



**PLANNING COMMISSION
STAFF REPORT
February 21, 2023**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 23PLN-05
Subject: Staff-Initiated amendment to County Use Permit 03-101 to address operational changes for Spirit Center since annexation to the City.
Location/ APN: 276 Gates Place/035-610-013
Applicant: City of Grass Valley on behalf of Jennifer Morrill from the Spirit Center
Zoning/General Plan: Corporate Business Park (CBP) District/Business Park (BP)
Environmental Status: Exempt pursuant to Sections 15061 and 15301

RECOMMENDATION:

Staff recommends the Planning Commission approve Use Permit 23PLN-05 subject to the Findings and Conditions of Approval on pages 4 and 5 of this staff report.

BACKGROUND:

In 2003, the Nevada County Planning Commission approved a Use Permit for Spirit-Peers for Independence & Recovery at the Gates Place property. The approved uses included a meeting facility, and a range of social services including counseling for clients with mental health issues. Most of these services are provided in coordination with Nevada County Department of Behavioral Health. In 2006, the City annexed this property along with large portions for the Glenbrook Basin. Since annexation, the Spirit Center has made some adjustments in the services it provides. Both the Community Development Department and Police Department staff have worked with Spirit Center staff to clarify operations and to develop plans to address some issues with the expanded services. Based on the past expansion of services and recent proposed changes, staff has initiated this amendment to clarify current operations and to develop new conditions that apply to the City rather than the County.

PROJECT DESCRIPTION:

Attachment B incorporates several documents provided by the Spirit Center that include detailed descriptions of the services it provides to the community, including:

1. Program descriptions of its three core services (see page 1 of Attachment B):
 - a. **Spirit Center** – Five days a week, Tuesday – Saturday; 10 am to 3pm; providing peer support as noted.
 - b. **Emergency Department Program** – On-call crisis team providing services to clients in crisis in conjunction with the hospital.

- c. **Housing Resiliency Program** – Provides services to homeless in collaboration with several Nevada County agencies.
2. Spreadsheet providing more details on the services. This includes services provided in 2004, staff-approved changes in 2018, and proposed changes for 2023.
3. Spreadsheet with specific programs offered at the facility.
4. Street Parking policy to address loitering on and near the facility.
5. Daily maximum client proposal that clarifies number of clients served at the facility.

The site is developed and no changes to the building or property are proposed with this permit.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The 4.58-acre parcel is developed with a house that has been used as the resource center and three storage buildings. There are several on-site parking spaces. Surrounding land uses include Highway 20-49 to the east, and commercial and a few residential uses to the north, 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 amendment and determined it is exempt from environmental review pursuant to Sections 15061 b.3 and 15301 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 use has been taking place since 2004 and within a fully developed parcel and no exterior building improvements are occurring, the project meets this exemption.

The Section 15301 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities, involving negligible, or no expansion of use beyond those existing. The use has taken place since 2003 with minor operational changes since then. These changes have not created any significant environmental impacts. The proposed amendment complies with all the criteria noted in each exemption 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. This designation allows mixed-uses and employment generating uses. The use has taken place since 2004 and does not create any land use conflicts with the General Plan.

Zoning: The CBP zone is an office-oriented zone that focuses on high quality design in office or business park settings. This property is in an area dominated by commercial uses and the CBP zone in this area does not represent the actual uses that have taken place for the past few decades. Staff has initiated this amendment to bring the existing County Use Permit into compliance with City conditions and eliminate any ambiguity with previously imposed conditions from the County. There are no building or site plan changes proposed; therefore, no additional zoning or development standards need to be considered.

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 encompass a variety of mixed uses and office type service establishments. There are General Plan policies and vision statements which promote the expansion of existing businesses. Since the site is 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:
Nevada County approved the original Use Permit in 2003. Since no new site development is proposed, the Development Code has limited applicability. This use has taken place on this property since 2004 and operating under the County's original conditions. Since no new outdoor activities are proposed, City staff believes the amendment, as conditioned, is in full compliance 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 past uses in the building. These uses provide social services and daily needs to clients and are not expected to conflict with existing or future uses in the area.
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 is generally surrounded by commercial uses with SR 20/49 abutting the property. Some past issues tied to this use are primarily loitering

and overnight parking of clients or others that may want services along Gates Place. Spirit Center staff, in coordination with the Police Department, has initiated steps to reduce these issues (see page 4 of Attachment B). This effort, along with the City posting the street for no overnight parking, has significantly reduced issues and police calls for service. The proposed steps taken by Spirit Center and the conditions are expected to continue to reduce and eliminate any issues that could impact the detrimental health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.

FINDINGS:

1. The Grass Valley Planning Commission reviewed Use Permit application 23PLN-05 at its meeting on February 21, 2023.
3. The project is exempt from environmental review pursuant to Sections 15061 b.3, and 15301 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 materials as shown in Attachment B to this report and as approved by the Grass Valley Planning Commission for Use Permit 23PLN-05. The Community Development Director may approve minor changes as determined appropriate. The Planning Commission must approve all changes deemed major in nature. The City shall have full discretion to determine the required level of review for any proposed changes.
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.
4. Spirit Center is responsible for annual vegetation management of the site to reduce fire hazards as required by the City Municipal Code and Fire Marshall.

5. Spirit Center shall be responsible to ensure that loitering shall not take place along the street frontage of the property during operating hours. Page 4 of Attachment B includes the parking policy for this Use Permit.
6. All outdoor areas of the shelter shall be monitored by security cameras during hours of operation. In lieu of security cameras, the shelter may have a licensed security guard onsite during hours of operation. If security cameras are used, all video footage shall be backed up within 24 hours and shall be retained for a minimum of 15 days.
7. If the Police Chief determines that the operation poses an immediate threat to public safety, the Police Chief shall provide written notice to the applicant that operations authorized by Use Permit (23PLN-05) shall immediately cease. The identification of an immediate threat to public safety and the procedure to notify and affect a cessation of operations shall be in accordance with City Municipal Code 1.15.010. Upon receiving the written notice, the applicant shall immediately cause to cease all activities authorized by Use Permit (23PLN-05). The action by the Police Chief to require the applicant to cease all operations shall be temporary and should not exceed sixty (60) days. If the Police Chief recommends permanent cessation of operations and all rights allowed under the Permit, the matter shall be deferred to the Planning Commission for conducting a duly noticed public hearing to consider whether Use Permit (23PLN-05) should be continued as valid or revoked. The public hearing of the Planning Commission shall be noticed as a revocation hearing during which the applicant may present evidence that all issues documented by the Police Chief have been addressed. The Commission would have the discretion to continue the use with or without conditions or to revoke Use Permit (23PLN-05).

Attachments:

- A. Location Map and Site Photos
- B. Spirit Center Documents