



**PLANNING COMMISSION
STAFF REPORT
January 17, 2023**

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

DATA SUMMARY

Application Number: 22PLN-49
Subject: Use Permit for Dark Knight Auto Recovery Towing Business to establish an outdoor storage area of towed vehicles.
Location/APN: 12077 Highway 49/022-140-041
Applicant: Steele Jantz
Owner: Mario Reyes
Zoning/General Plan: Light Industrial (M-1)/Industrial
Environmental Status: Categorical Exemption

RECOMMENDATION:

Staff recommends the Planning Commission approve the Use Permit for Dark Knight Auto Recovery, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt Findings of Fact for approval of the Use Permit as presented in the Staff Report; and,
3. Approve the Use Permit in accordance with the Conditions of Approval, as presented in the Staff Report.

BACKGROUND:

The property was recently annexed into the City limits in 2022 with the Southern Sphere of Influence and Annexation Project.

The project site was the former site of Kilroy's Towing Service, which has since relocated to 800 East Main Street. The northern end of the project site is currently used for school bus storage. The remainder of the property is vacant, including the ±5,000 square foot building.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Use Permit to allow outdoor storage of towed vehicles in the Light Industrial (M-1) Zone. The towed vehicles range from vehicles that have mechanical problems, but are without body damage, to inoperable wrecked vehicles

considered “totaled”. The wrecked vehicles will be stored completely within the two black metal fenced areas south of the building as shown on the highlighted site plan in **Attachment 4**. The applicant plans to install landscaping around the perimeter of the fenced area with the use of Hedge of Bay Laurel and landscaping to provide screening. The towed vehicles will be stored on the property until such time as the owner claims the vehicle or the vehicle is disposed of through the lien process. The applicant anticipates that approximately twenty (20) to thirty (30) vehicles will be stored on the property at any given time. There will be no vehicle repairs or dismantling associated with the business. The applicant intends to implement a “no touch” protocol regarding oil and/or hazardous material by use of catch trays, mats, and absorbent.

The ±5,000 square foot building contains a six-bay warehouse, office, and apartment. The building will be used for additional inside storage and business operations. Other than landscaping, no other site improvements are proposed with the Use Permit application. The property is lit with motion sensor yard lights. Additionally, the property will contain 24/7 video surveillance.

One eight foot by three-foot wall sign is proposed on the front of the building.

Site Plan – The ±2.45-acre rectangular property is paved with parking adjoining the building and fronting La Barr Meadows Road.

Access – The property has access directly onto State Highway 49; however, K-rail has been installed to block access from Highway 49 given the amount and speed of traffic at the property location. The property also fronts on La Barr Meadows Road, which is used as the primary access.

Parking – There are sixteen perpendicular parking spaces surrounding the building. Additional parking is also provided fronting La Barr Meadows Road.

Lighting – Site lighting is located at the project entrance and on the building for security. The site lighting will be activated via motion sensor.

Outdoor Storage – There are five outdoor storage areas delineated with black metal fencing adjoining and south of the building. The applicant will be leasing the two outdoor storage areas adjoining the building to the south. The remaining two southern outdoor storage areas are vacant and will not be utilized by the applicant. A sixth outdoor storage area is located at the northern end of the lot currently used for the storage of school busses. According to the applicant, aside from their outdoor vehicle storage use, the owner of the property plans to continue to use the northern area for bus storage. This area may be considered legally non-conforming given the use existed upon annexation.

The outdoor storage areas are completely visible from public view of both State Highway 49 and La Barr Meadows Road. The applicant has indicated that Bay of Laurel Hedges and Landscaping will be planted around the perimeter of the outdoor storage areas. However, a Landscaping Plan has not been submitted with the application.

Drainage – The site drains from east to west onto State Highway 49. No additional improvements are proposed that will alter the drainage of the property.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The property is rectangular in shape, bordered by State Highway 49 and Lar Barr Meadows Road to the west and east respectively. The property is entirely paved with an existing ±5,000 square foot building located at the southern end of the property. Black metal fencing has been installed delineating six storage areas: one at the north end of the property and five south of the building. School busses are stored on the outdoor storage area at the north end of the parcel. The site is bordered by Rare Earth Landscaping to the south, Hanson Brothers to the east and State Highway 49 to the west and south.

ENVIRONMENTAL DETERMINATION:

The project qualifies for a Class 1, Categorical Exemption in accordance with Section 15301 of the CEQA Guidelines. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time the lead agency's determination. The types of "existing facilities" are not intended to be all-inclusive of the types of projects which might fall within Class I. The key consideration is whether the project involves negligible or no expansion of an existing use. The project qualifies for the above exemption and is therefore exempt from further environmental review.

GENERAL PLAN, ZONING AND DESIGN ANALYSIS:

General Plan: The Grass Valley 2020 General Plan identifies the site as Industrial. The Industrial designation is intended to accommodate a variety of industrial and service commercial uses.

Zoning: The property is within the Light Industrial (M-1) Zone. Typical uses in M-1 Zone are light manufacturing, automotive services, and warehousing/distribution uses. Outdoor storage of wrecked vehicles associated with automotive service uses requires approval of a Use Permit in the M-1 Zone.

ANALYSIS:

In accordance with Table 2 – 3 of the City's Development Code, Outdoor Storage in the M-1 and M-2 Zones requires approval of a Use Permit by the Planning Commission.

Generally, three issues are associated with outdoor vehicle and storage uses: Land Use Compatibility, Aesthetics and Disposal of Oils, Gases, etc.

Land Use Compatibility – The purpose of the Use Permit is to ensure that the use does not impinge or otherwise affect adjoining properties. Section 17.72.060 of the Development Code requires the Planning Commission to make specific findings before it approves a Use Permit. The Findings relate to consistency with the General Plan and that

the use is permitted on the premises and can be adequately conducted without negatively impacting adjoining properties.

The project site is in an area of both industrial and commercial uses. In this area of La Barr Meadows Road, industrial businesses consisting of Rare Earth Landscaping and Hansen Brothers rock/gravel/landscaping and equipment rentals. Kilroy's Towing occupied the property with outdoor storage for several years. The proposed use is compatible with adjoining commercial and industrial uses in the area provided proper screening of stored vehicles is achieved. With proper screening along La Barr Meadows Road and State Highway 49, outdoor storage will not negatively impact the adjoining commercial and industrial uses.

Aesthetics – The City's Development Code permits outdoor storage contingent upon screening of the property to address aesthetics. Specifically, screening may include continuous landscaped earth berms, stone or concrete masonry walls or chain link or black metal fencing with landscaping.

Around the perimeter of the outdoor storage areas, black metal fencing has been installed. In addition to the fencing, the applicant will be installing new landscaping along the perimeter of the fencing consisting of Hedge of Bay Laurel and landscaping. Condition of approval A-2 requires a landscape plan to be submitted to fully screen the outdoor stored vehicles as described in the project description. The landscaping shall consist of Hedge of Bay Laurel and other landscaping and shall be of a species that is fast growing to a minimum height of at least six feet.

All the towed vehicles will be located within the fenced and landscaped enclosure. Condition of Approval Number A-3 requires all inoperable and/or repaired vehicles to be located behind the two fenced areas south of the building.

Condition of Approval No A-4 requires that the approval is solely for the outdoor storage of towed vehicles. No repair, dismantling, wrecking, salvaging, or other similar activities shall occur on-site.

Disposal of Oils, Gas, etc. – The applicant intends to implement a “no touch” protocol regarding oil and/or hazardous material by use of catch trays, mats, and absorbent. Condition of Approval A-6 requires the applicant to obtain approval from Nevada County Environmental Health Department as required.

Given the scope of the project, Conditions of Approval relating to hours of operation, number of persons, etc. are not imposed. That is, the proposed use is not anticipated to have any negative impacts to the property or adjoining uses.

FINDINGS:

1. The City received a complete application for Use Permit Application 22PLN-49.

2. The Community Development Department reviewed the project in accordance with the California Environmental Quality Act and Guidelines and determined that the project qualifies for an Existing Facilities Class 1 Categorical Exemption.
3. The Class 1 Categorical Exemption reflects the City's independent judgement and analysis as lead agency in accordance with the CEQA and the CEQA Guidelines.
4. The City of Grass Valley Planning Commission reviewed the application at its regularly scheduled meeting on January 17, 2023.
5. The proposed use is consistent with the City's 2020 General Plan and any applicable specific plan.
6. The project is consistent with the applicable sections and development standards in the Development Code and Municipal Code.
7. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
8. The proposed use is allowed within the applicable zone with approval of a Use Permit and complies with all other applicable provisions of this Development Code and the Municipal Code.
9. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
10. The site is physically suitable in terms of design, 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.

A. CONDITIONS OF APPROVAL:

1. The approval date for this project is January 17, 2023. This project is approved for a period of one year and shall expire on January 17, 2024, unless the project has been effectuated (i.e., landscaping permit approved) or the applicant requests a time extension that is approved by the Grass Valley Planning Commission pursuant to the Development Code.
2. Prior to use of the outdoor storage area, the applicant shall install the proposed landscaping, consisting of a Hedge of Laurel and other landscaping along the perimeter of the outdoor storage area as described. The selected landscaping shall

be fast growing and six feet in height to the satisfaction of the Community Development Director.

3. All inoperable and/or towed vehicles shall be located behind the fence. No outdoor storage of equipment, vehicle parts, etc., will be permitted outside the fenced area.
4. The Use Permit is for the outdoor storage of vehicles only. No repair, or other similar activities shall occur on-site. Dismantling, wrecking, or salvaging of vehicles is prohibited in the M-1 Zone.
5. The use shall operate in accordance with the application and plans provided by the applicant and approved by the Grass Valley Planning Commission for Use Permit (22PLN-49). The Community Development Director may approve minor changes as determined appropriate. The Planning Commission must approve all changes deemed major in nature. Non-compliance with the Conditions of Approval may result in the revocation of Use Permit 22PLN-49 in accordance with Chapter 17.98.030 of the Development Code.
6. The applicant shall obtain the requisite permits from Nevada County Environmental Health Department for the disposal of oils, gases, etc. The applicant shall utilize catch trays, mats, and absorbent in accordance with environmental health standards.
7. The applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the Building Division prior to commencement of site and building improvements.
8. Prior to the installation of signage along La Barr Meadows Road, the applicant shall obtain approval of a sign permit from the Community Development Department.
9. If over 500 square feet of irrigated landscaping, the applicant shall conduct an irrigation audit pursuant to the requirements of the MWEL. This shall be conducted by a third-party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWEL requirements.
10. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering, and building divisions.
11. 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.

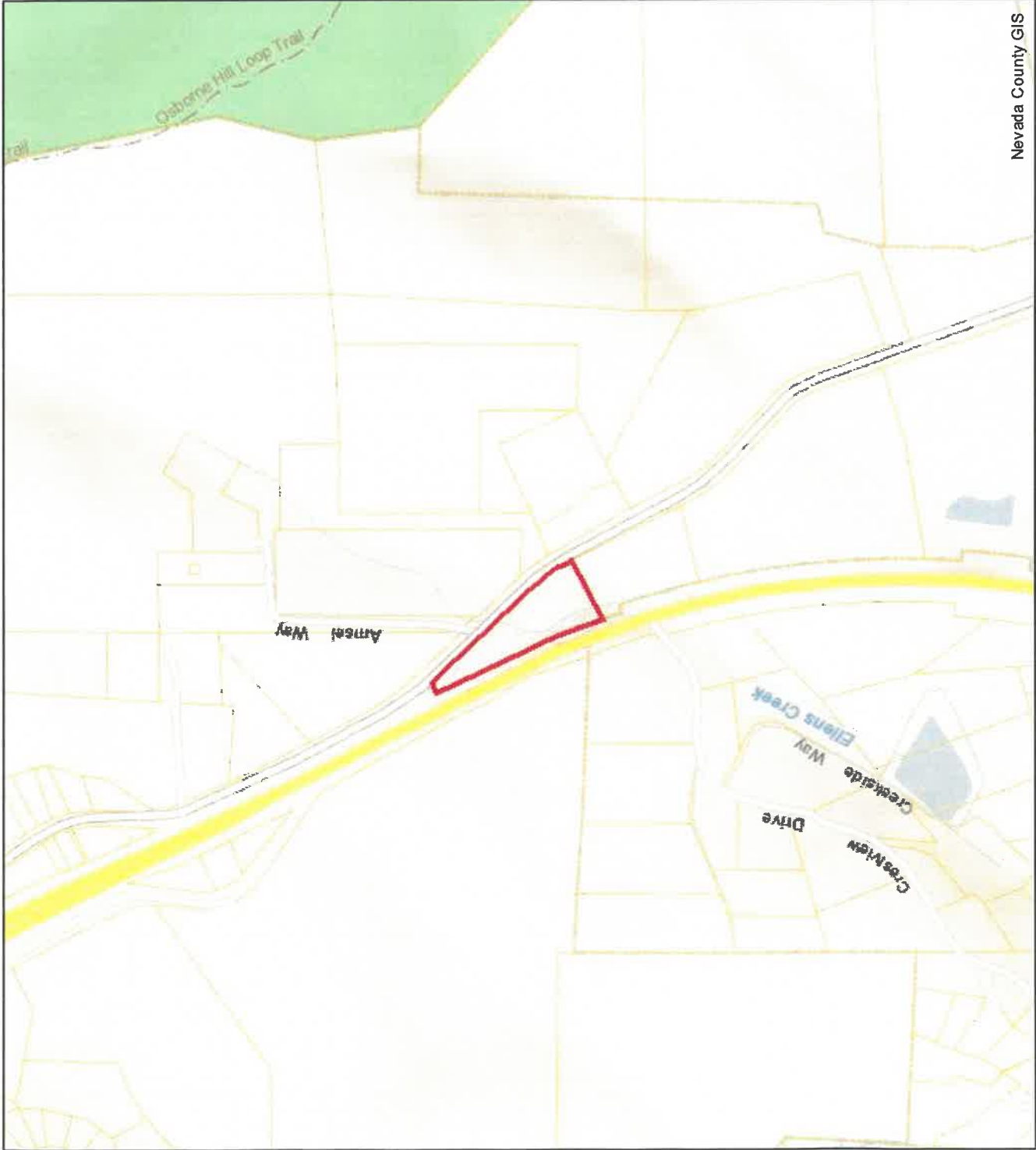
ATTACHMENTS

- Attachment 1** – Vicinity Map
- Attachment 2** – Aerial Photograph
- Attachment 3** – Site Photographs
- Attachment 4** – Site Plan



ATTACHMENTS

12077 Highway 49



Parcel APN: 022-140-041
12077 STATE HIGHWAY 49

Land Value: \$244,400.00
Improvement Value: \$230,600.00

Acreage: Unknown
Zoning: M-2 GVCTY

General Plan: GRV

Fire District: Grass Valley
Elementary Sch. Dist: Grass Valley

Water District:

Nevada Irrigation Dist: NID Water - Zone 5.0

Public Utility:

Park District:

Service Area: Solid Waste Grass Valley - Cse

Snow Load: 40 lbs/sqft

Wind Exposure: C

Climate Zone: 11

Elevation: 2,352 feet

Overview



ATTACHMENT 1

Scale: 1:9,028
0 0.075 0.15 0.2 0.3 mi
0 0.1 0.2 0.4 km

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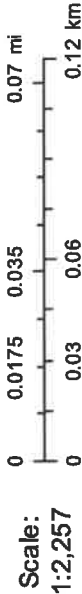
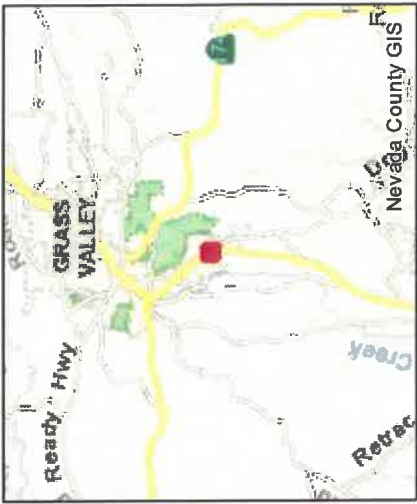
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ATTACHMENT 3