



**PROJECT SUMMARY**

<b>Application Number:</b>	19PLN-28
<b>Subject:</b>	Tentative Subdivision Map for the division of ±3.74 acres into twelve (12) residential lots.
<b>Location/APN:</b>	Southside of Joyce Drive, east of the junction of Joyce Drive and Whiting Street/APNs: 029-280-016 & 029-270-033
<b>Applicant:</b>	City of Grass Valley
<b>Zoning/General Plan:</b>	NC-Flex/Commercial
<b>Entitlements:</b>	Tentative Subdivision Map
<b>Environmental:</b>	Mitigated Negative Declaration

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**RECOMMENDATION:**

Recommend that the Planning Commission approve application (23PLN-0027) for a tentative map to serve affordable housing at the southside of Joyce Drive, which includes the following actions:

- a. Adopt a Mitigated Negative Declaration, prepared for the Zoning Map Amendment and Tentative Subdivision Map, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
- b. Adoption of a Mitigation Monitoring and Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
- c. Approve the 12-lot Tentative Final Map to serve an affordable housing project, subject to findings 1-4, and Conditions of Approval, as may be modified at the public hearing; and.

**BACKGROUND:**

Heritage Oaks I, the 16-lot affordable housing development adjacent to the project site is a Habitat for Humanity development that was approved by the Planning Commission at their regular meeting held on April 20, 2010. An initial version of Heritage Oaks II was approved by the planning commission on January 14, 2019, featuring 14-single family lots and approved residential designs. At that time, the project also involved a zoning map amendment to rezone the property from C-3 to NC-Flex to allow the affordable housing use at the site. The second reading of the map amendment was approved by City Council at their meeting held on January 28, 2020. However, during preliminary grading activity to initiate the

project, suspicious soil conditions were discovered and Habitat for Humanity requested soil analysis. The soil investigation revealed a high concentration of heavy metals. Geocon prepared a Phase I Environmental Site Assessment in May 2023, which confirmed the presence of heavy metals on the site due to historic mining activity on nearby and upstream properties. The map and development entitlements expired in 2022, though the rezone component was implemented.

The City of Grass Valley acquired the site around September 2023 in an effort to support its cleanup, with an ultimate goal of revitalizing the site to support an affordable housing development. Once cleanup is complete, the City intends to sell the property to an affordable housing developer. The City was awarded funding to assess the site under the United States Environmental Protection Agency (USEPA) Brownfields Assessment Grant as part of the City's 2022 Community-Wide Assessment (the Brownfields Project). The Cleanup is being funded through a subsequent grant, known as the Equitable Communities Revitalizing Grant (ECRG) awarded by the California Department of Toxic Substance and Control (DTSC).

### **PROPOSED PROJECT:**

This project is a residential infill site located adjacent to the 16-unit Heritage Oaks Phase I residential project. The Heritage Oaks Phase II project is compatible with the Neighborhood Center Flex (NC-Flex) zoning designation. The project will result in 12 single-family lots ranging in size from  $\pm 2,775$  (Lot 8) to  $\pm 6,646$  square feet (Lot 11). There is no minimum parcel size in the NC-Flex Zone; however, the lots will be large enough to accommodate their intended residential use. The project is anticipated to provide housing for the City's very low and low-income group in accordance with the City's adopted 2019-2027 Adopted Housing Element. An adjoining parcel of  $\pm 0.23$  acres is proposed to be reconfigured via Lot Line Adjustment. The reconfigured properties will conform with proposed improvements along the project site and property to the west.

*Site Remediation* - The project includes implementation of the Department of Toxic Substance Control's (DTSC) Response Plan to address site contamination through the off-site disposal of contaminated soil in the proposed building areas and land use restrictions for contaminated sediment remaining in place in the Little Wolf Creek Floodplain. The proposed removal action is intended primarily to remove fill soil and underlying floodplain sediment in the proposed development area with unacceptable arsenic and mercury concentrations. Lead and cobalt were also detected in some soil samples at concentrations that require cleanup. Remediation activities include:

- excavation of approximately 10,712 cubic yards of contaminated soil and underlying floodplain sediment;
- verification soil sampling and analysis to confirm that the remedial goals are achieved;
- characterization of the excavated materials for disposal in accordance with landfill acceptance criteria;
- transport of the materials for disposal at licensed solid waste facilities in accordance with applicable regulations;
- import of clean soil to replace the excavated materials; and
- site restoration.

Fencing the Little Wolf Creek floodplain, as required under the land use controls, will effectively reduce the chance of future human exposure and avoid disturbance of the densely

vegetated floodplain. The sediment to remain in place presents relatively low risk to water quality and ecological receptors. A land use covenant (LUC) and an Operation and Maintenance (O&M) Agreement would be required for the floodplain to memorialize prohibitions and long-term requirements for monitoring, maintenance, and reporting.

*Access, Parking & Circulation* – Primary ingress/egress is proposed via Joyce Drive, a city-maintained roadway constructed to city residential standards on the north side of the street. Joyce Drive was constructed to serve the Heritage Oaks Phase I project. Joyce Drive consists of two 10-foot travel lanes with 9-foot parking and sidewalk on the north side of the street within a 42-foot right-of-way. The southern side of the street will be constructed with curb and gutter with an earthen shoulder to serve the Heritage Oaks Phase II project (See Cross Section A – Existing Joyce Drive Residential Street).

Internal circulation consists of an unnamed roadway at the south end of the development identified as Lot A. Lot A consists of ±7,358 square feet of roadway and utilities to be dedicated to the City of Grass Valley. The roadway consists of two 10-foot travel lanes with 9-foot parking and sidewalk on the east side of the street (See Cross Section D – Residential Street).

Except for Joyce Drive and Lot A serving Lots 1 – 8, the road serving 11 and 12 within the Heritage Oaks Phase II development is a private road and will be maintained by the Heritage Oaks Phase II Home Owners Association (HOA) for the project.

All residential driveways will be a minimum of 20 foot in depth to accommodate off-street parking. Street parking will be utilized for guests on the north side of the street. Additionally, a 5-stall ±5,323 sq. ft. parking lot (Lot D) is proposed at the west end of the site for guest and overflow parking. The parking lot will service both Heritage Oaks Phase I & II developments. The parking is located within a common area and will be maintained by the HOA for both Phase I and II.

*Landscaping* – Typical front yard landscape plans will be prepared for the project. The landscaping will consist of ground cover, accent shrubs, flower shrubs and a small flowering tree in the front yard. Rear yard landscaping shall be the responsibility of the home purchaser. Landscaping shall also be installed in the common areas and surrounding the parking lot. The landscaping shall be in accordance with the City and State Model Water Efficiency Landscape requirements.

*Lighting* – Lighting consists of existing street lighting installed with Heritage Oaks Phase I as well as individual lighting for each of the respective homes. As required by the City's Development Code, the lighting will contain shields to direct lighting downward.

*Fencing* – 6-foot-high wood fencing will be constructed between the individual homes along the property lines. Fencing shall be the responsibility of the respective homeowners. A split rail fence will be installed around the perimeter of the open space flood zone area.

*Sound walls* – A sound wall is proposed along the west and north property lines of Lot 12. A detail of the sound wall is provided in the *Environmental Noise Assessment prepared by Bollard Acoustical Consultants, Inc., dated May 31, 2019.*

*Tree Removal* – According to the Biological Resources Inventory prepared by Greg Matuzak, Biological Resources Consultant dated June 2019, the project area does not contain any protected oak or other trees to be removed that would be subject to City of Grass Valley policies.

*Grading*– The site is relatively level with an elevation of 2,395 (MSL) at Joyce Drive and along Lot 12. The elevation at the center of the site is 2,388 or 7 feet below Joyce Drive. The elevation at southern end of the site is 2,397 at Lot 5 or 2 feet higher than Joyce Drive. The site slopes are generally minor, being less than 10% with some steeper slopes primarily where grading has occurred, such as Joyce Drive fill slopes. Some fill has been placed upon the existing site in the past.

The project will include the construction of roadways, sidewalks, 12 single family building pads and driveways. The project would require off-haul of ± 10,712 cubic yards of contaminated soil and replacement of 7,200 cubic yards of clean soil for remediation, in addition to cut of ±447 cubic yards and fill of ±3,416 cubic yards of fill for grading and construction. All the lots will be pad graded with slab on grade foundations.

*Drainage* – On-site drainage will be collected in a new drainage system containing drainage inlets, storm drain, manholes, etc. Runoff from the proposed residences will exit roof downspouts into small infiltration trenches prior to discharge to the existing natural drainage course. Runoff from pavement areas is conveyed along curb and gutter to one of two storm drain inlets with deepened sumps for retention and infiltration. Storm water is further conveyed through new storm drain and ultimately will enter a “Stormceptor” manhole from removal of potential pollutants prior to discharge into new Bio-Swales south of the homes, then conveyed to a new retention pond allowing infiltration and removal of potential pollutants prior to discharge to the adjacent natural drainage course.

*Utilities – Water Supply:* The subject property will be connected to City of Grass Valley water lines along Joyce Drive that will be extended to serve the site.

*Sanitary Sewer:* The nearest sanitary sewer connection is located on Joyce Drive, which will be extended to serve the site.

*Dry Utilities:* The project will connect to dry utilities (i.e., natural gas, electrical supply, telephone, cable) that are located along Joyce Drive.

#### **GENERAL PLAN/ZONING DESIGNATION:**

The project area has a General Plan 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 in any one of a variety of locations.

The property is within the Neighborhood Center Flex (NC-Flex) Zone. The NC-Flex Zone permits single family, multi-family row-housing, multiple-family duplex, triplex and fourplex

housing at a density of up to 20 units per acre. The Heritage Oaks Phase II project at ±3.74 acres and 12 single family lots is at a density of ±3.21 units per acre.

The project design for individual housing design will be required to be in accordance with the NC-Flex zone standards regarding height, setbacks, parking standards, etc. Planned residential developments are required to be processed through the development review permit process outlined in 17.72.030 of the City Municipal Code.

### **ENVIRONMENTAL DETERMINATION**

The City has prepared an Initial Study for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines. The study revealed the project may result in significant impacts on the environment, but the proposed mitigation measures can reduce these impacts to a level that is less than significant. Therefore, staff recommends adoption of the proposed Mitigated Negative Declaration. The City circulated the Initial Study and proposed Mitigated Negative Declaration for a 30-day public review period starting on April 20, 2026, and ending on May 19, 2026. The City did receive a response from the UAIC on April 23, 2026 indicating that they had not yet closed AB 52 consultation and requesting additional information regarding tribal background information and adding a requirement for tribal monitoring during initial grading activity be included in the IS/MND. Staff updated the IS/MND and updated language can be viewed in the document attached to this staff report. The UAIC informed staff of their formal closure of AB 52 consultation on May 5, 2026. To date, staff has not received any other comments from agencies or the public that require a change to the Mitigated Negative Declaration.

The environmental document identifies potential impacts on air quality, water quality resources and sensitive receptors related to noise. The Mitigated Negative Declaration discusses each of these issues and provides mitigation measures to reduce the potential impacts to a less than significant level.

### **FINDINGS**

In accordance with Sections 17.81 and 17.94 of the Development Code, the City Council is required to make the following specific findings before it approves a Zoning Map Amendment and Tentative Subdivision Map.

1. The City received a complete application for the project (23PLN-0027).
2. The Community Development Department prepared an Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.
3. The Planning Commission has independently reviewed, analyzed and considered the Initial Study/Mitigated Negative Declaration prior to making its recommendation on the project. The City Council has independently reviewed, analyzed and considered the Initial Study/Mitigated Negative Declaration prior to approving the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.

4. The proposed subdivision, including each individual parcel, together with the provisions for its design and improvement, is consistent with the general plan as further detailed below, and that none of the findings for denial in Subsection C of Municipal Code Section 17.81.060. can be made. Multiple 2020 General Plan policies, goals and objectives support both in-fill development and preservation of existing neighborhoods including, but are not limited to RHNA targets of the Housing Element and the following:

- 2-LUG – Promote infill as an alternative to peripheral expansion where feasible.
- 3-LUO – Reduction in the amount of land necessary to accommodate future growth.
- 4-LUO – Reduction in the environmental impacts associated with peripheral growth.
- 4-LUG – Protect and enhance the character of established single-family neighborhoods.
- 10-LUO – Preservation of existing neighborhoods.
- 3-CG – Provide for the safe and efficient movements of people and goods in a manner that respects existing neighborhoods and the natural environment.
- 9-CO – Use of traffic calming techniques to protect neighborhoods and residents from adverse traffic impacts.
- 10-CO – Protection of stream courses, riparian areas and other natural features.
- 11-CO – Development and implementation of a comprehensive traffic safety program, including improvement of facilities serving pedestrian needs.

## **ATTACHMENTS**

1. Vicinity/Aerial Map
  2. Tentative Map Proposal
  3. Proposed Conditions of Approval
  4. Draft IS/MND (modified with updated Tribal Cultural Resource info.)
  5. Mitigation Monitoring Reporting Table
  6. Biological Inventory
  7. Drainage Report
  8. Remedial Action Exhibit
- Phase I ESA by Geocon available upon request.