



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

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

DATA SUMMARY:

Application Number: 21PLN-58
Subject: Development Review and Use Permits for the redevelopment of the Mobil Gas Station and Gold Rush Car Wash properties including a $\pm 4,000$ sq ft fueling canopy, $\pm 3,200$ sq ft convenience store, $\pm 1,740$ sq ft restaurant with drive-through and $\pm 2,400$ sq ft express car wash drive-through.
Location/APNs: 1912 and 1924 Nevada City Highway/035-300-007 & 035-300-050
Applicant: Zaman Hamim, Boulevard Construction
Zoning/General Plan: Central Business (C-2) Zone/Commercial
Entitlements: Development Review & Use Permits
Environmental Status: Categorical Exemptions

RECOMMENDATION:

1. The Development Review Committee review and comment on the project and recommended Conditions of Approval and direct the applicant to revise the plans, based upon the DRC's comments, and bring back the project for further DRC consideration.
2. Alternatively, the Development Review Committee recommend that the Planning Commission approve the Mobil Gas Station redevelopment project as presented, or as modified by the Development Review Committee, which includes the following actions:
 - a. Determine the project Categorical Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 - b. Adoption of Findings of Fact for approval of the Mobil Gas Station Redevelopment Project as presented in the Staff Report; and,
 - c. Approval of the project in accordance with the Conditions of Approval as presented in the Staff Report.

BACKGROUND:

The Mobile Gas Station and adjoining Gold Country Car Wash properties consists of ± 1.29 acres. Existing improvements include a $\pm 3,600$ sq. ft. Mobil Gas Station, including a $\pm 3,600$

sq. ft. fueling canopy, ±2,400 sq. ft. self-serve car wash, ±900 sq. ft. detailing/window tinting shop, and ±100 sq. ft. El Taco Feliz mobile food vendor approved by Limited Term Permit. The two properties combined include ±11,600 sq. ft. of building improvements.

The property also accommodates parking and signage, including a 90-foot-tall pylon sign that is to be removed as part of the redevelopment of the properties.

Across the street on West Olympia Drive, the Olympia Park 76 room Hotel Project was approved with construction anticipated to start in May 2023.

PROJECT DESCRIPTION:

The applicant is requesting a Development Review and Use Permits for redevelopment of the Mobil Gas Station and Gold Rush Car Wash sites. Proposed improvements include the construction of a six pump ±4,000 square foot fueling canopy, ±3,200 sq ft convenience store, ±1,740 sq ft restaurant with drive-through, ±2,400 sq ft express car wash drive-through and ±440 square foot detailing/window tinting shop. Proposed building improvements total ±11,780 square feet.

Redevelopment of the site also includes the requisite parking and landscaping in accordance with City Development Code Standards.

The project plans include the following Development Review Permit (i.e., Design Review) details:

Site Plan – Redevelopment of the ±1.29-acre site includes the complete and/or partial demolition of the existing improvements and Lot Merger resulting in one ±1.29-acre parcel with the following improvements:

The ±4,940 square foot convenience store/restaurant building is located at the northwest center of the property ±22 and ±60 feet respectively from the side and rear property lines. The building is setback ±100 feet from the front property line along Nevada City Highway.

The fueling canopy is to be enlarged from ±3,600 to ±4,000 square feet with setbacks of ±45 and ±10 feet from the building and Nevada City Highway respectively.

The ±2,400 square foot express car wash is located ±20 and ±50 from the east and front property lines. The building is ±40 feet from the convenience store building.

The ±440 square foot detail shop/window tinting shop is in the rear of the property ±10 feet from West Olympia Drive and adjoining the drive-through.

Access, Parking & Circulation – The subject property is located at the junction of Nevada City Highway, Brunswick Road, and West Olympia Drive. The former are east/west and north/south arterials in the Brunswick Basin. The latter is a local street serving single family residential to the north.

Nevada City Highway is a four-lane roadway with two center left turn lanes within an approximate 100-foot right-of-way. The road includes curb, gutter and sidewalk on both sides of the street. The driveway on Nevada City Highway closest to the intersection will be removed. The three driveways on Nevada City Highway and West Olympia Drive will remain and be improved to City Commercial Driveway Standards. The driveways on Nevada City Highway also include decorative paving.

No new roadway improvements of Nevada City Highway are proposed along the property frontage. Improvements to West Olympia Drive are to be completed with the Olympia Park Hotel Project with construction to start tentatively in May 2023.

Parking – A total of 32 parking spaces, including two accessible and two clear air/van pool parking spaces are proposed. The parking space total includes 12 parking spaces at the fueling pumps. The parking space dimensions are 9 feet by 18 feet with drive isles and backing distances of 24 to 26 feet. The required parking calculations are as follows:

Building/Use	Standard	Parking Required
1,760 sq. ft. restaurant with drive-through	1 space per 60 feet of dining area with ±300 square feet of dining area proposed.	$300/60 = 5$
3,200 sq. ft. Convenience Store	1 space per 250 sq. ft. of floor area	$3200/250 = 12.8 = 13$
2,400 sq. ft. express car wash	4 spaces for each bay, plus spaces for office.	(1 bay +1 for office)=5 spaces
440 sq. ft. detail/window tinting shop	1 space for employee and 1 space for patron	2 spaces
Total:		25 spaces

A bike rack is located at the west end of the parking lot adjoining the drive-through.

Grading/Retaining Walls – The property slopes from front to rear with elevations differences of ±22 feet. Grades vary from 2,632 at the front of the property to 2,654 at the rear of the property. Except for the rear of the property adjoining the convenience store, the property is relatively flat, graded and paved. The rear foundation of the convenience store includes the existing ±3-foot CMU retaining wall to accommodate the grade differential from rear to front.

Landscaping – A landscaping plan is provided with the project plans (Sheet L1) showing the planted areas within the project site. A landscape planter 10-feet in width is proposed at the West Olympia Drive/Nevada City Highway intersection. The front planter is reduced to 5 feet in width adjoining the fueling canopy and widens at the driveway along Nevada

City Highway. In addition, a 5 – 6-foot planter is proposed along the east property line with a 9-foot planter along the rear of the property. The planter along West Olympia Drive varies in width from 9 to 25-feet and includes existing trees to be preserved.

The proposed landscaping consists of a combination of grasses/shrubs/perennials, shade, and ornamental trees (Pacific Sunset Maple, Incense Cedar, October Glory Rad Maple, Japanese Maple, Dwarf Yaupon Holly, Howard McMinn Vine Hill Manzanita, Fortnight Lily, Emerald Carpet Manzanita and Creeping Sage). Total landscaped area represents $\pm 8,131$ square feet or 14% of the ± 1.29 -acre site.

Architectural Design – The proposed $\pm 4,940$ square foot convenience store/restaurant consists of a single-story building with setbacks and heights consistent the Central Business (C-2) Zone. The proposed building design is similar to buildings in the area, with compatible materials and architectural features. Architectural design elements include, but are not limited to:

Convenience Store:

- Cement plaster walls;
- Heavy timber elements at the entryway with wood trellis elements at each end of the building;
- Two store front entryways with large windows on the front façade;
- Metal shed canopy roofs at either side of the entryway;
- Varying wall lines with Montana Dry Stack Stone panels on the south, east and west elevations;
- Trellis architectural elements on east and west facades;
- CMU wainscoting on the north, east and west elevations;
- Gable roof at entryway with parapet around perimeter;
- Seamless Metal roofing; and,
- Colors are Behr Native Soil, Red Chipotel and Antique Treasure.

Fueling Canopy:

- 4-foot fascia with hipped roof;
- 3-1 foot 8 inch posts wrapped with Montana Dry State Stone 12-feet in height; and,
- Colors are Chevron colors of high gloss blue and silver.

Drive-Through:

- Cement plaster walls;
- Heavy timber elements at entryway;
- Windows on second story fronting Nevada City Highway;
- Windows on lower and second story on east elevation;
- Windows and CMU wall with Montana Dry Stack Stone on corners;
- Seamless Metal roofing.
- Colors are Behr Native Soil, Red Chipotel and Antique Treasure.

Lighting – Lighting for the project site will be achieved by a combination of LED fixtures including area lighting fixtures and exterior wall pack fixtures on the building facades. Area and Parking Lot lighting is spaced throughout the site with light poles not exceeding ±15 feet in height. Exterior wall lighting fixtures are located at building entryways along the north and east elevations. All light fixtures will have light shields.

A photometric plan has also been prepared together with the building plans to show the type of fixture and foot-candle in accordance with City of Grass Valley Standards. The photometric plan is generally consistent with the City's Community Design Guidelines with respect to light intensity and spillover onto adjoining properties (See Sheet CE – 1.0).

Trash Enclosure – A trash enclosure is proposed at the west end of the site adjacent to the drive-through exit. The trash enclosure materials include CMU with metal gates. The colors will match the proposed building colors. Landscaping is proposed on all non-accessible sides.

Signage – The 90-foot pylon sign will be removed. The existing electronic monument sign is to be relocated, within the planter, further back from West Olympian Drive/Nevada City Highway intersection.

The wall signage consists of a small sign above the convenience store door. Additional Chevron signage is proposed on the fueling canopy fascia.

No drive-through signage is shown on the plans.

Drainage – The property drains from north to south with a proposed drainage inlet located at the southwest corner of the property. Drainage systems will be required to convey 24-hour storms events and mitigate any potential runoff increases as outlined in the City of Grass Valley Standards.

Fencing – A proposed 6-foot-high fence for screening of the residential property adjoining is the rear property line is proposed. An existing chain-link fence is located between the driveway and McDonald's Drive-through. This fence is proposed to be maintained without upgrade.

Utilities – A proposed propane tank is located at the corner of West Olympia Drive/Nevada City Highway.

Use Permit – A Use Permit is required for Vehicle Services, including car washes and facilities. The City's Development Code permits a Drive-through in the C-2 Zone contingent upon approval of a Use Permit by the Planning Commission subject to the Development Standards contained in Section 17.44.090 A – D and noted below.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The ±1.29-acre site is fully developed with a Mobile Gas Station, Self-serve car wash, car detailing/window tinting and mobile food vendor. Except for trees along West Olympia Drive and in the rear of the property, the entire site is developed with improvements. (**Attachment 3 – Site Photographs**).

ENVIRONMENTAL DETERMINATION:

The project qualifies for Class 2, Class 3, and Class 32 Categorical Exemptions. A Class 2 consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

A Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. Examples include: (c) A restaurant or similar structure not involving the use of significant amount of hazardous substances, and not exceeding 2,500 square feet in floor area.

A Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) the site is adequately served by all required utilities and public services.

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 Central Business (C-2) Zone District. The C-2 Zone implements the Commercial General Plan land use designation. Per Table 2-10, Drive-through facilities are permitted subject to the approval of a Use Permit subject to the design standards in Section 17.44.090.

ANALYSIS:

With the recent approval of the West Olympia 76-room Hotel Project at the opposing corner, the project properties constitute one of the last remaining properties in the area to

redevelop. Redevelopment of the project site consistent with the surrounding properties is greatly desired and a vast improvement over the current 1970's site plan and architectural design.

The project plans outline several development improvements consistent with the City's Community Design Guidelines and Development Code. However, staff recommends that further adjustment/upgrade to the project plans is necessary to assure that the site develops in accordance with the Community Design Guidelines and City Development Code.

To date, several iterations of the project plans have occurred with the project based upon staff's comments for completeness of the application. Comments reflecting these reviews have been incorporated into the project plans as requested. In this regard, staff requests the Development Review Committee provide further comment on the project and direct the applicant to make the recommended project modifications and bring back the project at a subsequent DRC meeting for further review. Alternatively, the DRC may recommend the Planning Commission approve the project as conditioned with the appropriate modifications as recommended by the DRC.

Site Plan – With an additional two fueling pumps, a convenience store with restaurant and two drive-throughs, it is staff's opinion that perhaps too many uses may be proposed on the ±1.29-acre site resulting in:

- Vehicle movements are constrained/tight;
- Turning radius for car wash drive-through is severe;
- Two drive-throughs on one ±1.29-acre site may be excessive;
- Parking and vehicle movement conflicts exist.
- Excessive pavement reduces the overall landscaping of the site.

Specific DRC considerations should include eliminating the drive-through for the restaurant and shifting the car wash building to the west so that the turning movements for the car wash are less severe. This would also allow more landscaping of the site with better vehicle movement throughout. In support of this consideration, findings for approval of the drive-through require that the Planning Commission conclude that:

“A drive-through facility shall only be permitted if the review authority first determines that the design and operation will avoid congestion...”

Considering the size of the parcel coupled with the proposed uses, it is staff's opinion, that removal of the restaurant drive-through may be needed to avoid site congestion and improve site functionality. Accordingly, Condition of Approval No. A – 3 requires that the proposed restaurant drive-through be removed from the project. In turn, the car wash building can be located further west to reduce the turning movements of the car wash drive-through. Moreover, the drive isle between the convenience store and car wash may

provide for two-way traffic. The site amendments shall be to the satisfaction of the City Engineer and Community Development Director.

Architectural Elevations – Condition of Approval A – 4 requires the following architectural elements shall be incorporated into the project plans:

- a. On the east and west elevations, the Montana Dry Stack Wall Panels shall be increased on height and terminate at the parapet;
- b. The trellises on the east elevation shall be centered between the panels;
- c. To break up the stucco on all elevations, vertical or horizontal Hardi-board siding shall be added to all elevations.

Landscaping – Landscape Planters of 10 and 6 feet are required at the front, sides, and rear of the property respectively. The review authority (i.e., Planning Commission) may reduce the planter width due to site constraints.

In accordance with Section 17.34.030 D1 of the City's landscape ordinance, a minimum of 10 percent of the parking lot shall be in landscaping. In addition, at a minimum, one shade tree shall be planted for every five parking spaces. The proposed landscape plan generally complies with the City's Landscape Regulations. Condition of Approval A – 5 requires the landscaping within the development shall be consistent with the landscaping plans submitted. The final landscape plans shall incorporate the following:

- a. An additional planter island shall be added to the southwest end of the parking lot, adjacent to the bike rack.
- b. The trees along the property frontage shall be a species that grows to a height and width so as not to interfere with the fueling canopy.
- c. The landscaping along the rear property line shall be a species and be spaced such that the landscaping fully shields the adjoining residential property.

Conditions of Approval I 3 & 4 requires the final landscaping to comply with the State's Model Water Efficiency Landscape Ordinance.

Trash Enclosure – A trash enclosure is proposed to be located at the west end of the site adjoining the drive-through exit. The trash enclosure details are contained on Sheet L – 1. The materials of the trash enclosure include split face CMU with metal doors. All non-accessible sides are landscaped. The trash enclosure colors will match the proposed building colors.

Lighting – Lighting fixtures consist of parking lot lighting and building wall lamps. Parking lot lighting consists of Madadam District Post Top Style Luminaire Poles ±15 feet in height. Condition of Approval A – 7 requires the height of the parking lot light fixtures shall not exceed 15 feet. Wall pack lighting appears more contemporary than approved with adjacent buildings. The building wall pack fixtures shall be exchanged for gooseneck or equivalent light fixtures. The final design of the light fixtures shall be complementary of the

building architecture to the satisfaction of the Community Development Director. The photometric plan shall be in accordance with Chapter 17.30.060 of the City's Development Code.

Signage – Condition of Approval A – 8 requires that concurrently with demolition of the site improvements, the 90-foot pylon sign shall be removed. The removal shall be completed prior to the issuance of a building permit for the project. The replaced monument sign to contain a veneer base consistent with the building and be up-lighted or back-lighted. The wall signage shall be externally illuminated with individual channel letters with total signage not to exceed 100 square feet for the project. Prior to the installation of the monument or building signage, the applicant shall obtain a sign permit from the Community Development Department.

Fencing – Condition of Approval A – 9 requires the chain-link fence along the eastern property line between the project site and McDonalds Drive-through to be replaced with black metal or similar type fencing. The fencing shall be consistent with the sight visibility triangle. The proposed fence along the rear property line shall be split face CMU or equivalent.

Utilities – Condition of Approval A – 12 requires the propane tank located at the junction of West Olympia Drive and Nevada City Highway shall be relocated away from public view. The final location shall be to the satisfaction of the Community Development Director.

Use Permit – The City's Development Code permits a Drive-through in the C-2 Zone contingent upon approval of a Use Permit approved by the Planning Commission subject to the Development Standards contained in Section 17.44.090 A – D and noted below.

- A. **Design Objectives.** A drive-through facility shall only be permitted if the review authority first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.

Compliance: Eliminating the restaurant drive-through allows the car wash to be relocated further west thereby reducing the turning movements of the car wash drive-through. The car wash drive-through design and operation are separated from the remaining retail uses and other vehicle barriers.

The two-lane drive-through has also been designed to allow stacking of an estimated 11 vehicles thus avoiding site congestion.

- B. **Limitation on Location.** The drive-through facility shall only be located along a building façade away from a street frontage.

Compliance: The drive-through is located on the east side of the property away from the street frontage of Nevada City Highway in compliance with the City's Design Standard.

C. **On-site circulation standards.** The drive-through facility shall be provided internal circulation and traffic control as follows:

1. **Aisle design.**

- a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
- b. The drive aisle shall be designed with a minimum of 10-foot interior radius at curves and a minimum 10-foot width.

Compliance: The drive-through ingress/egress is ± 300 feet from the corner of Nevada City Highway/Brunswick Road and 10 feet from the drive-through egress of McDonalds. However, the driveways are existing driveways to be reconstructed to City Standards.

Relocating the car wash further west will reduce the turning movements in compliance with the City's Development Code.

2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulations.

- a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive through window in addition to the vehicle received service.
- b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
- c. Separation of the stacking area from the other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
- d. Stacking areas adjacent and parallel to streets or public rights-of-ways shall be prohibited.

Compliance: The drive-through design more than meets the City's minimum car stacking requirements. The layout design of the drive-through is consistent with the above noted standards as shown on the project plans.

3. **Walkways.** An on-site pedestrian walkway shall not intersect a drive-through aisle.

Compliance: With elimination of the restaurant drive-through, no pedestrian walkways will intersect a drive-isle.

4. **Visual buffer.** The drive-through aisle shall be screened from the sidewalk or street with landscaping or walls and berms.

Compliance: The drive-throughs are designed so that the drive-isles are perpendicular to the street, thereby reducing the visual impact of car stacking areas.

- D. **Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.

Compliance: Condition of Approval No. A – 13 has been imposed to require signage for the drive-through.

ATTACHMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

Attachment 3 – Site Photographs

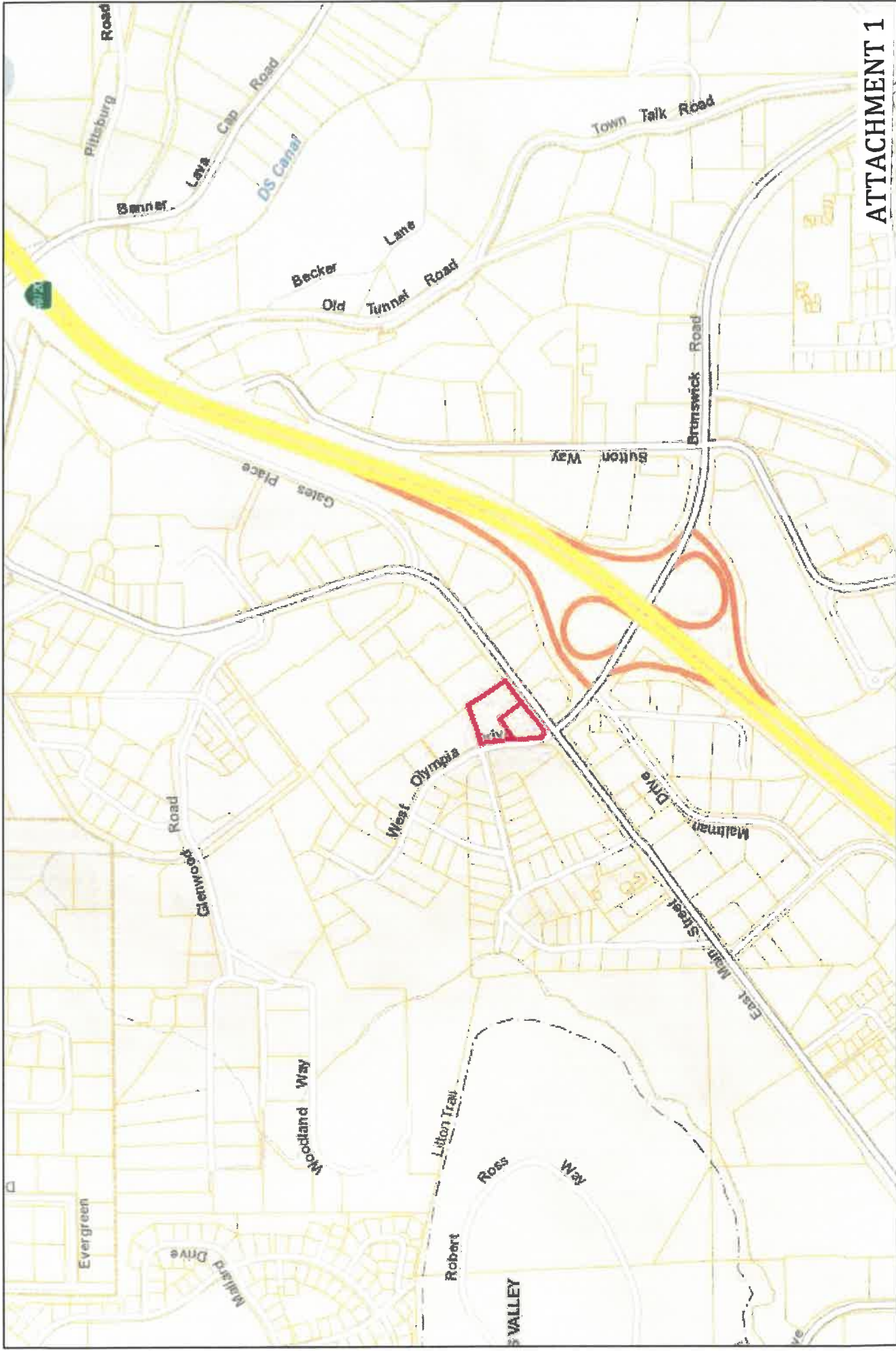
Attachment 4 – Findings and Conditions of Approval

Attachment 5 – Project Plans dated December 14, 2022



ATTACHMENTS

1912 & 1924 Nevada City Highway



ATTACHMENT 1

March 6, 2023

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1912 & 1924 Nevada City Highway



ATTACHMENT 2

March 6, 2023
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ATTACHMENT 3

**FINDINGS & CONDITIONS OF APPROVAL
MOBIL GAS STATION DEVELOPMENT REVIEW AND USE PERMIT
(21PLN-58)**

FINDINGS:

In accordance with Sections 17.81.060 and 17.72.030 and of the Development Code the Planning Commission is required to make specific findings before it approves a Development Review and Use Permits.

1. The City received a complete application for Development Review Application 21PLN-58.
2. The Community Development Department determined the project qualifies for Categorical Exemptions 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 Planning Commission has considered the recommendations of the Development Review Committee, including the determination that the project qualifies for Categorical Exemptions.
5. The project is consistent with the applicable sections and development standards in the Development Code.
6. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
7. The proposed use is 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. GENERAL CONDITIONS:

1. The approval date for this project is April 18, 2023. The Development Review and Use Permit are approved for a period of 1 year for the Design Review Permit and shall expire on April 18, 2024, 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 Planning Commission pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Planning Commission for Development Review Permit 21PLN-58 unless changes are approved by the Planning Commission prior to commencing such changes. Minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.

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Major changes, as determined by the Community Development Director, shall be approved by the Planning Commission.

3. The proposed restaurant drive-through shall be removed from the project. In turn, the car wash building shall be located further west to reduce the turning movements of the car wash. Moreover, the drive isle between the convenience store and car wash shall provide for two-way traffic. The site amendments shall be to the satisfaction of the City Engineer and Community Development Director.
4. The following architectural elements shall be incorporated into the project plans:
 - a. On the east and west elevations, the Montana Dry Stack Wall Panels shall be increased on height and terminate at the parapet;
 - b. The trellises on the east elevation shall be centered between the panels;
 - c. To break up the stucco on all elevations, vertical or horizontal Hardi-board siding shall be added to all elevations.
5. The landscaping within the development shall be consistent with the landscaping plans submitted. The final landscape plans shall incorporate the following:
 - a. An additional planter island shall be added to the southwest end of the parking lot, adjacent to the bike rack.
 - b. The trees along the property frontage shall be a species that grows to a height and width so as not to interfere with the fueling canopy.
 - c. The landscaping along the rear property line shall be a species and be spaced such that the landscaping fully shields the adjoining residential property.
6. The trash enclosure materials will consist of split face CMU with solid metal doors. Landscaping will be planted on all non-accessible sides. The colors will match the proposed building colors.
7. The height of the parking lot light fixtures shall not exceed 15 feet. The building wall pack fixtures shall be exchanged for gooseneck or equivalent light fixtures. The final design of the light fixtures shall be complementary of the building architecture to the satisfaction of the Community Development Director. The photometric plan shall be in accordance with Chapter 17.30.060 of the City's Development Code.
8. Concurrently with demolition of the site improvements, the 90-foot pylon sign shall be removed. The removal shall be completed prior to the issuance of a building permit for the project. The replaced monument sign to contain a veneer base consistent with the building and be up-lighted or back-lighted. The wall signage shall be externally illuminated with individual channel letters with total signage not to exceed 100 square feet for the project. Prior to the installation of the monument or building signage, the applicant shall obtain a sign permit from the Community Development Department.

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9. The chain-link fence along the eastern property line between the project site and McDonalds Drive-through shall be replaced with black metal or similar type fencing. The fencing shall be consistent with the sight visibility triangle. The proposed fence along the rear property line shall be split face CMU or equivalent.
10. All trash and storage areas, mechanical equipment, and all other building appurtenances (i.e. utility meters, electrical boxes, air conditioners, fire sprinkler backflow valves, etc.) shall be screened from public view and adjacent properties. Details shall be shown on the final construction and/or improvement plans. All screening materials shall be consistent with the main building materials and colors. Roof-mounted screens and vents shall be compatible with the final roof materials and colors.
11. Energy efficient LED lighting and high efficiency HVAC and appliances shall be used for the project.
12. The propane tank located at the junction of W Olympia Drive and Nevada City Highway shall be relocated away from public view. The final location shall be to the satisfaction of the Community Development Director.
13. Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.
14. Prior to construction, the applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the building division, in compliance with the California Codes.
15. The applicant shall pay all City impact fees prior to issuance of a grading and/or building permit or issuance of a Certificate of Occupancy, as applicable.
16. With five (5) days of approval of the project, the applicant shall record the Notice of Exemption (NOE) with the Nevada County Clerk/Recorder's Office.
17. 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.

B. PRIOR TO ISSUANCE OF GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. The existing driveway closest to the corner on Nevada City Highway shall be removed as shown on the drawings.
2. The two existing driveways shall be constructed to new commercial driveway

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standards per City Standard Detail ST-9.

3. All sidewalk fronting the property with cracks greater than ¼ inch in width and ½ or more in vertical displacement shall be replaced.
4. The construction of a curb ramp that will lead pedestrian traffic directly across Olympia Park Circle is required. The recently approved project for the West Olympia Hotel includes the installation of a curb ramp and sidewalk along the Brunswick frontage of the property. Therefore, the installation of a curb ramp on this corner will eliminate a gap in the pedestrian path of travel from the Fowler Center towards Dorsey on Brunswick.
5. The applicant shall submit to the City Engineer for review and approval, an improvements and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway/parking lot slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with City Improvement Standards.
6. The project plans shall include the following note:

All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot-tall mesh safety fencing in a bright color. The fencing shall be tied to six-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.
7. The applicant shall obtain a tree removal permit from the City of Grass Valley Public Works Department.
8. The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the building official, and the Engineering Division.

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9. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
 - a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height will require a Building Permit prior to being constructed.
 - b. Submit design calculations for the walls for review and acceptance.
 - c. If the proposed walls are to be constructed against a cut slope that cannot be graded back per the California Building Code, submit:
 - i. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
 - ii. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the City prior to any excavation on the site and that a qualified OSHA Approved Inspector or Professional Civil Engineer will:
 - a. be onsite during excavation for and construction of the retaining walls;
 - b. be onsite at least once a day during inclement weather; and
 - c. will submit daily reports to the City.
10. If over 1 acre of disturbed area) The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the Engineering Division.
11. The applicant shall submit to the City Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the City of Grass Valley Improvement Standards and Storm Drainage Master Plan & Criteria.
12. (If creates and/or replaces 5,000 sf. or more of impervious surfaces) Measures must be implemented for site design, source control, runoff reduction, storm water treatment and baseline hydro modification management measures per the City of Grass Valley Design Standards.
13. An Improvement Performance Security shall be submitted (if a subdivision improvement agreement is not in place). The amount of the security shall be for the sum of: 1) 100% of the cost of public improvements necessary to restore the public right of way back to existing conditions or the cost of the public improvements, whichever is less; 2) 10 % of the cost of erosion and sedimentation control necessary to stabilize the site; 3) 10% of the cost of tree replacement; and 4) 100% of the cost to address any features which could cause a hazard to the public or neighboring property owners if left in an incomplete state. The minimum security amount shall be \$500.00. The cost estimate shall be provided to the Engineering Division for

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review and approval as a part of plan submittal. All costs shall include a ten (10) percent contingency.

14. A detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by the deposit.
15. (if over 1 acre of disturbance) The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
 - a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
 - b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
 - c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
 - d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
 - e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
 - g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
 - h. No burning of waste material or vegetation shall take place on-site unless alternatives to burning are deemed infeasible by the District. Alternatives to burning include chipping, mulching or converting to biomass.
16. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e. NID), prior to receiving City Engineer approval.
17. Per the Development Code, the Grading Permit shall expire one (1) year from the effective date of the permit unless an extension is granted by the City Engineer (for up to 180 days).

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18. The applicant shall submit final landscape and irrigation plans, prepared by a licensed landscape architect, for review and approval by the Planning and Engineering Divisions. Landscaping design shall comply with all provisions of the City's Water Efficient Landscape Ordinance.

C. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS FOR THE PROJECT, THE DEVELOPER SHALL COMPLETE THE FOLLOWING:

1. That prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency(s).
2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify both the Community Development Department and Engineering Division of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Community Development and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.
3. Placement of construction fencing around all trees designated to be preserved in the project.
4. Submit for review and approval by the Fire Department, a Fire Safety Plan.
5. Submittal of two copies to the Engineering Division of the signed improvement/grading plans.

D. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

1. If prehistoric or historic-period archaeological resources or human remains are encountered during grading or excavation, work shall avoid altering the materials and their context until a qualified professional has evaluated, recorded and determined appropriate treatment of the resource, in consultation with the City. Project personnel shall not collect cultural resources. Cultural resources shall be recorded on DPR 523 historic resource recordation forms. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If human remains are discovered, mitigation shall be implemented in compliance with CEQA section 15064.5.
2. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Nevada County Environmental Health

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Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

3. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
4. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
5. Where trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the City's Standard Specifications.
6. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.
7. Construction and demolition waste recycling shall occur in accordance with Waste Management requirements.
8. For any public work, the contractor shall comply with all Department of Industrial relations (DIR) requirements including complying with prevailing wage requirements.

E. PRIOR TO RECORDING THE FINAL/PARCEL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. (If grading/improvements included) A Grading Permit, as described above, shall be issued by the City Engineer and all improvements described on the plans shall be completed or the applicant shall enter into an agreement with the City Engineer to complete the grading and public improvements. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his/her expense.
2. (if previously issued grading permit) All conditions of approval associated with the Grading Permit and Development Review Application for the project shall be completed or the applicant shall enter into an agreement with the City Engineer to complete the grading and public improvements.

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3. The applicant shall submit to the City Engineer for review and approval a Final/Parcel Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City's Subdivision Ordinance No. 180 N.S. and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
4. Prior to recordation of the final/parcel map, the subdivider shall provide to the Engineering Division an acceptable method, such as a property owners association, tenant agreement, and/or CC&R's to maintain the common areas. Common areas can include residential areas, landscape areas, ingress/egress accesses, monitoring wells, roadways and utilities, detention facilities and open space areas not accepted by the City. Documentation may be reviewed by the Community Development Director (for non-residential), City Engineer and City Attorney (if determined necessary). CC&R's must include a statement that they cannot be modified without the approval of the City of Grass Valley.
5. If the applicant desires to record the Final Map prior to completion of the grading and improvements as shown on the approved grading and improvement plans, the applicant shall enter into an agreement to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of all of the improvements, in accordance with the City's Development Code and the California Subdivision Map Act. The applicant must supply the City with a cost estimate, prepared by a licensed Civil Engineer, for all improvements shown on the grading/improvement plans. The cost estimate must be approved by the Engineering Division. The City will then prepare an agreement which will require City Council approval and will be required to be recorded prior to Final Map approval.
6. (if no homeowners association) The Applicant shall sign and record a covenant and agreement to ensure that the onsite detention facilities will be maintained by the property owner(s).

F. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND/OR EXONERATION OF BONDS, OR OTHER FORM OF SECURITY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. A Warranty and Guarantee security guaranteeing the public improvements for a period of one year shall be provided in the amount of 10% of the total improvement costs.
2. The applicant shall offer to dedicate to the City for public use, all the public streets right-of-way or easements necessary to install, maintain, and re-install all public improvements described on the improvements and grading plans. All offers of dedication must be recorded and a copy provided to the Engineering Division.
3. (If not addressed above) An acceptable method, such as a tenant agreement and/or CC&R's, must be provided to maintain the common areas, roadways, utilities,

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detention facilities and the open space. The developer shall provide the appropriate documentation for review by the Community Development Director and City Engineer (and City Attorney if determined necessary by the Community Development Director and/or City Engineer). CC&R's must include a statement that they cannot be modified without the approval of the City of Grass Valley.

4. (if no subdivision) The Applicant shall sign and record a covenant and agreement to ensure that the onsite storm water facilities will be maintained by the property owner(s).
5. "As-built" plans, signed by the Engineer of Record, must be submitted to the Engineering Division on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.
6. A final report prepared by the soils engineer, in accordance with the California Building Code, must be submitted to the Engineering Division.
7. The grading contractor shall submit a statement of conformance to the as-built plans and specifications. Statement must meet intent of the California Building Code. An example follows:

"As the grading contractor, I confirm that all improvements were constructed as shown on these improvement plans." Include the signature, company, and date.

G. ENVIRONMENTAL HEALTH:

1. The applicant shall submit plans and obtain approval from the Certified Unified Program Agency (CUPA) for proposed modifications to the permitted underground storage tank (UST) system (piping and dispenser layout etc.).
2. The applicant shall submit plans and obtain approval from the Consumer Protection Division of Environmental Health for the proposed construction of the convenience store and restaurant.
3. The applicant and/or facility operator must adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500-25519 and 25100-25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). The applicant and/or facility operator must apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA). The applicant and/or facility operator shall secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations.

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4. Demolition permits shall be obtained from the City of Grass Valley and all lead and/or asbestos requirements shall be adhered to.
5. Wastewater generated from the food facility and car wash shall be disposed of to the public sewer unless otherwise authorized by the California Regional Water Quality Control Board.

H. NEVADA IRRIGATION DISTRICT:

1. A Water Demand Analysis is required to be approved by NID to form that existing meters are adequate for proposed uses. If upsizing is required, applicant shall be responsible for any and all fees associated with upsizing the meter.
2. Appropriate backflow prevention will be required on any and all connections to NID's system, at applicant's expense.
3. Applicant should include exiting PUE's and utility easements on site plans.
4. Applicant is required to provide new easements, acceptable to NID, adequate to cover any proposed NID facilities not located within an existing right-of-way.
5. NID recommends the applicant request a Fire Flow letter from NID.
6. If a Private fire Service is requested, NID requires improvement plans to be submitted for approval.

I. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

1. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering and building divisions.
2. The applicant's landscape architect shall submit a letter specifying that the landscaping and irrigation has been installed in accordance with the approved landscape plans.
3. Prior to opening of the parking lot and issuance of a certificate of occupancy, the applicant's landscape architect or landscape contractor shall submit to the City for approval the "certificate of completion" form as required by MWEL0.
4. Prior to opening of the parking lot and issuance of a certificate of occupancy, the applicant shall conduct an irrigation audit pursuant to the requirements of the MWEL0. 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 MWEL0 requirements.