



City of Grass Valley City Council Agenda Action Sheet

Title: InConcert Sierra Whispering Pines Specific Plan Amendments, Use and Development Review Permits located at 125 Crown Point Court.

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

1. Adoption of Resolution No. R-2022-78 Adopting a Mitigated Negative Declaration, prepared for the project, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of a Mitigation Monitoring & Reporting Plan (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. Hold the first reading of Ordinance No. 820 Amending the Whispering Pines Specific Plan and Rezoning the property to create a new Subarea - SP-1A.1 - Public Assembly Uses as presented; and,
4. Adoption of Findings of Fact and Conditions of Approval for the InConcert Sierra Project, as presented.

Prepared by: Lance E. Lowe, AICP, Principal Planner

Council Meeting Date: October 25, 2022

Date Prepared: October 19, 2022

Agenda: Public Hearing

Project Description: The Project includes amendments of the Whispering Pines Specific Plan, Use Permit and Development Review Permits to allow public assembly uses for the property located at 125 Crown Point Court. InConcert Sierra intends to occupy the property for music concerts and music education for adults and youth. See **Attachment 1** - Planning Commission Staff Report dated September 20, 2022, for full InConcert Sierra Project Description. See **Attachment 2** - Initial Study/Mitigated Negative Declaration for environmental discussion. See **Attachments 6 and 7** for Project Comments and Response to Comments respectively.

A PowerPoint Presentation will be prepared for the City Council meeting outlining the project in its entirety.

Background Information: The Planning Commission convened a public hearing for the InConcert Sierra Project at its September 20, 2022, meeting. After receiving public comment, the Planning Commission recommended approval of the project by a 4/0 vote (*Motion: Vice Chair Arbaugh; Seconded: Coots; Ayes: Coots, Brouillette, Arbaugh; and Robins; Absent: Bulanti*). The Planning Commission's recommendation included minor amendment to the Parking Mitigation Measure as outlined in 2) below.

Public Comments on the InConcert Sierra Project were overwhelming supportive. Other comments on the project noted: 1) Consistency with the 2017 Settlement Agreement; 2) Parking Mitigation Measure; 3) Parking Variance Requirement; and 4) Nevada County Airport Land Use Compatibility Determination as issues. Discussion of those topics follows:

1) Consistency with 2017 Settlement Agreement - In 2017 A Settlement Agreement was reached between the City of Grass Valley and Citizens Advocating Responsible Development (CARD). In essence, the Settlement Agreement requirements are two-fold: In accordance with Sections 1.5 (a) & (b) the Settlement Agreement specifies that (a) "...the City agrees to initiate a comprehensive review of the Specific Plan, including designation and land uses, to determine whether any updates or amendments to the Specific Plan are necessary to allow an appropriate range of uses while mitigating impacts from such uses." and, "(b) As determined by the outcome of City's comprehensive review of the Specific Plan, City agrees to fully comply with the requirements of CEQA with regards to any update or amendments to the Specific Plan."

Staff acknowledges that it has yet to complete a comprehensive review of the Whispering Pines Specific Plan (WPSP) with the appropriate level of environmental review. Over the past several years, staff has met with Whispering Pines property owners who have shown interest in updating the Whispering Pines Specific Plan; however, financial commitments, scope of work, and timeline have not materialized. Although the City has agreed to a comprehensive review of the WPSP, the Settlement Agreement does not bar the City from processing applications proposing minor amendments to the WPSP altogether. On the contrary, the City is obligated by State law to process applications as requested.

Although the InConcert Sierra Project under consideration amends the WPSP, the project constitutes an amendment of the WPSP that applies to a singular parcel with existing improvements and proposed land uses which are consistent with the SP -1A Zone. For example, Motel - Conference Centers are permitted uses in the SP-1A Zone presently. "Minor" vs. "Major" amendments of the WPSP are determined by the Community Development Director per Section 5.4 of the WPSP. The 125 Crown Point Court property making up ±5.53 acres (APN: 009-700-063) contains an existing ±41,600 square foot building with parking, landscaping, and lighting improvements. Except for a roof height increase and interior tenant improvements, the InConcert Sierra project will utilize existing improvements as is. No further development of the property is slated with the project.

The current uses permitted in the SP-1A Zone include Administrative and Research, Restricted Light Industrial, Warehouse/Showroom, Employment Center Support,

Office/Professional Uses and Churches with a Use Permit. The 125 Crown Point Court property is currently used as office, technology and software manufacturing and assembly uses. Former uses also included a Blue Shield 24/7 call service center. The proposed InConcert Sierra Project uses are therefore consistent with the uses permitted in the SP-1A Zone.

Specifically, when evaluated from an environmental perspective, the contemplated uses by InConcert Sierra are anticipated to be environmentally better than former uses and current uses permitted in the SP-1A Zone. That is, the conclusions contained in the Initial Study/Mitigated Negative Declaration have determined that Air Quality, Greenhouse Gases and Vehicle Miles Traveled (VMT) impacts will be less impactful than existing permitted uses in the SP-1A Zone. Accordingly, it is Staff's opinion that Sections 1.5 (a) and (b) of the Settlement Agreement are inapplicable to the InConcert Sierra Project in that the project is not a comprehensive evaluation of the WPSP but a site-specific project applicable to the sole property of 125 Crown Point Court. Again, the 2017 Settlement Agreement does not bar the City from processing minor amendment applications. The City acknowledges that a comprehensive review of the Specific Plan with appropriate level of environmental review is forthcoming per the Settlement Agreement.

2) Parking Mitigation Measure - There are 204 off street parking spaces on the ±5.53-acre site. The Initial Study/Mitigated Negative Declaration identifies a parking deficiency for uses such as a full capacity Concert or where two of the contemplated uses Concert Hall (670 persons), Black Box Theater (175 persons) or Conference Center (350 persons) occur simultaneously. To this end, the InConcert Sierra applicant has provided further clarification of the proposed events and use of the building. As clarified, a full capacity concert of 670 would preclude the use of other venues for separate events. Moreover, if two uses occur simultaneously, they would not exceed 670 occupants in total. Typical occupancy of the Concert Hall is estimated to be 350; Conference Center is estimated to be typically 200; and Black Box Theater is estimated to be 75.

The Whispering Pines Specific Plan Section B.4 c. specifies that parking for nonresidential uses shall be required in accordance with the Grass Valley Zoning Ordinance. In accordance with Table 3-3 of the City's Development Code, the City's Parking Standard for Theaters, auditoriums, and places of assembly is 1 space for each 4 seats or 1 space for each 100 sf. of assembly area, whichever would yield more spaces. For the project, the 1 parking space per 4 seats yields more parking spaces. Based upon the number of seats as outlined above, the number of parking spaces required is 249 parking spaces. Using the City's Development Code Table 3-3 Parking Standards, the site is therefore deficient by 45 parking spaces. However, the Traffic Study prepared for the project utilizes historic ticket sales to project Vehicle Miles Traveled. These tickets sales were converted into number of vehicles by zip code using a 2.6 vehicle occupancy rate resulting in a shortage of 53 parking spaces. Even if a more conservative estimate of attendees doubled up for each vehicle, this would amount to 335 ($670/2=335$) vehicles or 131 on-site parking spaces short of the projected vehicle parking estimates. This shortage in parking is at issue with the City's Development Code parking standard; however, the applicant has indicated that negotiated parking agreements with adjoining property owners will provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events.

To ensure that parking is not at issue, the Planning Commission recommended that the Parking Mitigation be required prior to the issuance of a building permit vs. prior to the first capacity event for the tenant improvements as follows:

TRANS 1 - Mitigation Measure:

~~Prior to the first event in which two uses are occurring at the same time, requiring in excess of 204 parking spaces~~ **Prior to the issuance of a building permit**, the applicant shall submit off-site parking agreements for review and approval that satisfy the event attendance **in accordance with Section 17.36.080 et seq. of the City's Development Code**. The final parking agreements shall be for a duration that is commensurate with the event and shall be to the satisfaction of the Community Development Director and City Engineer.

The InConcert Sierra applicant is agreeable to the Mitigation Measure as recommended by the Planning Commission.

3) Parking Variance Requirement - Comments received note that a Parking Variance is required for the project pursuant to Section 17.72.070 of the City's Development Code. Variance Section 17.72.070 is not the governing section for the InConcert Sierra Project. Section 17.72.070 allows some or all the parking spaces required for a nonresidential project to be located off-site or allows in-lieu fees or facilities instead of the required on-site parking spaces provided Variance Findings are made in the affirmative.

This section of the City's Development Code has been applied to the City's Downtown District exclusively where off-street parking cannot be met, and no adjoining parking uses may be available. In this instance, if there are adjoining parking opportunities, then some or all the parking spaces may be allocated off-site. If there are no other means for on-site or off-site parking, an applicant may pay parking in-lieu fees.

The appropriate Section of the Development Code is Section 17.36.080 that permits a reduction in parking spaces with shared parking on adjoining properties. Specifically, Sections 17.36.080 A.1. and A.2 are the applicable parking sections of the City's Development Code:

17.36.080 Reduction of parking requirements.

A. Shared On-Site Parking.

1. Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces may be allowed in the following manner:
 - a. Upon approval of a minor use permit in compliance with Section 17.72.060, the Director may reduce the total parking space requirement by up to a maximum of twenty percent; or,
 - b. Upon approval of a use permit, in compliance with Section 17.72.060, the Commission may reduce the total parking space requirement by twenty percent or more.
2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

B. Reduction of Required Parking. The review authority may reduce the number of parking spaces required by Section 17.36.040 (number of parking spaces required), above through the granting of a use permit or minor use permit (depending on the amount of reduction requested) in compliance with Section 17.72.060, based upon quantitative information provided by the applicant that documents the need for fewer spaces (e.g. sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.).

The Parking Mitigation Measure recommended by the Planning Commission provides further clarification that the project shall be mitigated in accordance with Section 17.36.080 of the City's Development Code.

4) Overflight Zone Determination - Mike Woodman, Executive Director, Nevada County Airport Land Use Commission provided correspondence dated August 23, 2022, stating that after reviewing the project details and the proposed number of event attendee and employees on site, it was determined that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Nevada County Airport Land Use Compatibility Plan and gives the approval of the project, on behalf of the Nevada County Airport Land Use Commission (NCALUC).

Supplemental correspondence dated October 13, 2022, substantiating the conclusions of the August 23, 2022, correspondence has also been provided in **Exhibit G** of the Initial Study/Mitigated Negative Declaration.

Environmental Determination: The Initial Study evaluated resource areas including Aesthetics, Hazards/Hazardous Materials, Noise, Population/Housing, Public Services and Wildfire, which were determined to be less than significant. Resource areas such as Air Quality, Energy Greenhouse Gases and Transportation were determined to be less impactful than the current uses in the SP-1A Zone.

Based upon the Planning Commission recommendation of the revised Parking Mitigation Measure, staff revised the Initial Study/Negative Declaration in **Attachment 2** and Mitigation Monitoring and Reporting Plan in **Attachment 3**. The revised Initial Study need not be recirculated for public review in accordance with Section 15073.5 of the CEQA Guidelines under the following circumstances:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
2. New project revisions are added in response to written and verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The revisions provided adhere to the above criteria. The Mitigation Measure has been revised with equal or more effective measures in accordance with Section 15074.1. New information added to the Mitigated Negative Declaration merely clarifies, amplifies, or makes insignificant modifications to the Mitigated Negative Declaration.

Council Goals/Objectives: The InConcert Sierra Project executes portions of work tasks towards achieving/maintaining Strategic Plan - Economic Development and Vitality.

Fiscal Impact: The applicant has paid the City's application processing fees. No impact to the General Fund is anticipated.

Funds Available: N/A

Account #: N/A

Reviewed by: : _____ Community Development Director _____ City Manager

ATTACHMENTS:

Attachment 1 - Planning Commission Staff Report dated September 20, 2022

Attachment 2 - Resolution No. R2022-78 with Initial Study/Mitigated Negative Declaration with the following Exhibits, Tables, Attachments and Figures:

Exhibits:

Exhibit A - Vicinity Map

Exhibit B - Aerial Photograph

Exhibit C - Site Plan

Exhibit D - Site Photographs

Exhibit E - Proposed Floor Plan

Exhibit F - Colored Concert Hall, Black Box and Conference Center Floor Plans

Exhibit G - Existing and Proposed Building Height Increase

Exhibit H - Nevada County Airport Land Use Commission Correspondence dated August 23, 2022 and October 13, 2022

Exhibit I - Theatre Seating Example

Exhibit J - Black Box Theatre Example

TABLES:

Table 1 - Project Construction and Operational Estimates

Table 1.- Level of Service (LOS) Definitions

Table 2 - VMT Calculation distances from Zip Code Centroid to Performing Arts Venue Locations (Old and New)

Table 3 - VMT Calculations by Trip Generation

FIGURES:

Figure 1 - Levels of Service of Local Roadways and Intersections 6:30 p.m. to 7:30 p.m.

Figure 2 - Intersection Turning Movements Values 6:30 p.m. to 7:30 p.m.

Figure 3 - InConcert Sierra Travel Patterns and Vehicle Totals by Zip Code Area

Figure 4 - Sierra Stages Travel Patterns and Vehicle Totals by Zip Code Area

Figure 5 - Sampling of how Google Map Tool was used to determine Trip Distances Between Zip Code Areas and Venue Locations

Figure 6 - Project Site Proposed Building Modifications

Attachment 3 - Mitigation Monitoring and Reporting Plan

Attachment 4 - Findings and Conditions of Approval

Attachment 5 - Ordinance No. 820 Rezoning the Properties to the Whispering Pines Specific Plan SP - 1A.1 Zone with **Exhibit A -** SP-1A.1 edits

Attachment 6 - Project Comments

Attachment 7 - Response to Comments