



**PLANNING COMMISSION
STAFF REPORT
July 19, 2022**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 22PLN-27
Subject: Use Permit to locate some of the current Riebe's Napa Auto Parts store and machine shop operations across the street in the former Sears building.
Location/ APN: 129 Idaho-Maryland Road/009-210-039
Applicant: Bart Riebe
Zoning/General Plan: Central Business (C-2) District, Hills Flat Business District (HFBD)/Commercial (C)
Environmental Status: Exempt pursuant to Sections 15061 and 15301

RECOMMENDATION:

Staff recommends the Planning Commission approve Use Permit 22PLN-27 subject to the Findings and Conditions of Approval on page 4 of this staff report.

BACKGROUND:

According to building records, Mr. Riebe operated an auto parts store from the 129 Idaho-Maryland Road building in the early-1970's. In 1986, the Planning Commission approved a use permit for Riebe's Auto Supply to expand its store to include a machine shop, warehouse, and commercial garage. In 1997, Riebe's Auto Parts relocated to its current site across the street at 126 Idaho-Maryland Road. Also, in 1997, the City approved a design review application submitted by Sears for the 129 Idaho-Maryland property. The City approved the request to remodel the building, to add parking and new landscaping, and to remove two smaller buildings on the property. Sears closed recently and building is now vacant.

PROJECT DESCRIPTION:

The applicant requests approval of a use permit to relocate a portion of the existing Napa Auto Parts store and machine shop operations to the former Sears building. The C-2 Zoning District requires approval of a use permit for vehicle services. Since the applicant proposes to locate the machine shop and some engine rebuilding on the property, a use permit is required. Besides internal tenant improvements, no other changes are proposed at the site.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The .51-acre parcel is fully developed with an 8,377 square foot building and 17 parking spaces. The northeast portion of the property contains a fenced storage yard area. Surrounding land uses include Highway 20-49, and commercial businesses.

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 proposed use takes place within a fully developed parcel and no exterior building improvements are occurring, the project meets this exemption.

Additionally, 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 proposed use does not change the overall nature of past uses and activities that have taken place on this property.

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 Commercial. The intent of this designation is to accommodate a variety of retail commercial and service uses. The proposed use is a business that occurred in this building in the past and includes similar activities conducted by the Sears business. The analysis below demonstrates the proposed use is consistent with, and does not create any conflicts with, the General Plan.

Zoning: As noted above, the C-2 Zone requires approval of a use permit by the Planning Commission for auto repair uses. There are no building or site plan changes proposed; therefore, no additional zoning or development standards need to be considered. The HFBD is a combining zone that also applies to this property. This combining zone does not allow drive-through restaurants and includes some additional development standards related to outdoor storage. Since the proposed use does not propose any of these activities, the HFBD does 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 Commercial land use designation is to encompass all types of retail and commercial service establishments. There are General Plan policies and vision statements which promote the expansion of existing businesses. 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 Central Business (C-2) Zone. Since the site is fully developed, the Development Code has limited applicability. The same type of a use took place in the building prior to 1998, and since then the property has been used for commercial uses, which included outdoor storage. Most of the building will be used for auto parts inventory and a small portion is devoted to the machine shop and rebuilding of motors. Since no outdoor activities are proposed, City staff believes the amendment 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 are considered retail and storage uses with minor auto repair type activities and are compatible with the commercial uses occurring in the vicinity.
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 the surrounding uses consist of commercial uses with SR 20/49 abutting the property. Since all the uses will be taking place indoors and the property is surrounded by commercial uses and a highway, 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-27 on June 22, 2022.
2. The Grass Valley Planning Commission reviewed Use Permit application 22PLN-27 at its meeting on July 19, 2022.
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 and as approved by the Grass Valley Planning Commission for Use Permit 22PLN-27.
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 Application information on proposed amendment