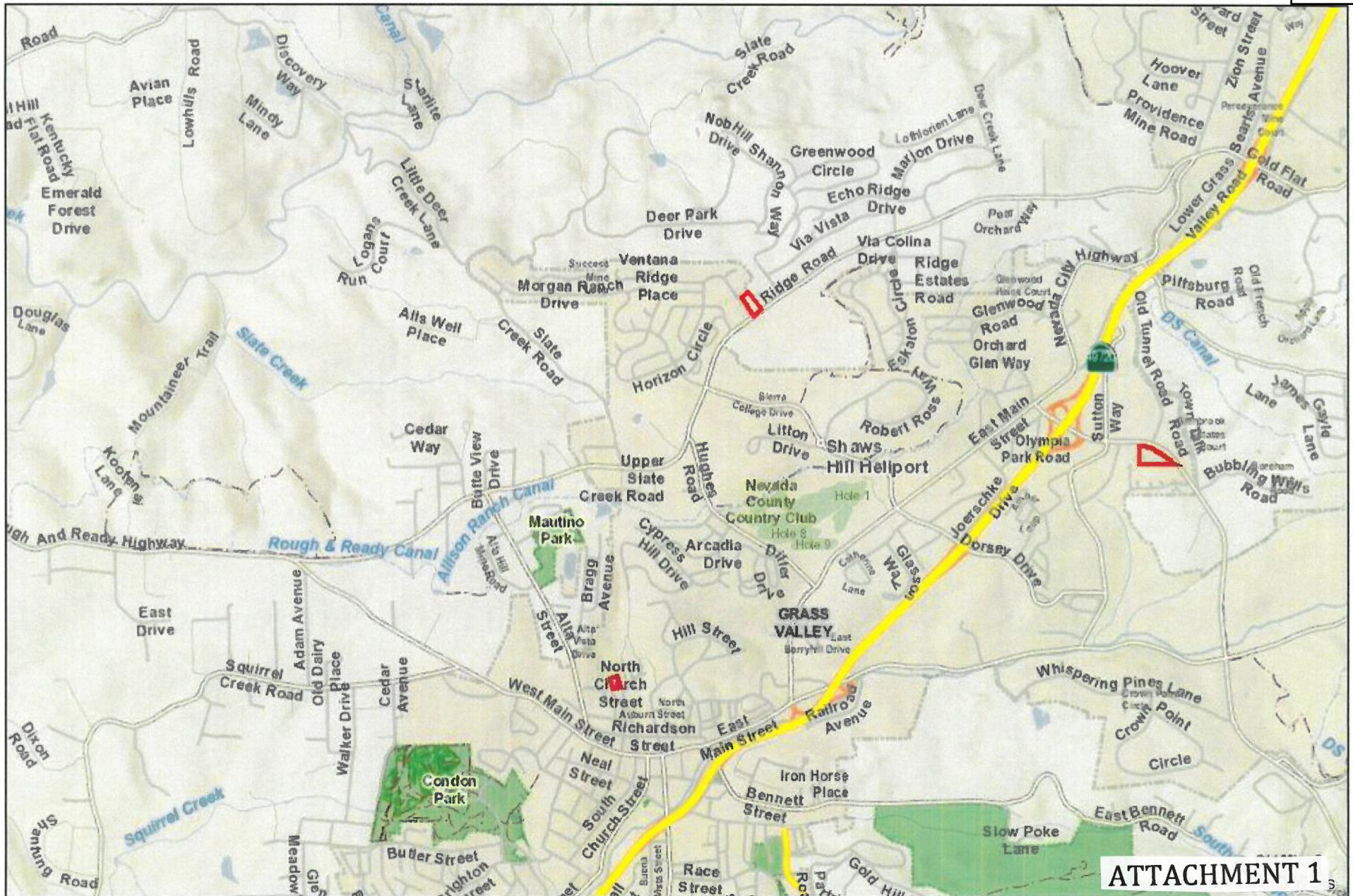
# ATTACHMENTS



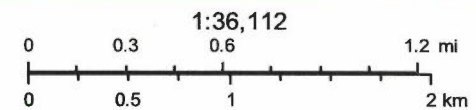


# 354 North Church, 1784 Ridge Road & 457 Brunswick Road

Item # 3.



August 3, 2021



Nevada County GIS  
©2018

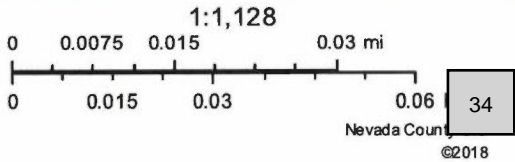


354 North Church Street

Item # 3.



August 3, 2021





354 NORTH CHURCH STREET



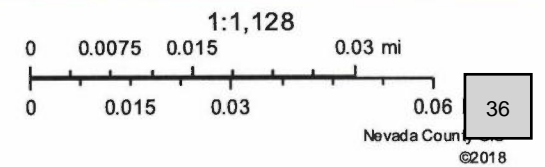


# 1784 Ridge Road

Item # 3.



August 3, 2021



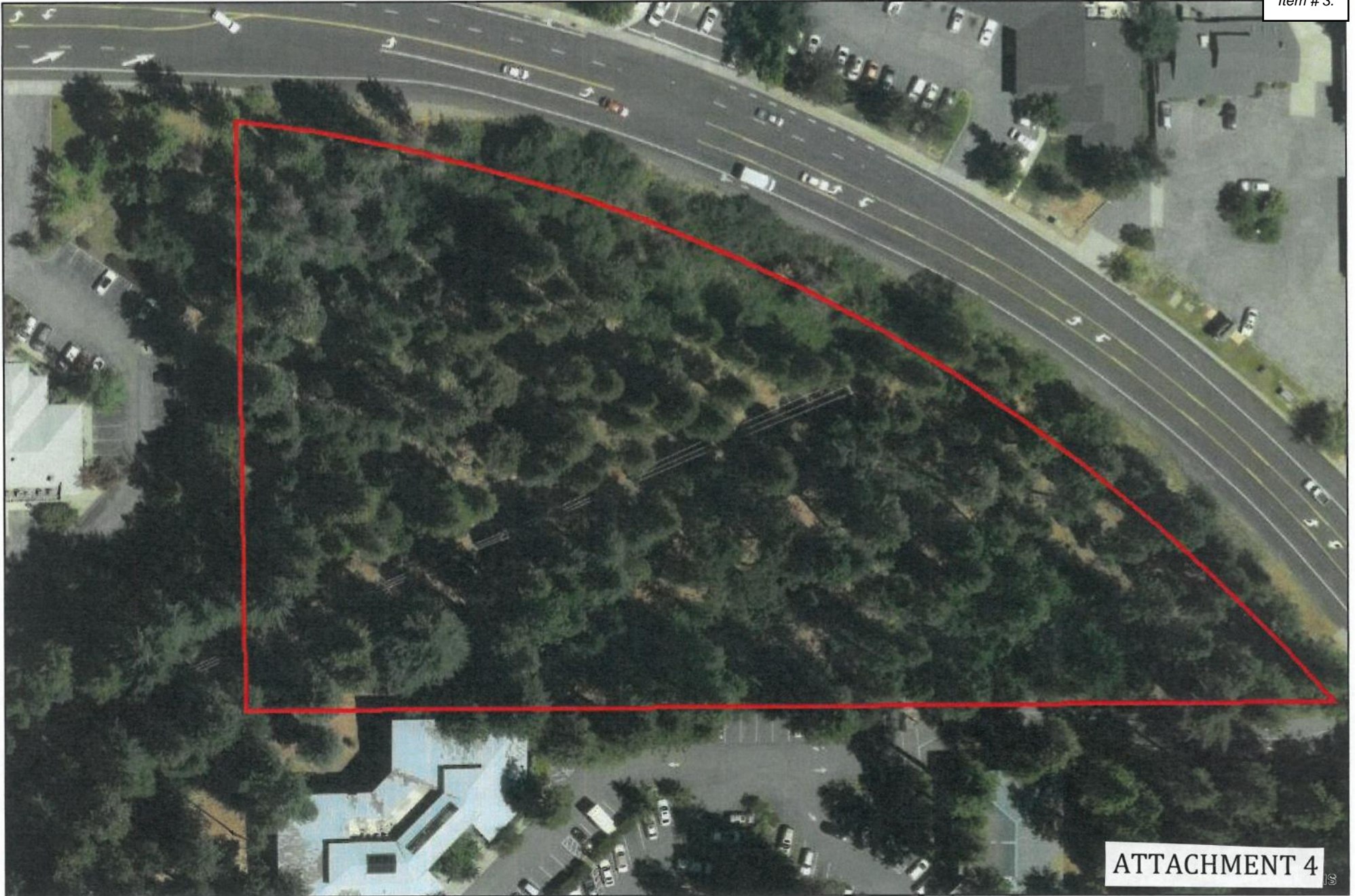






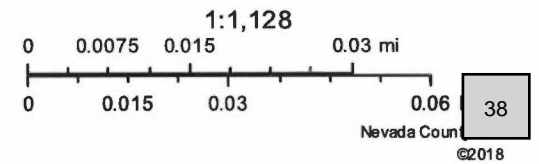
# 457 Brunswick Road

Item # 3.



ATTACHMENT 4

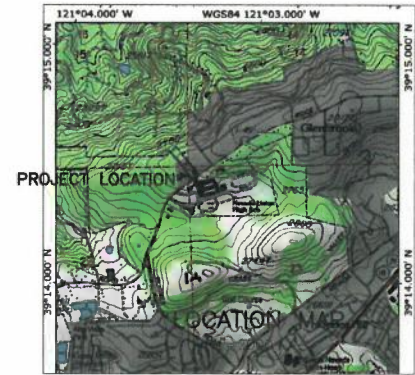
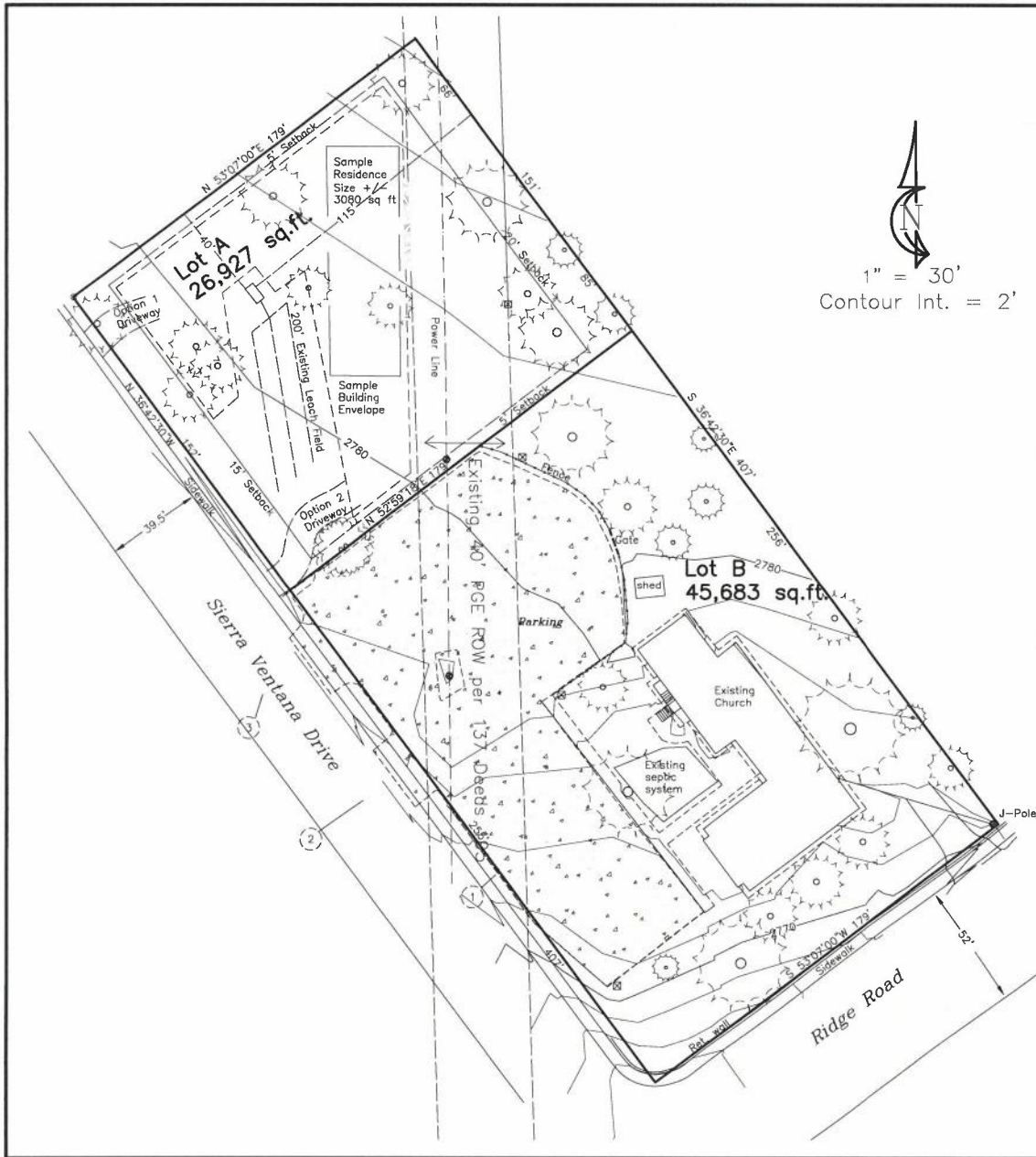
August 3, 2021











**NOTES:**

Domestic water supply by N.I.D.  
Sewage disposal by Septic tank and leach field

Assessor's Pcl. No. 035-140-002

**ZONING:** Grass Valley P

**OWNERS:**

c/o Richard Adkins  
Truth Worship Center  
PO Box 931  
Grass Valley, CA 95945

**MAP BY:**

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



**PARCEL MAP  
TENTATIVE MAP**

FOR

**Truth Worship Center**

Located in Sections 14, 15, 22 and 23 T.16N.  
R.8E. MDM

In the incorporated City of Grass Valley  
**NEVADA COUNTY, CALIFORNIA**

December, 2020 Scale: 1" = 30'

**CALIFORNIA SURVEY COMPANY**

(530) 273-6651  
Job # 6876

- Picture No. and direction photo was taken
- ☒ Streetlight
- Ⓢ Utility Pole



to  
GPA & Rezone  
R-3  
JHD

SCALE 1" = 30'





**PLANNING  
COMMISSION  
STAFF REPORT  
August 17, 2021**

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**Agenda Item:** Non-Public Hearing  
**Prepared by:** Thomas Last

**DATA SUMMARY:**

**Application Number:** 13PLN-08  
**Subject:** Review of a Draft Subsequent Environmental Impact Report for the Southern Sphere of Influence Planning and Annexation Project  
**Location:** The project area is located on both sides of State Route 49 (SR49) adjacent to the southern city limits beginning in the vicinity of McKnight Road and extending south along SR49 and La Barr Meadows Road.  
**Applicant:** City of Grass Valley

**PURPOSE OF MEETING:** The intent of this meeting is to review the Draft Subsequent Environmental Impact Report (SEIR) with the Planning Commission and members of the public. The Commission can accept comments on the adequacy of the Draft SEIR at this meeting but will not take any actions. On July 15, 2021, the City released the Draft SEIR for a 45-day public review period. A primary goal of this meeting is to provide the Commission and the public with an opportunity to fully understand the content of the Draft SEIR. This approach provides the public with the ability to better understand the project and the anticipated environmental impacts of the project, and to ask questions of staff and the consultant team.

Staff will provide a PowerPoint presentation at the meeting to highlight the changes from the previously approved project, review any new potential impacts created by the project amendments, and any proposed new or modified mitigation approaches to reduce impacts.

**PROJECT BACKGROUND AND DESCRIPTION:** In 2014, the City certified an EIR for the Southern Sphere of Influence Planning and Annexation Project (SSOIPA). In 2016, the City approved an addendum to the EIR to create an overlay or combining zone on several parcels. On July 9, 2019, the City Council directed staff to initiate an amendment to the SSOIPA area which was approved in 2014 and amended in 2016. Specific amendments include an expansion of the City Sphere of Influence, expansion of the previous annexation area boundaries, and modifications to the General Plan Land Use and Zoning maps.

The proposed amendments include: 1) an amendment to the General Plan land use designations on 237 of the 400 acres; 2) a prezone amendment on 237 of the 400 acres of land to various zone districts consistent with the proposed General Plan amendments; 3) an amendment to add 31 acres to the City's Sphere of Influence; and 4) the annexation

of approximately 400 acres. No development is proposed as part of this project, and several of the properties involved are either fully developed or capable of additional development.

**PURPOSE AND PROCESS FOR THE ENVIRONMENTAL IMPACT REPORT (EIR):** The primary purpose of an EIR is to inform the decision makers (the City), other public agencies, and the public of the potential environmental impacts that could be expected should a project be developed. It is an informational document that is not intended to be used to serve as a recommendation of approval or denial. It is also intended to identify ways to avoid or reduce anticipated significant impacts on the environment (i.e. mitigate the impacts to a level that is less than significant). An EIR is a document prepared pursuant to specific state-established environmental review requirements. It must adequately describe and analyze all potential environmental impacts. Therefore, any agencies or members of the public should focus comments on the adequacy of the Draft EIR. A SEIR can be used to address new potential impacts created by the project amendments that were not addressed in a previously approved EIR. It is a tool that allows the City to address impacts and specifically focus on the changes to the 2014/2016 project.

**NEXT STEPS FOR PLANNING COMMISSION:** After the 45-day public review period concludes on August 31, 2021, the City and its consultant team will respond to all comments received on the Draft SEIR and prepare a “Final SEIR”. A Final SEIR includes the Draft SEIR, responses to comments, and any changes that may be required to the Draft SEIR. The Final SEIR must be prepared and acted upon (certified as compliant with the state law) before a decision is made on the applications filed with the City. The City’s consultant schedule includes a two-month process to complete the Final SEIR. However, this schedule is dependent on the quantity and content of the comments received on the Draft SEIR.

Once the City completes the Final SEIR, the Commission will conduct a public hearing on the project (the General Plan and Zoning Map Amendments). At that hearing, the Planning Commission will review the Final SEIR in conjunction with the amendments and provide a recommendation to the City Council.

**Availability of DEIR.** Copies of the DSEIR are available for public review at City Hall, libraries listed below, or online at <http://www.cityofgrassvalley.com>. CD’s or thumb drives can be purchased at Grass Valley City Hall, 125 East Main Street.

**CITY OF GRASS VALLEY PLANNING COMMISSION  
STAFF MEMORANDUM**

Item # 5.

**August 17, 2021, Meeting**

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<b>Agenda Item:</b>	Non-Public Hearing
<b>To:</b>	Grass Valley Planning Commission
<b>From:</b>	Thomas Last, Community Development Director
<b>Subject:</b>	General Plan conformity finding for a potential property purchase by the City of Grass Valley

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**RECOMMENDATION:**

Staff recommends the Planning Commission review this report and find that the purchase of Assessor's Parcel Number 008-411-005, 131 Colfax Avenue is in conformance with the City's General Plan.

**BACKGROUND:**

The City is currently negotiating an offer to purchase 131 Colfax Avenue for potential public parking. The City could also use the lot to develop trailhead parking for Wolf Creek, and/or to improve access and circulation to the adjacent school. If the property is purchased by the City, it would help reduce costs for the proposed circulation improvements, including sidewalks, that are expected in this area (a potential large round a bout). Hansen Way and Colfax Avenue bound the other two sides of the property. The property currently contains a single-family home. It is adjacent to Back Porch Market and Grass Valley Charter School. South Fork of Wolf Creek is located to the south and is in an open concrete culvert along this property. The property contains a Commercial General Plan land use designation and has Neighborhood Center-Flex (NC-Flex) zoning.

California Government Code requires cities to provide a report to the local planning agency prior to the purchase of real property. The Grass Valley Planning Commission is the City's local planning agency. The law specifically requires the Commission to determine that the purchase of the land is in conformity with the City's General Plan.

NC-Flex allows public or commercial parking lots with a Use Permit. Should the City purchase and develop the site for this purpose, the Planning Commission would act on that permit. As it pertains to the conformity with the General Plan, the proposed parking is generally supported in several policies, objectives and in vision statements in the City's General Plan. The following General Plan policies, objectives, or statements are applicable to this land purchase:

1. 33-LUP: Promote Downtown as a hub for area cultural, entertainment, and retail development. *Staff notes that to accomplish this additional parking is*

**CITY OF GRASS VALLEY PLANNING COMMISSION  
STAFF MEMORANDUM**

Item # 5.

*needed in downtown to support these activities, and this is verified with multiple studies since the adoption of the General Plan.*

2. 19-CP: Add vehicular parking in the downtown area.
3. 20-CP: Redesign intersections on collector streets to improve and “smooth” traffic flow.
4. 1-CO: Development of a viable pedestrian and bicycle transportation network (sidewalks, paths, lanes, and trails) providing alternatives to motorized vehicle transportation. *Staff notes that a parking lot in this area could support the future Wolf Creek Trail that will likely pass in the vicinity.*

Based on the above policies, objectives, and statements, staff believes the Commission can determine the land purchase is in conformance with the Grass Valley General Plan.

Attachments:

1. Location Map

