



**DEVELOPMENT REVIEW
COMMITTEE
STAFF REPORT
January 11, 2022**

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

DATA SUMMARY:

Application Number: 21PLN-56
Subject: Development Review Permit of a ±700 square foot outdoor seating area in the City's right-of-way for Grass Valley Brewing
Location/APN: 141 and 143 E Main Street/008-348-03 and 04
Applicant: Chris Desena
Zoning/General Plan: Town Core/Historic (TC/H)/Commercial
Entitlement: Development Review Permit
Environmental Status: Categorical Exemption

RECOMMENDATION:

The Development Review Committee approve the Development Review Permit for Grass Valley Brewery as presented, or as modified by the Development Review Committee, 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. Adoption of Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
3. Approval of the Development Review Permit in accordance with the Conditions of Approval as presented in the Staff Report.

BACKGROUND:

The Development Review Committee reviewed a Conceptual Development Review Application (19PLN-45) in November 2019, for a similar outdoor seating proposal. DRC comments focused on design elements and safety from vehicles.

Since DRC review and comment, the City has selected an outdoor seating theme with the closure of Mill Street with parklets extending onto Main Street. The design need not replicate the Mill/Main Street design theme but should be compatible with the design elements along Mill/Main Street. The applicant's designer was furnished a copy of the City's Street design theme for consideration.

PROJECT DESCRIPTION:

The applicant requests a Development Review Permit of a ±700 sq. ft. outdoor seating area in the City's right-of-way for Grass Valley Brewing.

The project would realign East Main Street including realignment of the edge of the sidewalk, curb, and gutter with the current edge of the parking spaces creating a ±12-foot-wide by ±60-foot-long area for outdoor seating. The ±700 sq. ft. area will accommodate five additional 5-foot by 6-foot tables and chairs. A perimeter railing is proposed to separate the brewery space and public right-of-way for safety and per Alcohol Beverage Control (ABC) requirements.

Site Plan/Safety – Bollards are designed into the outdoor seating fence as newel posts. The bollards are spaced on 7-foot 6-inch centers for the entirety of the barrier. Two additional bollards are provided on each side of the menu board on the west end.

Circulation & Parking – East Main Street is a two-lane roadway ±45 feet in width with parking on the south side of the street. Red curb no parking and a driveway front the project on the north side of the street. The re-aligned curb, gutter and sidewalk reduce East Main Street to ±29 feet in width with no parking fronting the outdoor seating area. The project would eliminate 2 – 10-minute parking spaces. An additional off-street parking space can be provided fronting the old fire station access resulting in a reduction of one parking space.

Architectural Design – The outdoor seating area includes the following design elements:

- New concrete curb and gutter and 5-foot sidewalk;
- Newel posts on ±4-foot centers with alternating patina corrugated metal panels with light fixture at 7-foot 6-inch centers;
- 2 by 6 wood railing with 8-inch square black powder coated fencing;
- Metal framed trusses with 5/12 slope with patina corrugated metal roofing;
- Menu board on west wall.

Landscaping – A landscape plan has not been prepared for the project.

Lighting – Lighting includes fixture lighting within the seating area. Additionally, sidewalk lighting is proposed at the top of the corrugated panel walls (See **Attachment 5 – Project Plans**).

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The project is located on the northside of East Main Street, a commercially designed historic area. Surrounding uses include Grass Valley Auto Broker to the north; parking lot to the south; California Solar to the east; and, PG&E office to the west (**Attachment 4 – Site Photographs**).

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan designates the site as Commercial. Commercial is a broad category intended to encompass all types of retail commercial and commercial service establishments in any one of a variety of locations.

Zoning: The project is within the Town Core/Historic (TC-H) Zone. The primary intent of the Town Core Zone is to strengthen the mixed-use, pedestrian-oriented nature of the existing historic downtown.

The Historic Combining Zone is intended to identify important cultural resource sites and structures in the City, to ensure that any proposal to alter the state of the site or structure is carefully considered prior to implementation.

Historic 1872 Townsite: The buildings at 141 and 143 E Main Street are within the Historic 1872 Townsite. However, the buildings have a rating of 3 – meaning that the parcels “Lack Significance (lack integrity-major alterations or additions may be recoverable through restoration)”. As a 3 – rated building, modification of the exterior façade for outdoor seating will not alter the architectural integrity of the building.

ENVIRONMENTAL DETERMINATION:

The proposed project qualifies for a Categorical Exemption pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all inclusive of the types of projects which might fall within Class I. The key consideration is whether the project involves negligible or no expansion of the existing use. Examples include but are not limited to: (a) interior or exterior alterations.

ANALYSIS:

Staff offers the following project analysis for Development Review Committee consideration:

Safety – Bollards are provided along the East Main Street frontage and along the west end of the outdoor seating area. However, two additional bollards should be placed on the east wall for additional protection. Condition of Approval No. A – 3 requires two additional bollards at this location. Bollards shall be installed per City Standard Detail ST – 32 per Condition of Approval No. B – 9.

Parking – Due to the loss of one parking space and additional building square footage, the in-lieu parking fee of \$2,566.31/200 square feet is required. Considering the useable square footage of ±700 square feet parking in-lieu fees are estimated at: \$8,982.

Condition of Approval No. A – 4 requires that prior to the issuance of building permits, the applicant shall provide accurate square footage details so that accurate in-lieu parking fee calculations may be provided.

Architectural Design – The outdoor seating area includes architectural detailing that is consistent with the City’s Streetscape themes. However, staff recommends that landscape planters be provided at each end of the project consistent with the City’s Streetscape project. Condition of Approval No. B – 1 requires that design elements, such as design elements of the other Main Street parklets that are currently in the design phase shall be incorporated into the design (such as matching planters at both ends of the parklet as shown on the City’s design).

Lease Agreement – Prior to the issuance of building permits for the outdoor seating area, the applicant shall enter into a lease agreement for use of the City’s right-of-way for private purposes. The terms of the lease agreement shall be to the satisfaction of the City Council. Condition of Approval No. B – 2 requires that the lease agreement be ratified prior to the issuance of building permits for the project.

Drainage – A preliminary drainage plan has not been prepared for the project. Considering no additional impervious surfaces are being added, no additional stormwater will be generated. However, the proposed downspout(s) are not allowed to sheet flow water over the sidewalk as this can cause pedestrian hazards (such as ice forming on the sidewalk). Condition of Approval No. B – 3 requires the existing rain gutter downspout at the western corner of the building to be lowered and the drainage shall be directed through a pipe under the sidewalk, daylighting in the face of the curb.

Heaters – Heaters are not proposed; however, portable heaters may be approved in accordance with Fire and Building Department Standards. Condition of Approval No. C – 2 requires approvals prior to installation of portable heaters.

FINDINGS:

1. The City received a complete application for Development Review Application 21PLN-56.
2. The Grass Valley Development Review Committee reviewed Development Review Application 21PLN-56 at its meeting scheduled on January 11, 2022.
3. The Development Review Committee reviewed the project in compliance with the California Environmental Quality Act and concluded that the project qualifies for a Class 1, Categorical Exemption in accordance with the California Environmental Quality Act and CEQA Guidelines.
4. This project is consistent with City’s General Plan and any specific plan.

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

1. The approval date for this project is January 11, 2022. This project is approved for a period of one year and shall expire on January 11, 2023, unless the project has been effectuated or the applicant requests a time extension that is approved by the Development Review Committee pursuant to the Development Code.
2. The final design shall be consistent with the Development Review application and plans provided by the applicant and approved by the Development Review Committee (21PLN-56). The project is approved subject to plans on file with the Community Development Department. The Community Development Director may approve minor changes as determined appropriate.
3. Two additional bollards shall be placed on the east end of the outdoor seating area.
4. Prior to the issuance of building permits for the project, the applicant shall pay the City's in-lieu parking fees. Detailed square footages shall be provided for review and approval.
5. Prior to any work occurring, building permits shall be obtained from the Community Development Department, Building Division.
6. 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.

B. PUBLIC WORKS CONDITIONS:

1. Design elements of the other Main Street parklets that are currently in the design phase shall be incorporated into the design (such as matching planters at both ends of the parklet as shown on the City's design).
2. A lease agreement between the City and the property owner shall be ratified prior to the issuance of permits for the project.
3. The existing rain gutter downspout at the western corner of the building shall be lowered and the drainage shall be directed through a pipe under the sidewalk, daylighting in the face of the curb. Downspouts are not allowed to sheet water over the sidewalk as this can cause pedestrian hazards (such as ice forming on the sidewalk).
4. The existing driveway in front of 139 East Main Street (the fire station), to be converted to parking, shall be replaced with a compliant sidewalk, and rolled curb to allow access to the former fire building door, if needed.
5. Engineered plans shall be provided showing the grades and flow patterns for the new gutter pan.
6. The plans shall include a continuation of the brick paver strip at the back of the curb along the front of the new sidewalk to tie into the strip at both ends of the project.
7. The sidewalk transition on the west side of the building shall be changed to be more in line with the transition on the east side of the building.
8. Include measurements from the metal support post at the western corner of the building to the face of the curb to verify that there will be ADA clearance as required.
9. Bollards shall be installed in accordance with City Standard Detail ST – 32.

C FIRE DEPARTMENT CONDITIONS:

1. The curb along the entire new sidewalk shall be designed and marked as a "No Parking" zone (Red curb & signage).
2. Prior to the installation of portable heaters, the applicant shall obtain a permit from the Building and Fire Department.

ATTACHMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

Attachment 3 – Site Plan

Attachment 4 – Site Photographs

Attachment 5 – Project Plans prepared by Lauren Anderson Designs