



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

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 22PLN-36
Subject: Use Permit to relocate the NEO Youth Center and reopen its programs in the Litton Building.
Location/ APN: 220 Litton Drive / APN 035-540-032
Applicant: Jennifer Singer
Zoning/General Plan: CBP (Corporate Business Park)/Business Park
Environmental Status: Exempt pursuant to Section 15061

RECOMMENDATION:

Staff recommends the Planning Commission approve Use Permit 22PLN-36 subject to the Findings and Conditions of Approval on pages 3 and 4 of this staff report.

BACKGROUND:

In 2015, the City approved a Minor Use Permit for NEO (New Events and Opportunities) to operate a youth drop-in center and allow theater, concert and performing art events four times per month. NEO was located at 139 Joerschke Drive. In 2020, NEO had to close its operations because of the COVID 19 pandemic. Since then, NEO has merged with Bright Futures for Youth and has provided limited services to the local youth. Attachment 2 includes additional background information on NEO.

PROJECT DESCRIPTION:

NEO proposes to reopen its afterschool youth programs within a 3,680 square foot area on the first floor of the Litton Building (see page 3 of Attachment 2). NEO offers a variety of programs which are described on page 2 of Attachment 2.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The Litton property and building sits on the top of the hill on Litton Drive. The property is fully developed with a four-story building, parking lot and small softball field. Other uses in the building include Northern Sierra Air Quality Management District, Center for the Arts offices, Bright Futures for Youth, a glass blowing business, misc. offices, and Litton Engineering and Lab. Surrounding land uses include business park and offices, and residential and open spaces to the south and west.

ENVIRONMENTAL DETERMINATION:

The basic purpose of the California Environmental Quality Act is to inform the decision makers of the potential significant environmental effects of a proposed activity or project.

A key factor in this determination is whether the activity will result in significant environmental damage. Staff has reviewed the proposed use and determined it is exempt from environmental review pursuant to Section 15061 b.3 of the California Environmental Quality Act (CEQA).

Section 15061 b.3 applies to activities covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Specifically, a project must result in a direct or indirect physical change on the environment. Since the proposed use takes place within a fully developed building and no exterior building improvements are occurring, the project meets this exemption. Staff believes the proposed use complies with all the criteria noted above and therefore is exempt from further environmental review.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Business Park, which is categorized as one of the two mixed-use designations in the General Plan. The intent of this designation is to accommodate a variety of employment-generating uses. The proposed use is not an employment generating use, but the implementing zoning designation allows these types of uses with a Use Permit. The analysis below demonstrates the proposed use is consistent with, and does not create any conflicts with, the General Plan.

Zoning:

The CBP zoning allows, with approval of a use permit, a range of mixed uses related to education and public assembly. This includes schools, meeting facilities, and indoor and outdoor recreational uses. Since no exterior changes or uses are proposed, the City's development standards in the CBP zone do not apply.

ANALYSIS:

Section 17.72.060 of the Development Code requires the Planning Commission to make specific findings before it approves a use permit. The following is a list of those findings followed by staff's response in italics:

1. The proposed use is consistent with the General Plan:
The intent of the Business Park land use designation is to promote employment opportunities and mixed uses. There are no General Plan policies related to this specific type of use, but there are several policies and vision statements which promote mixed-use development. Since the site is fully developed, most of the General Plan policies do not apply to this particular use.
2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code:
The proposed use requires a use permit in the CBP Zone. The proposed activities are similar to several of the uses allowed in the CBP Zone; specifically, schools, meeting facilities, and indoor recreational uses. Since the site is fully developed, the

Development Code has limited applicability. This building currently contains a broad range and mix of uses. Since the site is fully developed and no changes are proposed to exterior of the building, City staff believes the use complies with the Development Code.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity:
The proposed uses will take place indoors and are similar to some of the other uses in the building. This use would add to the mix of activities within the building and uses occurring in the vicinity. The property is also within walking distance from Nevada Union High School and Sierra College.
4. The site is physically suitable in terms of designs, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment and disposal, etc.), to ensure 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:
The site is fully developed, and there are large areas of open spaces around the building. The two AJA video buildings are located closest to the building and the proposed NEO uses would not interfere with that business. Staff notes that the City received no complaints about NEO's operations on Joerschke Drive when it operated from that location between 2015-2020. Since all the uses will be taking place indoors and the property is surrounded by large open space buffers and parking lots, the proposed use is not expected to be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood.

FINDINGS:

1. The City received a complete application for Use Permit Amendment 22PLN-36 on August 29, 2022.
2. The Grass Valley Planning Commission reviewed Use Permit application 22PLN-36 at its meeting on September 20, 2022.
3. The project is exempt from environmental review pursuant to Section 15061 b.3 of the California Environmental Quality Act (CEQA) Guidelines.
4. The proposed Use Permit is consistent with the Grass Valley General Plan.
5. The proposed Use Permit is consistent with the Grass Valley Development Code.

6. As conditioned, the Use Permit will not adversely affect the health or safety of persons residing or working in the neighborhood or the property and will not be materially detrimental to the public welfare or injurious to property or improvements of the environment in the neighborhood.

CONDITIONS OF APPROVAL:

1. The use shall operate in accordance with the application and as approved by the Grass Valley Planning Commission for Use Permit 22PLN-36.
2. 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.
3. If the approved use discontinues for a period of twelve (12) months or more, the permit shall expire and become null and void with no further action by the Planning Commission.

Attachments:

1. Location Map
2. Supplemental description of the history of NEO and proposed use, and floor plan