

RESOLUTION NO. R2022-78

A RESOLUTION OF THE CITY OF GRASS VALLEY ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE INCONCERT SIERRA PROJECT LOCATED AT 125 CROWN POINT COURT IN THE WHISPERING PINES SPECIFIC PLAN AREA (22PLN-18).

WHEREAS, the City Council considered the InConcert Sierra Whispering Pines Specific Plan Amendments, Use and Development Review Permits at noticed public hearing at its October 25, 2022, meeting (22PLN-18); and,

WHEREAS, the City Council has Re-zoned the property at 125 Crown Point Court through the adoption of Ordinance No. 820 to allow public assembly uses proposed by InConcert Sierra (22PLN-18); and,

WHEREAS, the City of Grass Valley, as lead agency, pursuant to the California Environmental Quality Act (CEQA), is acting as the public agency which has the principal responsibility for approving the Project; and,

WHEREAS, 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) for the project. Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment; and,

WHEREAS, pursuant to CEQA, a Notice of Intent to Adopt the MND was prepared and posted in the Union Newspaper; provided to interested, Responsible and Trustee agencies; all members of the public who had previously requested notification; and, posted at the City's Community Development Department, Nevada County Clerk-Recorder's Office, notifying all interested parties of the availability and 20-day public review period commencing on August 26, 2022 and ending on September 14, 2022; and,

WHEREAS, during the 20-day public and agency review, the City received comments on the IS/MND shown in **Attachment 6** and provided a Response to Comments as **Attachment 7** of the October 25, 2022, City Council Staff Report, and meeting for public, agency and City Council consideration; and,

WHEREAS, the IS/MND identified a potentially significant impact to the environment, including a specific impact to on-site parking, which can and will be avoided or mitigated to less than significant levels through adoption and implementation of the mitigation measure proposed as part of the Project through implementation of the Mitigation Monitoring and Reporting Plan (MMRP) incorporated herein as **Attachment 3** of the October 25, 2022, City Council Staff Report; and,

WHEREAS, the Planning Commission held a noticed public hearing and has independently reviewed, analyzed, and considered the Initial Study/Mitigated Negative Declaration at its September 20, 2022, meeting prior to making a recommendation to the City Council on the project; and,

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WHEREAS, based upon written and public testimony, the Planning Commission recommended that the Parking Mitigation Measure be replaced with equal or more effective measures pursuant to Section 15073.1 of the CEQA Guidelines; and,

WHEREAS, the new Mitigation Measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; and,

WHEREAS, the revised Initial Study need not be recirculated for public review in accordance with Section 15073.5 of the CEQA Guidelines considering the revisions of the Initial Study:

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.

WHEREAS, the City of Grass Valley has also considered whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area; and,

WHEREAS, On August 23, 2022, and October 13, 2022, Mike Woodman, Executive Director of the Nevada County Airport Land Use Commission has determined that the InConcert Sierra Project is consistent with the Nevada County Airport Land Use Compatibility Plan.

WHEREAS, the City Council held a noticed public hearing and has independently reviewed, analyzed, and considered the Initial Study/Mitigated Negative Declaration at its October 25, 2022, meeting. The Initial Study/Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.

WHEREAS, this City Council adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as the appropriate level of environmental review for the InConcert Sierra Project (22PLN-18); and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grass Valley as follows:

1. That the foregoing statements are true and correct;

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2. That the IS/MND and MMRP were prepared in accordance with all legal requirements of CEQA, including all public notice and comment period requirements;
3. That the City Council has considered the IS/MND, Response to Comments, and MMRP;
4. That the IS/MND identified all potentially significant impacts to the environment, including specific potentially significant impacts to on-site parking, which can and will be avoided or mitigated to less than significant levels through adoption and implementation of the mitigation measures proposed as part of the Project and through implementation of the MMRP;
5. That a public hearing was held by the City of Grass Valley City Council, in accordance with Section 15073.5 (c) and Section 15074.1 regarding recirculation and substitution of Mitigation Measures and that the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and that it will not cause any potentially significant effect on the environment.
6. That the IS/MND and MMRP reflect the City's independent judgement and analysis as lead agency in accordance with the CEQA and the CEQA Guidelines;
7. That there is no substantial evidence in the record that the Project, as mitigated, will have a significant effect on the environment;
8. The administrative record is located in the Office of the Community Development Department at 125 E Main Street, Grass Valley, CA 95945;

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PASSED AND ADOPTED this 25th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

APPROVED AS TO FORM:

Taylor Day, Deputy City Clerk

Michael Colantuono, City Attorney

PUBLISH DATE: _____