



ATTACHMENTS



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

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

DATA SUMMARY:

Application Number: 22PLN-18
Subject: InConcert Sierra Whispering Pines Specific Plan Amendments, Use and Development Review Permits.
Location/APN: 125 Crown Point Court/009-700-063
Applicant: Monroe Lovelady, Twin Cities Concert Association
Zoning/General Plan: SP-1A Zone/Business Park
Entitlements: Whispering Pines Specific Plan Amendments, Use and Development Review Permits
Environmental Status: Initial Study/Mitigated Negative Declaration

RECOMMENDATION:

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

1. Adoption of 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 Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. Adoption of an Ordinance 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.

BACKGROUND:

Grass Valley Broadcasting Company formally occupied the building at 125 Crown Point Court. The property is currently in escrow with InConcert Sierra.

InConcert Sierra is a non-profit presenter and producer of Classical Music in Western Nevada County. Founded in 1946 as Twin Cities Concert Association, InConcert Sierra

presents up to 30 classical music events per year comprising regular season concerts, special concerts, educational programs, etc. The project aim is to provide additional venue space for various genres of music conventions, and conference facilities.

InConcert Sierra and Sierra Stages are both currently in service at different smaller venue facilities in Grass Valley and Nevada City located at: Seventh Day Adventist Church located at 12889 Osborne Road, Grass Valley, and the Nevada theater located in Downtown Nevada City at 401 Broad Street. Both existing entertainment businesses are proposed to take up space within an existing building site location at 125 Crown Point Court in the Whispering Pines Business Park thereby centralizing venues.

ICS will own and operate the building of approximately 41,600 square feet and expects to lease space for music and theatrical productions to other local and regional organizations.

Whispering Pines Specific Plan – The Whispering Pines Specific Plan was adopted in 1984. Within the specific plan area, the SP-1A Zone subarea totals 125 acres. The proposed long-range plan for this subarea is to develop as a Corporate District with a “campus” type character. Uses permitted in the SP-1A Zone include:

Permitted Land Use Categories	Examples
Administrative & Research	<ul style="list-style-type: none"> a. Research Testing b. Experimental Laboratory Facilities c. Division of Corporate Headquarters d. Instrument Design
Restricted Light Industrial	<ul style="list-style-type: none"> a. Semiconductor Manufacturer b. Products Assembly c. Printing and Publishing d. Finished Paper Products e. Photographic Processing
Warehouse/Showroom	<ul style="list-style-type: none"> a. Furniture b. Household Goods c. Commercial Goods of any nature
Employment Center Support	<ul style="list-style-type: none"> a. Restaurant b. Motel – Conference Center c. Automatic Branch Bank d. Gymnasium e. Caretaker Residence f. Day Care Facilities
Office/Professional	<ul style="list-style-type: none"> a. Attorneys b. Accountants c. Doctors d. Architects e. Real Estate Offices

PROJECT DESCRIPTION:

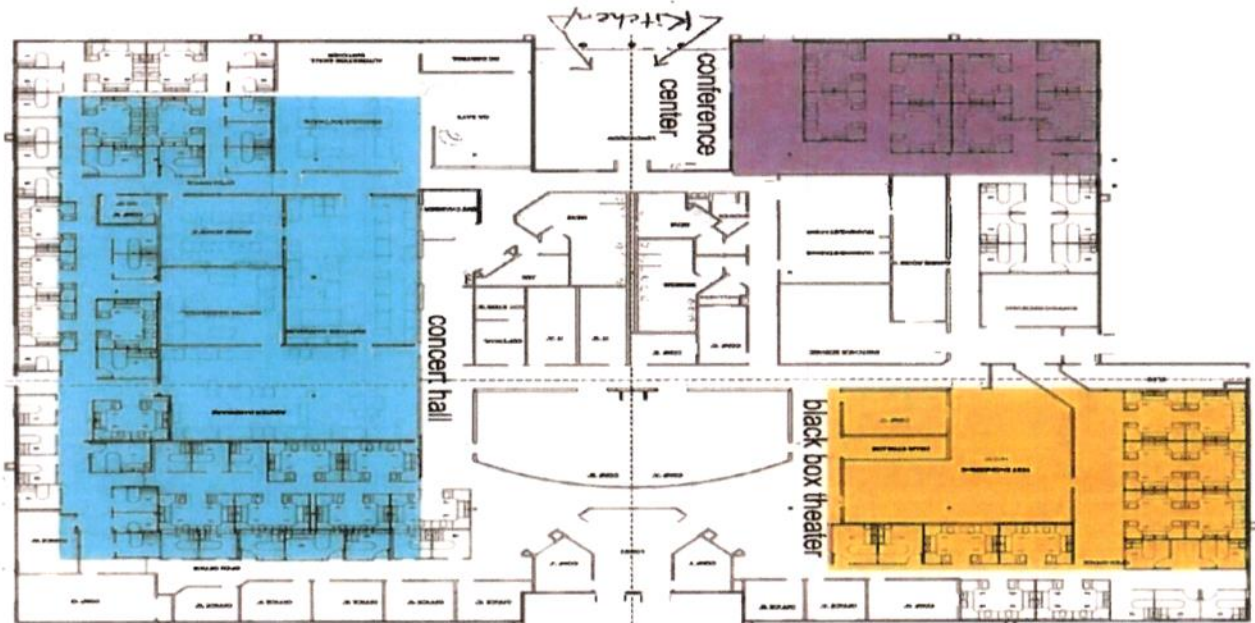
The project includes amendment of the Whispering Pines Specific Plan to allow public assembly concerts and associated uses within the Whispering Pines Specific Plan SP-1A Zone at the project site solely. The Project entitlements include a Text Amendment of the Whispering Pines Specific Plan, Amendment of the Whispering Pines Specific Plan Land

Use Map, Amendment of the Whispering Pines building standards, Use and Development Review Permits as outlined:

1. **Amendments of the Whispering Pines Specific Plan –**

- a. An Amendment of the Whispering Pines Specific Plan text is proposed to create a new Subarea – *SP-1A.1 – Public Assembly Uses*. The text amendment proposes to list Studio uses, such as art, dance, music uses, and theater, or performing arts uses as being permitted uses in the SP -1A.1 Zone with approval of a Use Permit.
 - b. An Amendment of the Whispering Pines Specific Plan Map is proposed with zoning reflecting the SP-1A.1 Public Assembly Uses Land Use Designation.
 - c. An Amendment of the Whispering Pines Specific Plan Building Standards for Building Height. Maximum building height in the Whispering Pines Specific Plan is 25 feet. The building height standards are proposed to be amended to permit 45 feet in height for the SP-1A.1. – *Public Assembly Uses*.
2. **Use Permit** – A Use Permit Application is required to allow studio uses and a performing arts center for InConcert Sierra in the SP-1A.1 Zone designation.
3. **Development Review Permit** – A Development Review Permit (i.e., Design Review) is required for the Architectural Building Design of the roof expansion for InConcert Sierra in the SP-1A.1 Zone designation.

Performances/Assembly Uses: Performances/Assembly Uses are proposed in three areas of the 41,600 square foot building as illustrated in **Exhibit F – Concert Hall (blue) Black Box (yellow) & Conference Center (lavender) Floor Plans:**



Concert Hall – The proposed 520-seat 9,500 square foot Concert Hall section of the building, identified in blue, will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of 670 persons. A concept is illustrated.



Black Box – The proposed 125 seat 2,500 square foot “Black Box” theater, identified in yellow, would provide a flexible configurable space for various theater and smaller musical performances. With a **stage state crew and** performance ensemble, maximum total occupancy would be 175 persons. A concept is illustrated.



Conference Center – The proposed 3,000 square foot Conference Center, identified in lavender, could be configured in a variety of ways, and including use of smaller conference rooms which could reach a maximum occupancy of 350 persons.

It is expected that on rare occasions, two of these usages could occur simultaneously, but all three uses would not occur simultaneously. **A full capacity Concert of 670 persons would preclude the use of other venues for separate events at the same time. Moreover, if two uses occur simultaneously, they will 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 is estimated to be 75.**

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

Days/Hours of Operation – Hours of operation vary depending on performances and conference schedules. Higher usage is expected on Saturday and Sunday afternoon and

evenings. Smaller-occupancy operations will periodically occur on weekday evenings. Occasional larger-occupancy operations will occur on weekends.

Conference Center usage hours will normally be 8:00 a.m. to 5:00 p.m. on scheduled weekdays.

“Black Box” theater usage will be scheduled evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsal, **performance meetings** and **indoor** stage set construction activities from 8:00 a.m. to 7:00 p.m. on weekdays and weekends.

Concert Hall usage will be scheduled Sundays 12:00 p.m. to 5:00 p.m. and scheduled weekend evenings 7:00 p.m. to 11:00 p.m. with periodic rehearsals and stage configuration activities from 8:00 a.m. to 11:00 p.m. on weekdays and weekends.

Building Height Modifications – The existing single floor building will have two areas with roof heights raised to accommodate performance acoustics: one area of approximately 9,500 square feet to a maximum of 45 feet in height, and one of approximately 2,500 square feet to a maximum of 35 feet in height (see existing and two-story buildings below).



Parking – The 41,600 square foot building is served by existing onsite parking spaces totaling 204 spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building area. No additional on-site parking spaces are planned. However, negotiated parking agreements with adjoining property owners are required to provide additional off-street parking in adjacent property parking lots during evening and weekend operations as required to accommodate larger attended events.

Food/Beverage – Concession drinks and other items will be available to audiences for scheduled performances. Catered food will be prepared in the existing kitchen and available for selected Conference Center activities.

Outdoor Uses – No outdoor uses are proposed with the project.

Noise – With all activities indoors and with significant interior sound insulation planned for the performance spaces, the only sound or noise impact from this project will be from automobile traffic to and from the site as well as conversational noise in the parking lot.

Access, Parking and Circulation – Access to the 41,600 square foot building is from Crown Point Court. Access consists of a dual ±20-foot-wide ingress/egress driveway in the center of the site accessing Crown Point Court. No improvement of the access is proposed.

Lighting – No additional lighting is proposed with the project. Existing lighting consists of parking lot lighting and building lighting.

Signage – A monument sign is located on the site at the corner of Crown Point Court and Crown Point Circle. Refacing of the sign is permitted with approval of a sign permit.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The project site is entirely developed with buildings, parking, and landscaping. The project area is mostly developed with business park uses consistent with the Whispering Pines Specific Plan SP-1A Zone designation.

The Nevada County Airport is located approximately 4,700 feet (as the crow flies) from the project site. The project site is in the Compatibility Zone D – Traffic Pattern Zone land use designation according to the Nevada County Airport Land Use Plan.

ENVIRONMENTAL DETERMINATION:

Based upon the Initial Study, Parking was identified as having potentially significant impacts requiring mitigation. Other resource categories were determined to be less than significant or have no impact based upon site and project specific impacts.

In accordance with CEQA Section 15097, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP identifies the mitigation measures that reduce potential project impacts to a less than significant level.

PUBLIC AND AGENCY COMMENTS:

Public notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was circulated for a 20-day public review period commencing on August 26, 2022, and ending close of business on September 14, 2022 (**Attachment 1 – Initial Study/Mitigated Negative Declaration**).

Comment letters on the project are in **Attachment 5 – Comments on Initial Study/Negative Declaration**. A Response to Comments is in **Attachment 6**.

GENERAL PLAN AND ZONING:

General Plan: The City of Grass Valley General Plan designation is Business Park. The Business Park designation replaced the Planned Employment designation introduced in the 1982 General Plan. Business Park is a category as one of the two mixed use designations. The intent of the BP designation is to accommodate a variety of employment-generating land uses in a master-planned, campus type setting, designed to preserve and enhance the natural environment and to fully integrate into the larger community.

The Whispering Pines Specific Plan extends this concept by designating the subarea for primarily high quality “corporate park” type developments. The goal is to establish a “campus-type atmosphere” with a “whispering pines” theme to be achieved throughout the subarea per the development standards.

Multiple 2020 General Plan policies, goals and objectives support economic development and preservation of existing neighborhoods. The policies, goals and objectives include but are not limited to:

- 7-LUG** Create a healthy economic base for the community, including increasing employment opportunities through attraction of new and compatible industry and commerce, and through retention, promotion, and expansion of existing businesses.
- 18-LUO** Creation and retention of wealth in Grass Valley.
- 19-LUO** Employment opportunities for present and future residents.
- 20-LUO** An expanding local tax base.
- 24-LUO** Creation of an economy conducive to quality growth and development.

Zoning Designation – The property is within the Whispering Pines Specific Plan SP-1A Zone. The intent and purpose of the SP-1A Zone is to establish a mixed land use category to promote business and research parks, large individual corporate establishments, professional and administrative office complexes, and selected commercial activities as the predominate land use.

ANALYSIS:

Staff offers the following for Planning Commission and City Council consideration:

Whispering Pines Specific Plan Amendments/Land Use Compatibility – 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.

InConcert Sierra plans to occupy the entirety of the 41,600 square foot building for public assembly entertainment uses. Uses include Studio Uses, such as art, dance, music uses, and theater, or performing arts uses. The uses constitute relatively large-scale indoor facilities for group entertainment. No outdoor uses are proposed with the project. The proposed uses could generate an estimated $\pm 1,050$ attendees/employees should two of the larger proposed uses occur simultaneously. Except for parking, as discussed and mitigated below, the building can accommodate the intended uses, with minimal impact to adjoining properties as outlined and concluded in the Initial Study/Mitigated Negative Declaration. That is, although the project would generate large assembly entertainment uses periodically, the predominate use of the building is anticipated to be less intense than the current office use. Accordingly, use compatibility should not be at issue pending compliance with the parking mitigation measure noted.

Days/Hours of Operation – InConcert Sierra assembly/entertainment uses are in the evenings when many of the Whispering Pines neighboring businesses are closed. Hours of operation vary depending on performances and conference schedules. Higher usage is expected on Saturday and Sunday afternoon and evenings. Smaller-occupancy operations will periodically occur on weekday evenings. Occasional larger-occupancy operations will occur on weekends.

Traffic – A Traffic Study has been prepared by Prism Engineering dated April 28, 2022, for the InConcert Sierra Project. The objective of the Traffic Study is to investigate and analyze the potential for Vehicle Miles Traveled (VMT) impacts relating to the proposed venue location change of two existing performing arts businesses located in the greater Grass Valley/Nevada City area. The analysis of the traffic study is the proposed specific new location for these two existing performing arts businesses known as InConcert Sierra, and Sierra Stages, which are both currently in service at different smaller venue facilities in Grass Valley and Nevada City.

What is unique about the Traffic Study is that for the most part, the InConcert Sierra and Sierra Stages business traffic is already extant on the roadways but are going to two different venue locations. This collaborative project of combining the venue locations will cause all business traffic to relocate to the new location proposed at 125 Crown Point Court. This will change existing travel patterns towards the proposed facility where all concerts will be hosted, theater performances will take place, as well as all contain onsite all office facilities relating to these performing arts businesses.

The conclusions of the Traffic Study noted that the project will have significantly less vehicles in motion on less days, resulting in a minor reduction in greenhouse gas emissions (and VMT) during a year, and even on a monthly basis.

Parking – The project site includes 204 parking spaces including 6 accessible ADA parking spaces resulting in a parking ratio of 1 parking space per 203 sq. ft. of building floor area. No additional on-site parking spaces are planned.

As noted in the project description, the proposed 520-seat 9,500 square foot Concert Hall section of the building will be utilized for acoustical (normally un-amplified) chamber, orchestral, choral, and theatrical performances. A sold-out orchestral performance with choir would result in a total occupancy of up to 670 persons.

The proposed 125 seat 2,500 square foot “Black Box” theater would provide a flexible configurable space for various theater and smaller musical performances. With a state crew performance ensemble, maximum total occupancy would be 175 persons.

The proposed 3,000 square foot Conference Center could be configured in a variety of ways, including use of smaller conference rooms which could reach a maximum occupancy of 350 persons.

Regular occupancy by employees of non-profit organizations for office space and building operations will not exceed 30 employees.

It is expected that on rare occasions, two of these uses could occur simultaneously, but all three uses would not occur simultaneously. ~~As such, if the Concert Hall and Conference Center were to be conducted at the same time, up to 1,050 persons could occupy the site.~~ **A full capacity Concert of 670 would preclude the use of other venues for separate events. 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 is estimated to be 75. 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. Even if a more conservative estimate of attendees doubled up for each vehicle, this would amount to 335 ($670/2=335$) 525 vehicles or 324 131 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. The lack of on-site parking may present a significant parking impact. However, the following mitigation measure would reduce this potential impacts to a less than significant level:

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 above parking mitigation measure will reduce any parking deficiencies with the proposed project.

ATTACHMENTS:

Attachment 1 – Initial Study/Mitigated Negative Declaration with the following Exhibits, Tables, Attachments and Figures:

Exhibits:

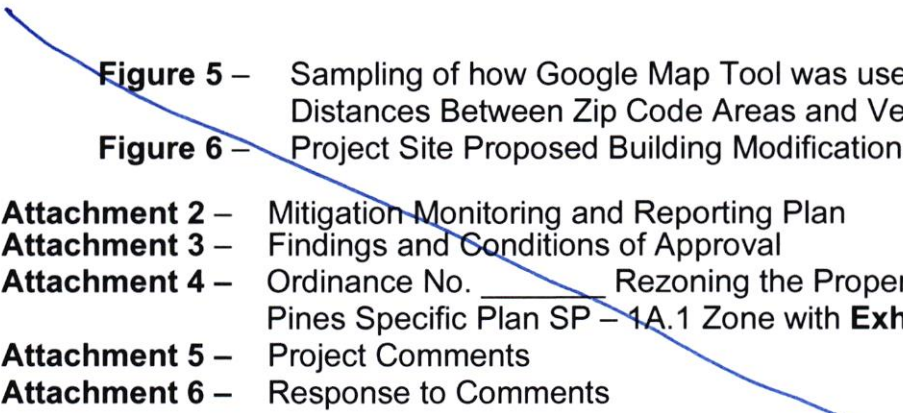
- Exhibit A –** Vicinity Map
- Exhibit B –** Aerial Photograph
- Exhibit C –** Site Plan
- Exhibit D –** Site Photographs
- Exhibit E –** Proposed Floor Plan
- Exhibit F –** Colored Concert Hall, Black Box and Conference Center Floor Plans
- Exhibit G –** Existing and Proposed Building Height Increase
- Exhibit H –** Nevada County Airport Land Use Commission Correspondence dated August 23, 2022
- 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

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- 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 2** – Mitigation Monitoring and Reporting Plan
 - Attachment 3** – Findings and Conditions of Approval
 - Attachment 4** – Ordinance No. _____ Rezoning the Properties to the Whispering Pines Specific Plan SP – 1A.1 Zone with **Exhibit A.**
 - Attachment 5** – Project Comments
 - Attachment 6** – Response to Comments