



**DEVELOPMENT REVIEW
COMMITTEE
STAFF REPORT
March 14, 2023**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY:

Application Number: 23PLN-06
Subject: Development Review to convert a temporary outdoor patio cover and seating area into a permanent structure within the parking lot of Maria's Restaurant
Location/APN: 226 East Main Street/008-350-030
Applicant/Owners: Maria Byers Ramos
Zoning/General Plan: Town Core/Commercial
Environmental Status: Categorical Exemption

RECOMMENDATION:

Staff recommends the Development Review Committee approve the project subject to the findings and conditions listed in this report.

BACKGROUND:

In 1993, Maria's Restaurant replaced the Humpty Dumpty Restaurant at 226 East Main Street. In 1999, the City approved a 1,017 sq. ft. expansion to the restaurant. This expansion required the payment of the City's in-lieu parking fee to address the parking shortage from the expansion. In 2008, the City approved a 1,593 sq. ft. expansion and a 858 sq. ft. patio. Additional parking spaces were provided as part of that expansion. In 2014, the City approved a 24-space parking lot on the adjacent parcel for Maria's Restaurant. The parking lot expansion resulted in 61 total parking spaces for the business. In 2020 and 2021, in response to the COVID 19 pandemic, the City allowed restaurants to convert portions of their parking lots into temporary outdoor seating areas. The applicant installed the patio cover and dining area in the parking lot at that time.

PROJECT DESCRIPTION:

The applicant requests approval to allow the temporary patio structure installed during the COVID 19 pandemic to be permanent. The proposal requires the removal of seven (7) parking spaces, leaving a total of 54 spaces. The Town Core Zoning requires 24 parking spaces for the existing business and proposed 1,090 sq. ft. patio area. The applicant also proposes to install a deck that would be flush with the existing curb to create a level access, and ADA accessibility, to the entire patio.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The property is fully developed with a restaurant and parking lot. Adjacent uses include commercial to the south and west, an apartment complex to the north, and residential homes to the east.

ENVIRONMENTAL DETERMINATION:

The project qualifies for a Class 15303 Categorical Exemption. This exemption consists of the new construction of small structures not exceeding 2,500 sq. ft. The proposed patio cover is 1,090 sq. ft. and therefore, meets this exemption.

GENERAL PLAN AND ZONING:

General Plan: The project area has a land use designation of Commercial according to the City of Grass Valley 2020 General Plan. The Commercial designation is a broad category intended to encompass all types of retail commercial and commercial service establishments.

Zoning: The property is within the Town Core (TC) Zone District. The TC Zone strengthens the mixed-use pedestrian-oriented nature of the existing historic downtown. This zone specifically allows restaurants.

ANALYSIS:

The existing patio is a brown color that complements the main building; however, it does block some of the main building's architectural features. As noted above, even with the removal of seven parking stalls, the parking exceeds the minimum required by the code. The applicant proposes to continue to plant seasonal flowers and shrubs along the perimeter of the patio area. As it pertains to the City's Community Design Guidelines, the property falls within the Downtown Residential Area. This subarea provides some guidance to have new buildings consider the surrounding and historic character of the area. As far as the guidelines for Commercial projects, the colors, and the roof and frame materials do incorporate several concepts supported in the guidelines. The DRC needs to determine if the patio complements the existing development or if detracts from the building and needs to incorporate additional features.

FINDINGS:

1. The City received a complete application for Development Review Application 23PLN-06.
2. The Community Development Department determined the project is Categorically Exempt as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA).
3. The Grass Valley Development Review Committee reviewed the application at its regularly scheduled meeting on March 14, 2023.

4. The project is consistent with the applicable sections and development standards in the Development Code.
5. The project, as conditioned and to the extent feasible, complies with the City of Grass Valley Community Design Guidelines.
6. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
7. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

A. GENERAL CONDITIONS:

1. The approval date for this project is July 12, 2022. The Development Review Permit is approved for a period of 1 year and shall expire on July 12, 2023, unless the project has been effectuated (i.e., building permit has been obtained) or the applicant requests a time extension that is approved by the Grass Valley Development Review Committee pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Development Review Committee for Development Review Permit 23PLN-06 unless changes are approved by the Development Review Committee prior to commencing such changes. Minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director. Major changes, as determined by the Community Development Director, shall be approved by the Development Review Committee.
3. Within 2 months of the approval date of this permit, the applicant shall obtain a building permit to convert the temporary patio into a permanent patio cover, including meeting all ADA access requirements into the new patio.
4. Within 4 months of the approval date of this permit, the applicant shall ensure that the permit has received a final inspection and approval from the City Building Official.
5. 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:

Site plan and photos