



**PLANNING COMMISSION
STAFF REPORT
April 15, 2025**

Prepared by: Lucy Rollins, Senior Planner

DATA SUMMARY

Application Number: 24PLN-45
Subject: Plan Revision to adopted CC&Rs
Location/APN: 1061 E Main St / APN 035-350-036
Applicant: Rene' Kronland, Presley Medical Association President
Zoning/General Plan: Neighborhood Center Flex (NC-Flex) / Commercial (C)
Entitlement: Plan Revision
Environmental Status: Common Sense Exemption

RECOMMENDATION:

1. That the Planning Commission approve the amendments to the Covenants, Conditions, and Restrictions (CC&Rs) for the Albert C. Presley Medical Center, or as modified at the public meeting, which includes the following actions:
 - a. Determine the project Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report;
 - b. Adopt Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
 - c. Approve the Plan Revision for the amendments to the CC&Rs in accordance with the Conditions of Approval, attached to the Staff Report.

BACKGROUND:

In 1984, a tentative map was approved for the 2-story, 8-unit office/retail condominium complex at the subject property. As a condition of approval, the applicant was required to submit the CC&Rs to the City for review and approval with the final map and before the issuance of the Certificate of Occupancy. Upon receipt of the CC&Rs, the City Attorney at the time, Dwight Moore, reviewed and accepted the proposed CC&Rs with the addition of following language to Section 8.4 (Amendments):

Any amendment to Articles 5, 6, and 7 of this Declaration shall be first approved by the Grass Valley City Planning Commission.

PROJECT PROPOSAL:

As required by the CC&Rs, the applicant submitted a request to the City for Planning Commission review to amend Section 7.1 (Condominium Uses) as follows:

No part of the project shall ever be used or caused, allowed or authorized to be use din any way, directly or indirectly, for any residential or other non-business purpose. Uses in the units shall be as permitted by applicable zoning laws and maintain a valid City of Grass Valley business license. from time to time. In addition to the limitations imposed by applicable zoning laws, the condominium units shall be used for professional offices, pharmacies, medical or dental laboratories, and other retail businesses related to the medical or dental field. Nothing herein, however, shall prevent the owners by a two-third majority vote from allowing other non-residential uses of the condominium units. No portion of the common area shall be used for business activity. No activity shall be allowed in the common area with interferes with the use and enjoyment of the common area by all owners.

The purpose of this request is to allow the center to permit tenants that are not necessarily medical offices but still comply with those uses allowed in the NC-Flex zone and in compliance with City requirements for business operation.

Further, the applicant proposes to amend the language required by the City Attorney in 1984 to establish the City of Grass Valley Community Development Director as the review authority rather than the Planning Commission, as follows:

Any amendment to Articles 5, 6, and 7 of this Declaration shall be first approved by ~~the Grass Valley City Planning Commission,~~ the City of Grass Valley Community Development Director, with the discretion to refer any amendment to the Planning Commission for hearing and decision.

The purpose of this request is to streamline the ability for the Presley Medical Association to amend and update their CC&Rs while still maintaining City oversight of conditions, covenants, or restrictions that are requirements of the original development proposal.

Regulatory Authority: CC&Rs are required for common areas or private streets for subdivisions, as outlined in Section 17.88.050(A) of the GVMC.

The current City Attorney, Michael Colantuono, has reviewed the proposal to amend the Section 8.4 language required in 1984 and finds designating the Community Development Director as the review authority acceptable, pending approval from the Planning Commission to make the change to the CC&Rs for future amendments.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Commercial (C). The Commercial designation is intended to encompass all types of retail commercial and commercial service establishments in any one of a variety of locations

Zoning: The primary intent of the NC-Flex zone is to work in combination with the Neighborhood Center (NC) zone to promote the vitality of corridors and centers within different neighborhoods. This zone intends to promote flexibility of use, allowing the market to determine ground floor character while establishing the built form in order to ensure

neighborhood compatibility. The nature of development within these zones will be informed by and will enhance the character of existing conditions within historic neighborhoods.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The site is built-out with an approximately 14,479 sq ft office building and associated parking and landscaping.

ENVIRONMENTAL DETERMINATION:

The proposed projects are exempt from CEQA under State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). This section states that an “activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” There is no possibility that the proposed amendment to the CC&Rs environment. All businesses that operate in the center will be required to comply with the allowed uses permitted in the NC-Flex zone. Further, the proposal would not result in any development and, therefore, would not disturb the physical environment. Any future development would be subject to review under Chapter 17.72 of the Grass Valley Municipal Code and CEQA. Therefore, no further environmental review is required.

FINDINGS:

1. The City received a complete application for Plan Revision Application 24PLN-45.
2. The Grass Valley Planning Commission reviewed Plan Revision Application 24PLN-45 at their meeting on April 15, 2025.
3. The Planning Commission reviewed the project in compliance with the California Environmental Quality Act and concluded that the project qualifies for Common Sense Exemptions in accordance with the California Environmental Quality Act and CEQA Guidelines Section 15601(b)(3).
4. The Grass Valley City Attorney has reviewed the project and accepted the changes to the language required by the City Attorney in 1984.
5. This project is consistent with City’s General Plan.
6. The project is consistent with the applicable sections and development standards in the Development Code.
7. The proposed amendments are allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
8. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

A. RECOMMENDED CONDITIONS:

1. The approval date for Planning Commission review of the proposed sign is _____, with an effective date of Thursday, _____, pursuant to Section 17.74.020 GVMC.
2. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

ATTACHMENTS:

1. Aerial Map
2. Vicinity Map
3. Universal Application
4. Amended CC&Rs
5. 1984 Tentative Map Conditions of Approval
6. 1984 City Attorney Letter
7. 2024 City Attorney Acceptance