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DATA SUMMARY:

Application Number: 23PLN-41
Subject: Development Review Permit for the construction of a ±4,300 square foot retail paint store for Sherwin-Williams on a ± 1.5 acre parcel (after pending lot line adjustment) on Nevada City Highway (next to Lumberjacks Restaurant)
Owner: Matt McWhirter (representative)
Applicant: McWhirter Realty Partners
Zoning/General Plan: Central Business (C-2) Zone/Commercial
Entitlements: Development Review Permit

RECOMMENDATION:

1. That the Planning Commission approve the Development Review Permit for the ±4,300 square foot retail paint store as presented, as may be modified at the public meeting, which includes the following actions:
 - a. A recommendation that the Development Review project is Categorically Exempt pursuant to Section 15332, Class 32 (In-fill) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report; and
 - b. Adopt Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
 - c. Approve the Development Review Permit for the ±4,300 square foot retail paint store on a ±1.5 acre site as presented in accordance with the Conditions of Approval, attached to the Staff Report.

BACKGROUND:

Staff received an initial application in November 2023 and took it to DRC at their January 23rd and February 13th meetings. The applicant is proposing a ±4,300 square foot retail paint store. The site is pending a lot line adjustment that will result in a minimum of 1.5 acres to accommodate the paint store. The store itself will be situated on a portion of the resulting parcel that is zoned Central Business District (C2), while ancillary uses such as parking, secondary access, and trash storage will be situated on a portion zoned for Commercial Business Park (CBP). The DRC approved the project as conditioned, with a suggestion that more vibrant paint colors or accents may be appropriate for the retail paint use, and added a condition to provide landscaping for the area that is included with the lot line adjustment.

PROJECT DESCRIPTION:

Development Review Permit This is a Development Review for a Sherman Williams retail paint store at a vacant lot on Nevada City Highway, with secondary access off Gates Place, and a Lot Line Adjustment between APNs 035-600-007 and 035-600-004 to accommodate parking and secondary access. The retail building will be 4,365 sq ft and will have primary access from an existing easement located on 2075 Nevada City Highway (Lumberjacks Restaurant).

Site Plan & Setbacks – The one-story, 24-foot tall retail paint store is proposed to be located approximately 75 feet from Nevada City Highway, which is consistent with the setbacks of buildings on either side of the property. There are no applicable front or side yard setbacks for the commercial property, and the rear of the building is consistent with the 12-foot minimum setback required where loading is proposed, provided the lot line adjustment is completed. Condition requires that the lot line adjustment shall be recorded prior to construction of the building. As proposed the project complies with the City's setback requirements.

Access & Circulation – Primary access will be to the property is proposed through a 25-foot wide shared access easement located on 2075 Nevada City Highway, where Lumberjack's restaurant is located. A secondary access will come off of Gate's place with a 24-foot wide driveway. at two locations at the north end and at the south end of the resulting lot, both providing two-way access to/from Plaza Drive. All the internal drive aisles are a minimum of 25-feet wide, which provide two-way traffic.

Parking – A total of 18 on-site parking spaces are provided, including 1 ADA accessible parking space. The standard parking spaces meet the minimum dimensions of 9 feet by 18 feet with minimum backing distances of 25 feet in compliance with City Parking Standards. Table 3-3 of the City's Development Code requires 1 space for every 250 square feet of retail floor area, which works out to 17.46 spaces for the proposed use. Therefore, the development is in compliance with city parking standards.

Landscaping – Landscaping is provided around the perimeter of the proposed building, as well as the parking lot perimeter consistent with requirements proposed development area. 8 shade trees are proposed in compliance with a minimum of one shade tree for every five parking spaces. Total landscaped area of the development is 12,192 square feet or approximately 30% of the total site. The C-2 zone has no limit for site coverage other than what is required to meet landscaping standards.

Building Design –The building has similar architectural design and material elements as other buildings in the Brunswick Basin, including:

- Siding:
 - Dryvit siding (synthetic stucco)
 - Fiber-cement, horizontal channel siding
 - Stack-stoned veneer
- Roofing:
 - Flat, parapet roof with gable peaks

- Windows and doors to be covered with standing seam metal shed rooves; front entrance to be covered with a flat awning
- Building lighting will primarily feature gooseneck lighting



Proposed Sherwin-Williams Paint Store rendering

Trash Enclosure – A trash enclosure is located northeast of the proposed building within the rear parking area. The materials of the trash enclosure includes a 6-foot high, CMU enclosure with steel gates.

Lighting - Lighting proposed for the project site includes 20-foot parking lot pole lighting, and gooseneck wall fixtures at 10-foot heights on the building. Section 17.30.060 of the City Municipal Code provides standards for outdoor lighting. Subsection A states that a fixture shall not exceed fourteen feet, though the development review committee can allow fixtures to reach up to twenty feet in height where it determines the additional height will comply with all other standards (see finding 8). It should be noted that lighting across the street at the Fowler Center appears to exceed the 20-foot height limit. All lighting fixtures contain shields to direct lighting downward.

Grading and Drainage – The site slopes north to south at a slope of approximately 5%. Earthwork will involve the export of 3,862 c.y. of material which will be stockpiled onsite. The excavation will accommodate the building pad, parking area so that it aligns with the existing grade of the driveway easement on the adjacent property. Existing site drainage sheet flows across the parcel into two earthen ditches. Proposed drainage is collected into three separate water quality and attenuation facilities before discharging into either the 36" (East) or 24" (south) bypass piping and into existing culverts. Onsite drainage is collected in downspouts and gutters and directed into treatment areas. Water quality is provided using underground chambers, and a bio retention pond.

Tree Removal– According to the site plan, a total of three cottonwood trees, each with a diameter of 12 inches will be removed to accommodate the development. A couple of smaller trees will also be removed but are small enough that a permit is not required. All are located along the northern boundary of the site where a manmade drainage connects to a city inlet. The tree removal will accommodate a V-ditch and retaining wall along that northern boundary. Eight pine trees will

be removed to accommodate the frontage improvements along Gates Place as required by the Engineering Department. A tree removal permit will be required pursuant to the city's tree preservation ordinance, Chapter 12.36.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The subject parcels are currently vacant, located within a developed area of Nevada County and are adjacent to/nested within fragmented mixed conifer forest and annual grassland habitat. Directly north, south, east, and west of the subject parcels contain commercial and residential development, with larger, partially developed parcels and a more rural setting to the east of the subject parcels on the east side of SR 49/20. Nevada City Highway is located adjacent to the west along with the Fowler Center across the highway. Lumberjack's and the Honda Motorcycle dealership are located adjacent to the proposed Sherwin Williams site. Both Gates Place and SR 49 are located immediately along the southeastern and western borders of the subject parcels. A mixed conifer forest habitat, or Ponderosa pine-incense cedar Alliance comprises the forested vegetation community throughout the Project area. Non-native annual grassland species occur as the dominant habitat type within the open sections of the Project area. However, the drainage along the northern border of the Sherwin Williams site does contain some riparian and wetland associated species (willows and small area of cattails). Along the frontage of the site along Nevada City Highway the drainage is dominated by invasive, non-native Himalayan blackberry shrubs.

GENERAL PLAN AND ZONING:

General Plan - The project area has a land use designation of Commercial along Nevada City Highway and Business Park along Gates Place 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. The Business Park

Zoning - The portion of the property to be developed with the building is within the Central Business (C-2) Zone, whereby a variety of retail uses are permitted subject to Development Review Permit approval. Ancillary uses such as parking, trash storage, and the secondary driveway are located on the portion of the property zoned Commercial Business Park.

ENVIRONMENTAL DETERMINATION:

Pursuant to CEQA an Initial Study is required to be prepared in the absence of an applicable exemption pursuant to CEQA Guidelines. In this case, the retail paint store development on a 0.92 acre is consistent with Categorical Exemption Class 32, which consists of projects characterized by in-fill development meeting the conditions described in this section (city consistency response in italics):

(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.

General retail use is a permitted use in the C-2 zoning designation and is consistent with the Commercial General Plan designation defined in the City of Grass Valley 2020 General Plan as serving a wide variety of service commercial establishments. The store itself is entirely on the C-2 zoned portion of the property, and ancillary uses are located on the CBP portion of the property.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The retail development is proposed on a project site of approximately 1.5 acres. Surrounding uses include the Lumberjacks restaurant to the south, the Honda motorcycle dealership to the north, and the Fowler shopping center to the west. A vacant property to the east, the boundary of which will be adjusted to accommodate the proposed site, is bounded by State Highway 20/49.

(c) The project site has no value as habitat for endangered, rare or threatened species.

A Biological Resource Assessment, dated November 2023, was prepared by Greg Matuzak, Principle Biologist at Greg Matuzak Environmental Consulting LLC. The Assessment indicates that Special-status species were considered in the preparation of the Biological Resource Assessment and is based on a current review of the California Natural Diversity Data Base (CNDDDB) and database information provided by the United States Fish and Wildlife Service for the subject parcel. The database searches revealed seven (7) species, and the biologist provides an analysis of twelve (12) species which have at least a low potential for occurring based on habitat type and previous documentation: Brandegee's clarkia, Sierra foothills brodiaea, Scadden Flat checkerbloom, Stebbins' morning-glory, Pine Hill Flannelbush, finger rush, dubious pea, brownish beaked-rush, coast horned lizard, Townsend's big-eared bat, yellow-breasted chat, and California black rail. However, none of the species were observed during field surveys and Matuzak further concluded that the subject site offers only marginal habitat or no suitable habitat and therefore the development would have no impact for each of these species. Additionally, there is no federally mapped Designated Critical Habitat (DCH) within the project area.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic:

Level of Service (LOS): The retail paint store use is anticipated to generate fewer vehicle trips than the City's threshold of 63 PM peak hour trips and is therefore considered a less than significant impact.

Vehicle Miles Traveled (VMT): The retail paint store is smaller than 10,000 square feet which is assumed to generate less than 630 VMT per day based on the Nevada County Transportation Commission (NCTC) travel forecasting model, and therefore is considered less than significant pursuant to the Office of Planning and Research (OPR) Technical Advisory.

Noise: As a commercial zoning designation, the site is subject to a noise standard of 65 dbA pursuant to section 8.28.060 of the city municipal code. The project site is surrounded by other commercial uses, as well as a state highway. The nearest sensitive receptor is a residence that is over 500 feet away. Noise associated with the construction of the property will be temporary and noise associated with operation of the retail store is anticipated to be consistent with surrounding commercial uses.

Air Quality: The Northern Sierra Air Quality Management District (NSAQMD) has reviewed the project and determined that reasonable project guidelines based on a Dust Management Plan that the applicant will be required to sign an agreement if disturbance is to exceed one acre, are adequate to mitigate air quality impacts related to the development.

Water Quality: The project site does not include any Waters of the U.S., and there are no streams or wetlands mapped under the National Wetland Inventory within or immediately adjacent to the site. Proposed drainage is collected into three separate water quality and attenuation facilities before discharging into either the 36" (East) or 24" (south) bypass piping and into existing culverts. Onsite drainage is collected in downspouts and gutters and directed into treatment areas. Water quality is provided using underground chambers, and a bio retention pond.

(e) The site can be adequately served by all required utilities and public services.

All utilities, including NID water, PG&E power lines, and city sewer lines are located in close proximity to the project, as they serve the adjacent commercial uses. Extension of these services are contingent upon the applicant extending infrastructure as needed and working with the respective agencies to hook up to their utility infrastructure. NID has indicated that the site has existing standby account. No utility agency has expressed concern in their capacity for serving the project as proposed.

FINDINGS:

In accordance with Sections 17.72.30 J (Development Review Permit) of the Development Code, the Planning Commission is required to make the following specific findings before it approves the Development Review permit.

1. The City received a complete application for the Sherwin Williams Paint Store (23PLN-41).
2. The Development Review Committee reviewed the project in compliance with the California Environmental Quality Act and recommends that the Planning Commission find the project qualifies for a Class 32, Categorical Exemption (In-fill) in accordance with the California Environmental Quality Act and CEQA Guidelines.
3. The 2020 General Plan designates the project site as Commercial and Business Park. The Sherwin Williams Paint Store is consistent with the General Plan or any applicable Specific Plan.
4. The proposed project is allowed within the applicable zone and complies with all other applicable provisions of the Development Code and the City Municipal Code.
5. The design, location, size, and characteristics of the proposed project is in compliance with any project-specific design standards in effect and any standards and guidelines for Development Review Permits.
6. The project complies with all applicable provisions of the City's Design Guidelines.
7. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities.
8. The 20-foot height of the parking lot lighting is appropriate in order to comply with all other outdoor lighting requirements as outlined in section 17.30.060 of the city municipal code.

RECOMMENDED CONDITIONS OF APPROVAL:

PLANNING

1. The approval date for Development Review Permit is February 20, 2023 with an effective date of Thursday, March 7, 2024 pursuant to Section 17.74.020 GVMC. This project is approved for a period of one year and shall expire on March 7, 2025 unless the project has been effectuated or the applicant requests a time extension that is approved by the Development Review Committee pursuant to the Development Code.
2. The final design shall be consistent with the Development Review application and plans provided by the applicant and approved by the Planning Commission (23PLN-41). The project is approved subject to plans on file with the Community Development Department. The Community Development Director may approve minor changes as determined appropriate.
3. If tree or vegetation removal is proposed within the bird breeding season (between March 1 and August 31) a pre-construction survey within 250 feet of the disturbance area shall be required pursuant to the Biological Resource Analysis prepared by Greg Matuzak, dated November 2023 and prepared for the applicant.
4. A tree removal permit shall be required for the removal of any tree over 10 inches Diameter at Breast Height (DBH) pursuant to city municipal code chapter 12.36.
5. 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.
6. The applicant's landscape architect or landscape contractor shall submit to the City for approval the "certificate of completion" form as required by MWELo.
7. The applicant shall conduct an irrigation audit pursuant to the requirements of the MWELo. 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 MWELo requirements.
8. In the event of inadvertent discovery of previously unidentified cultural material, archeological consultation shall be sought immediately.
9. In the event that human remains are inadvertently encountered during ground-disturbing activity or at any time subsequently, State law shall be followed, which includes, but is not limited to, immediately contacting the County Coroner's office upon any discovery of human remains.
10. The applicant shall file for a sign permit prior to erecting signage.
11. The security lighting labeled on the light schedule as "L-2," and referenced on the east and south elevations will need to be revised to comply with the city's outdoor lighting standards in section 17.30.060 of the city municipal code.

12. The Lot Line Adjustment shall be amended to ensure each resulting property containing Commercial Business Park zoning contains a minimum of 1.5 acres. The Lot Line Adjustment shall be filed and recorded prior to building permit issuance.
13. 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.
14. The applicant shall landscape the remaining area of land, which may include drought tolerant planting material and shall maintain the area free of weeds and debris.

ENGINEERING:

15. Prior to recording the concurrent Parcel Map, a Grading Permit shall be issued by the City Engineer depending on the total acreage to be disturbed 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.
16. Plans shall be updated to show curb, gutter and sidewalk improvements along the frontage to Gates Place to the driveway encroachment, to the satisfaction of the City Engineer.

NEVADA IRRIGATION DISTRICT:

17. A Water Demand Analysis is required prior to requesting meter to determine the appropriate size for the proposed use, as well as applicable connection fees to be collected..
18. Adequate backflow prevention device is required to be installed, along with meter.
19. If Private Fire Service is being proposed, applicant is required to submit improvement plans to NID for review and approval.

BUILDING:

20. The requirements of the 2022 CBC, CMC, CPC, CEC, and CFC apply.
21. The requirements of the Wildland-Urban (WUI) interface apply.
22. Plans shall include architectural, structural, mechanical, electrical and plumbing plans.
23. Applicable energy conservation compliance forms are required.
24. Calgreen compliance is required.
25. Plans, specifications and calculations must be prepared by or under the direct supervision of an architect or a civil or structural engineer licensed by the state of California.

FIRE

26. The project shall be designed and constructed in accordance with all applicable requirements of the 2022 edition of the California Fire Code (CFC), as amended and adopted by the City of Grass Valley, NFPA, and the City of Grass Valley
27. Adequate fire water supply shall be provided to support the building fire flow requirements of 2022 CFC, Appendix B, Table B105.1(2). (Amendment and Adoption to 2022 CFC / Local Ordinance.)
28. Project building fire flow requirements shall be determined by and in accordance with 2022 CFC, Appendix B, Table B105.1(2). (Amendment and Adoption to 2022 CFC / Local Ordinance.)
29. Buildings having a required fire flow of 1,500 gpm to 1,749 gpm and shall have a monitored fire alarm system installed. (Amendment and Adoption to 2022 CFC / Local Ordinance.)
30. Buildings having a required fire flow of greater than or equal to 1,750 gpm, or as required by the 2022 CFC, shall have a monitored fire sprinkler system installed. (Amendment and Adoption to 2022 CFC / Local Ordinance.)
31. If the project requires the installation of a fire sprinkler system, installation of an underground private fire water supply system shall be required.
32. Fire department access roads shall be designed and constructed in accordance with 2022 CFC, Appendix D. (Amendment and Adoption to 2022 CFC / Local Ordinance.)

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT:

33. Prior to building permit or grading permit issuance, the applicant shall abide by the Dust Management Plan Descriptions of NSAQMD Rule 226 and shall sign an agreement to this effect if disturbance is less than one acre. If disturbance is an acre or greater, the applicant must provide a dust control plan.

ATTACHMENTS:

1. Aerial and Vicinity Maps
2. Applicant Statement
3. Lot Line Adjustment Exhibits
4. Improvement Plans

Special Studies available on the city's website (see attachment for link)