



NEVADA COUNTY AIRPORT LAND USE COMMISSION

Grass Valley • Nevada City • Nevada County

File: 0040.1.4

August 23, 2022

Monroe Lovelady
P.O. Box 205
Nevada City, CA 95959

SUBJECT: InConcert Sierra Consistency Review – Nevada County Airport Land Use Compatibility Plan

The Nevada County Airport Land Use Commission (NCALUC) has delegated the review and consistency determination of major land use actions to the NCALUC Executive Director. The project site at 125 Crown Point Court in Grass Valley, California, is located within Compatibility Zone D (Traffic Pattern Zone) of the Nevada County Airport Land Use Compatibility Plan. The project includes a Specific Plan Amendment and a Supplemental Use Permit application for InConcert Sierra to purchase and convert the existing office building, to a venue for the performing arts and a community meeting and conference center.

After reviewing the project details and the proposed number of event attendee and employees on site, I find 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 and give approval of the project, on behalf of the NCALUC.

Please let me know if you have any questions regarding this project.

Thank you,

Mike Woodman, Executive Director
Nevada County Airport Land Use Commission
Nevada County Transportation Commission



NEVADA COUNTY AIRPORT LAND USE COMMISSION

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File: 0040.1.4

October 13, 2022

Lance Lowe, Principal Planner
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

SUBJECT: InConcert Sierra Consistency Review – Nevada County Airport Land Use Compatibility Plan

The Nevada County Airport Land Use Commission (NCALUC) has delegated the review and consistency determination of major land use actions to the NCALUC Executive Director. I have reviewed the proposed InConcert Sierra project for consistency with the Nevada County Airport Land Use Compatibility Plan. The project site at 125 Crown Point Court in Grass Valley, California, is located within Compatibility Zone D (Traffic Pattern Zone) of the Nevada County Airport Land Use Compatibility Plan. The project includes a Specific Plan Amendment and a Supplemental Use Permit application for InConcert Sierra to purchase and convert the existing 41,600 square feet office building to a venue for the performing arts and a community meeting and conference center. The review of the proposed concert hall and conference center included the following considerations.

After reviewing the project, it has been 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 based on the following considerations and mitigating factors.

Conference Center, usage hours will be scheduled upon request 8:00 am – 5:00 pm on weekdays

Black Box theater, scheduled evening, 7:00 pm -11:00 pm, and periodic rehearsals and set construction activities from 8:00 am – 7:00 pm on weekdays & weekends

Concert Hall usage will be scheduled Sundays 12:00 pm – 5:00 pm, and scheduled weekend evenings 7:00 pm – 11:00 pm, with periodic rehearsals and stage configuration activities from 8:00 am – 11:00 pm on weekdays and weekends.

The project is located in Compatibility Zone D – Traffic Pattern Zone with an identified risk level of low for safety and airspace protection factors. Zone D does not prohibit Indoor Large Assembly Facilities (capacity 300-999) (movies theaters, places of worship, cemetery chapels i.e.). This type of land use is conditionally allowed in Zone D if the indicated max site average-acre usage intensity criteria and max single-acre intensity criteria included in Table 2A (Basic Compatibility Criteria, Nevada County Airport Land Use Compatibility Plan) can be met.

Within Compatibility Zone D, non-residential uses shall be limited to a maximum of 600 people per single acre. Because the building footprint is less than 1.0 acre, this criterion limits the building's total allowable occupancy to 600 people. For this type of seated facility use the total occupancy is calculated by the adding the number of seats and maximum employees. In this case 520 seats + 30 staff = 550 people, thus meeting the 600-persons limit. With regard to the average-acre intensity of 200 persons per acre, the site size of 5.33 acres means that the project could have as many as 1,066 people and be consistent with the average sitewide maximum intensity criterion. The proposed increased building height is below the height restriction of 100 feet or more above runway elevation.

The project proposal indicates that no more than two uses would occur at the same time and that when large events are held in the concert hall that use of the other two venues will not occur simultaneously. The typical occupancy of the Concert Hall is estimated to be 350; the typical occupancy for the Conference Center is estimated to be 200, and the typical use for the Black Box Theatre is estimated to be 75.

The Nevada County Airport Land Use Compatibility Plan policy 3.1.3 recognizes that on rare occasions for special events an exceedance of the maximum people-per-acre criterion may occur when extra safety precautions can be taken. The proposed construction method for increasing the building heights for acoustical purposes of the concert hall and black box uses includes installation of precast 8" thick concrete walls providing additional protection. The project will also be required to update the existing emergency exits to meet current fire code standards. These measures will enhance protection of the occupants in the low likelihood possibility that the building is struck by an aircraft.

Other considerations include the highest usage is expected on Saturday and Sunday evenings between 7:00 pm and 11:00 pm. The Nevada County Airport averages approximately 82 daily aircraft operations with 92% occurring between 7:00 am – 7:00 pm, only 6% occurring between 7:00 pm – 10:00 pm, and 2% between 10:00 pm – 7:00 am. Jets & CALFIRE operations are 94% between 7:00 am – 7:00 pm, only 6% between 7:00 pm – 10:00 pm, and 0% between 10:00 pm to 7:00 am. This is a significant factor in reducing the exposure to safety risks. In addition the proposed use could result in a reduction of daily exposure to risk compared to the previous approved use as a professional call center as the occupancies will occur irregularly for specific, short-term events, and represent a significant reduction in total occupancy.

Another relevant consideration is the guidance provided by the current edition of the Caltrans *Airport Land Use Compatibility Planning Handbook* (2011) which was released a month after the Nevada County ALUCP was adopted. The current edition of the Handbook indicates for locations equivalent to the ALUCP's Compatibility Zone D, that a multiplier of 4.0 between the average-acre intensity limit and the single-acre limit is reasonable. If this multiplier were to be applied to ALUCP Zone D, the single-acre intensity limit would be 800 people rather the 600 people limit set by the adopted ALUCP and the project would be consistent with this criterion.

Please let me know if you have any questions regarding this project.

Thank you,



Mike Woodman, Executive Director
Nevada County Airport Land Use Commission



EXHIBIT I

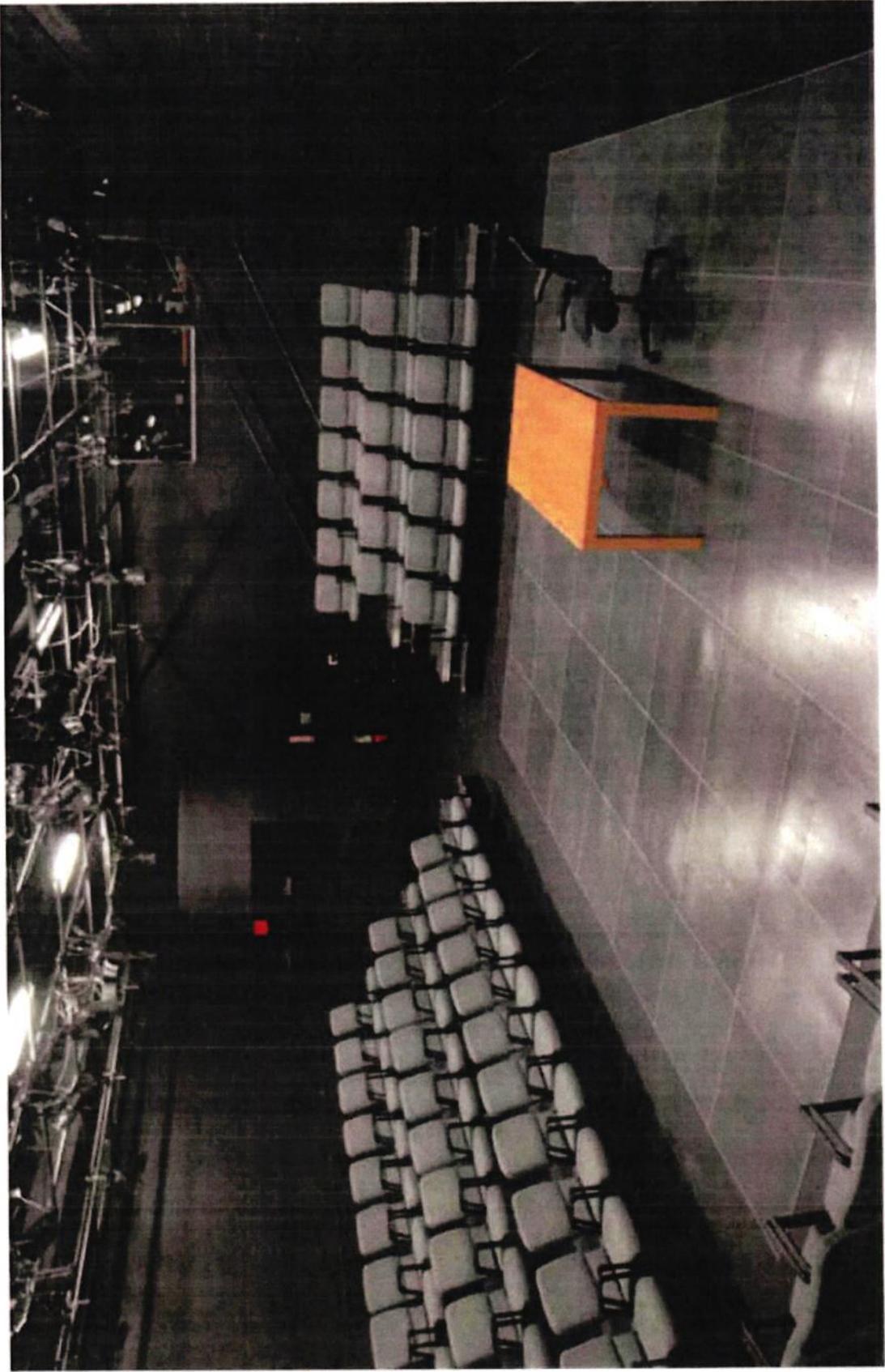


EXHIBIT J

**MITIGATION MONITORING
& REPORTING PLAN**

**INCONCERT SIERRA - WHISPERING PINES SPECIFIC
PLAN AMENDMENTS, USE PERMIT AND
DEVELOPMENT REVIEW PERMITS
(22PLN-18)**

City of Grass Valley

~~September 20, 2022~~

October 7, 2022

Prepared by:

City of Grass Valley
Community Development Department
125 E. Main Street
Grass Valley, CA

ATTACHMENT 3

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for the InConcert Sierra Project located at 125 Crown Point Court, Grass Valley, CA 95945.

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley City Council concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The City Council may direct that changes be made to the measures contained in this document prior to its adoption.

IN CONCERT SIERRA PROJECT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
XVI.	PARKING	<p><i>TRANS 1 – Mitigation Measure:</i> 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.</p>	2 & 4	CDD	OG		

Mitigation Phase Key: 1. Prior to approval of Improvement Plans/Grading Plans 2. Prior to Issuance of Grading/Building Permits 3. Prior to construction and site grading
 4. During construction 5. Prior to Occupancy 7. After construction
Responsible Person/Agency Key: CDD – City of Grass Valley Community Development Department; DEV – Developer; APP -- Applicant of individual project
Phase /Frequency of Monitoring and Reporting Key: OG -- Ongoing OT -- One-time (at each development proposal) MO -- Monthly QU -- Quarterly AN -- Annually

Findings and Conditions of Approval – InConcert Sierra Whispering Pines Specific Plan Amendments, Use Permit and Development Review Permits (22PLN-18)

FINDINGS:

In accordance with Section 5.5 of the Whispering Pines Specific Plan, the City Council is required to make the following specific findings before it approves an amendment to the Whispering Pines Specific Plan.

1. The City received a complete application for the Whispering Pines Specific Plan Amendment 22PLN-18.
2. The Community Development Department prepared an Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.
3. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study/Mitigated Negative Declaration prior to making its decision on the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.
4. The 2020 General Plan designates the project site as Business Park. The proposed uses are consistent with the General Plan or any applicable Specific Plan.
5. Changes in the community have occurred since the adoption of the Specific Plan warranting an amendment as requested.
6. The change will benefit the Whispering Pines Specific Plan area.
7. The change is in conformance with the adopted Whispering Pines Specific Plan.
8. The change will not adversely affect adjacent properties and can be properly serviced.
9. The physical constraints of the property are such that the Whispering Pines Specific Plan Amendment is warranted.
10. The project is consistent with the applicable sections and development standards in the Development Code.
11. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.

**Findings and Conditions of Approval – InConcert Sierra Whispering
Pines Specific Plan Amendments, Use Permit and Development
Review Permits (22PLN-18)**

12. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
13. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

A. GENERAL/DESIGN CONDITIONS OF APPROVAL:

1. The approval date for the Use and Development Review Permits is *October 25, 2022*. This project is approved for a period of one (1) year and shall expire on *October 25, 2023*, unless the project has been effectuated (i.e., a building permit has been issued) or the applicant requests a time extension that is approved pursuant to the Development Code.
2. The project shall be constructed in accordance with the Project Description on file with the Community Development Department (22PLN-18) approved by the City Council. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the City Council's Approval. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.
3. The applicant shall file a Notice of Determination (NOD), including payment of associated Fish and Game and County Recorder fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the NOD to the City.
4. Prior to construction, the applicant shall obtain building, plumbing, electrical and mechanical permits from the Community Development, Building Division.
5. The applicant shall obtain a tree removal permit from the Grass Valley Public Works Department.
6. 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. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

1. That prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency.
2. Placement of construction fencing around all trees designated to be preserved in the project shall be completed.

**Findings and Conditions of Approval – InConcert Sierra Whispering
Pines Specific Plan Amendments, Use Permit and Development
Review Permits (22PLN-18)**

3. The applicant shall submit a Dust Mitigation Plan for review and approval by City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
 - a. Persons responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner shall be shown on the improvement plans.
 - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and/or causing a public nuisance. Watering during summer months should occur at least twice daily, with complete coverage of disturbed areas.
 - c. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary to minimize dust emissions.
 - d. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
 - e. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - f. All inactive portions of the development site shall be covered, seeded, watered, or otherwise stabilized until a suitable cover is established.
 - g. All material transported off-site shall be either sufficiently watered or securely covered to prevent it being entrained in the air, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
 - h. Paved streets adjacent to the project shall be swept or wasted at the end of each day, or more frequently, if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the project site.
 - i. Prior to final occupancy, the applicant shall reestablish ground cover on the site through seeding and watering.
4. The contractor shall comply with all Occupational Safety & Health administration (OSHA) requirements.
5. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering, and building divisions.