

**Prepared by:** Amy Wolfson, City Planner

**DATA SUMMARY:**

**Application Number:** 24PLN-01  
**Subject:** Development Review Permit for the remodel of a three-story, 9,256 square foot building on a 0.09-acre property and Variance for encroachment into rear setback  
**Location/APN:** 145 Mill St. / 008-372-012  
**Owner:** RHF Properties  
**Applicant:** Russell Davidson, project architect  
**Zoning/General Plan:** Town Core-Historic District (TC-H)/ Commercial  
**Entitlements:** Development Review Permit

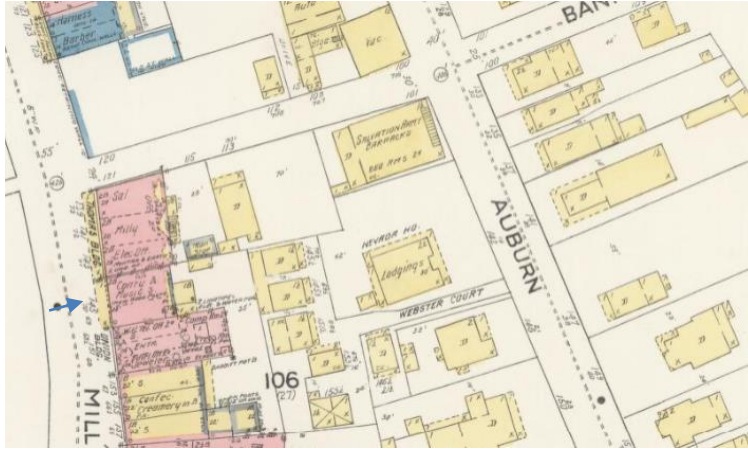
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**RECOMMENDATION:**

1. That the Planning Commission approve the Development Review Permit and Variance for the exterior improvements to the building at 145 Mill Street as presented, as may be modified by the review body, which includes the following actions:
  - a. Find the project is Categorical Exempt pursuant to Sections 15301, Class 1 and 15305, Class 5 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 Variance request for encroachment of a rear patio and balcony into the 10-foot rear setback.
  - d. Approve the Development Review Permit for the exterior alterations to the building at 145 Mill Street.

**BACKGROUND:**

The subject building is situated along the Mill Street Pedestrian Plaza and features three levels, one of which is a basement level that backs up to the city parking lot at 144 South Auburn Street. According to the Assessor records, the building was constructed in 1900 and is 9,256 square feet. The 1912 Sanborn Map shows the rear portion of the building was constructed sometime later.



**PROJECT DESCRIPTION:**

*Development Review Permit* – This is a Development Review for exterior alterations for a building at 145 Mill Street, located within the Historic District in order to accommodate interior uses of one residential dwelling, one accessory dwelling, two office spaces, and two retail spaces. Exterior alterations include the following:

Alteration

**Front elevation (west):**

- replace existing guardrail with a 42-inch guardrail,
- replace a window with a door on the second level;

**Rear elevation (east):**

- replace corrugated metal siding with Hardie board and batten siding,
- replace three windows with glass slider door,
- replace one window with new door,
- replace three remaining windows with new casement windows,
- add a balcony with guardrail with wood support posts on the first level;
- add three casement windows and one door (some framing is existing),
- add patio with privacy fencing to basement level;

**North side elevation:**

- change siding from corrugated metal to Hardie board and batten,
- replace window with a fixed window,
- relocate a door to access the basement level without steps.

All new windows are proposed to be aluminum-framed.

Renderings



The project is in the Town Core Zone within the Historic Combining district (TC-H), which allows the residential, retail, and office uses as proposed, contingent upon recommendation by the Historical District and approval of a Development Review Permit for the architectural building design in accordance with the City's Design Guidelines, and development standards of the City Municipal Code. The project plans include the following Development Review details:

*Site Plan & Setbacks* – The Town-Core base zone does not require any setbacks except for the rear setback which must maintain a minimum of 10 feet from the property line of an adjacent use, whereby balconies can encroach up to 4 feet within the rear setback (for a minimum setback of 6 feet). In this case, the existing building is setback only 7'9" so already encroaches into the rear setback. The only building extension proposed is for the balcony, which is proposed to extend fully to the rear property line. The applicant is therefore requesting a variance from the 6-foot rear balcony setback to allow construction of the balcony to the property line. The Variance request is discussed in further detail below.

*Parking* – There are no parking stalls that currently exist for the existing building and none are proposed for the proposed building uses. The only existing unconditioned space being converted to an active use is that of the basement which will be converted to an 881 square foot ADU with 262 square foot balcony. Pursuant to the parking table in the Town Core Standards (17.21.040 GVMC), no parking is required for expanded uses under 3,000 square feet.

*Lighting* – No lighting is currently proposed. If lighting is proposed in the future, a building permit will be required and the fixture design will be required to be reviewed by the Historical Commission and the Development Review Committee.

#### **VARIANCE:**

Pursuant to section 17.72.070, the purpose of a Variance process is to consider requests to waive or modify standards in the development code due to special circumstances applicable to the property. In this case, the applicant is requesting that the review authority consider the special circumstance to be the lack of outdoor space available due to the small size of the lot, along with the city's desire to preserve historic buildings, which in this case extends the full width and nearly the full length of the lot, leaving only the small area in the rear to create outdoor space for tenants. There are several balconies, primarily along front facades, that extend to, or often times over the property line so the request also meets the Variance criteria that this would not amount to a privilege that other properties within the same zone don't already have.

#### **HISTORIC DISTRICT DESIGN GUIDELINES:**

The following policies, outlined in the Design Review Guidelines for the 1872 Historic Townsite, are applicable to the proposed alterations for this project:

##### **6.3.4 Window and Doors**

(2) Windows and doors on the fronts of ancillary buildings should be preserved as well. Avoid creating an additional opening or removing existing ones on facades that are visible from the street. Maintain the historic subdivisions of window lights. Maintain original window and door proportions. Altering the original size and shape is inappropriate. Do not close down an original opening to accommodate a smaller window.

(3) Restoring an original opening which has been altered over time is encouraged. Consider reconstructing windows and doors that no longer exist in a primary facade. Such reconstruction should occur only if it can be substantiated by physical or pictorial evidence.

(7) When replacing a window or door is necessary on an historic structure, match the original design as closely as possible. Preserve the original casing, and use it with the replacement.

(8) Use the same material (wood) as that used historically. Vinyl clad and aluminum windows are generally inappropriate.

(10) A new window or door opening, if needed, should be placed on a secondary facade and not the primary facade. A new opening should be similar in location, size and type to those seen traditionally. A general rule for a window opening is that the height should be twice the dimension of the width. Windows should be simple in shape, arrangement and detail.

(11) Windows and doors should be finished with trim elements similar to those used traditionally. This trim should have a dimension similar to that was used historically.

### 8.2.2 New Additions

8. The materials of an addition should be compatible with those of the primary structure. Matching the historic material is an appropriate approach, although new materials may also be considered.

9. Windows in an addition that are visible from the public way should be compatible with those of the historic structure.

### **RECOMMENDATIONS:**

The Historical Commission considered the project at their regular meeting held February 13, 2027 and recommended approval as presented and the Development Review Committee (DRC) reviewed the project on February 27, 2024. The DRC recommended approval with the following modifications to the project:

- Use bonderized corrugated metal siding instead of board and batten as the rear siding material.
- The slider proposed on the second floor in the rear shall be replaced with a full-light single door and adjacent window
- Provide screening for refuse containers.
- Provide landscaping to soften the rear exterior.
- Use period-appropriate lighting fixtures
- Create symmetry on the upper front level with one of the following options:
  - Replace the center window with a door instead of the south window.
  - Replace the north-most window with a door to match the south side.
  - Use a door style that matches the existing window dimensions.

The applicant revised his plans to incorporate the changes recommended by DRC, which is the proposal provided in your packet. The added landscaping has been made a condition of approval.

**SITE DESCRIPTION AND ENVIRONMENTAL SETTING:**

The project site is developed with an historic building, with its front-facing façade along the Mill Street pedestrian plaza. The property is surrounded by similar historic buildings, with commercial uses on either side, and a public parking lot to the rear.

**GENERAL PLAN AND ZONING:**

General Plan - The project area has a land use designation of Commercial with a Town Center overlay, according to the City of Grass Valley 2020 General Plan. The Commercial designation is a broad category intended to encompass all types of retail and commercial service establishments and the Town Center overlay is intended to designate selected properties for mixed uses whereby special development criteria may be applied pursuant to the development code.

Zoning - The property is within the Tow Core zoning designation and within the Historical combining zone (TC-H). The primary intent of this zone is to strengthen the mixed-use, pedestrian-oriented nature of the existing historic downtown. The Historical combining zone is intended to identify important cultural resource sites and structures in the city, to ensure that any proposal to alter the state of the site or structure is carefully considered prior to implementation.

**ENVIRONMENTAL DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study is required to be prepared in the absence of an applicable exemption pursuant to CEQA Guidelines. In this case, all the proposed uses are permitted within the Town Core zone whereby the city exercises ministerial authority and, as such, are exempt from CEQA pursuant to section 15300.1 of the CEQA Guidelines.

The exterior alterations are consistent with Categorical Exemption Class 1, which includes minor alterations of private buildings involving a negligible expansion of use. The Variance request qualifies for a Categorical Exemption pursuant to Section 15305, Class 5, of the California Environmental Quality Act (CEQA) and Guidelines. A Class 5 Categorical Exemption consists of minor alterations to land use limitations where the site has an average slope not exceeding 20% and there is no change in land use density “including set back variances not resulting in the creation of any new parcel.”

**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 (24PLN-01).
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 1, Categorical Exemption (Existing Facilities) in accordance with the California Environmental Quality Act and CEQA Guidelines.
3. The 2020 General Plan designates the project site as Commercial, within the Town Center overlay. The Project is consistent with the General 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.

**RECOMMENDED CONDITIONS OF APPROVAL:**

**PLANNING**

1. The approval date for Development Review is <TBD> with an effective date of Thursday, <TBD> pursuant to Section 17.74.020 GVMC. This project is approved for a period of one year and shall expire on December 28, 2024 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 Development Review Committee (24PLN-01). 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 lighting is proposed in the future, a building permit will be required and the fixture design will be required to be reviewed by the Historical Commission and the Development Review Committee.
4. Landscaping shall be added to soften the rear exterior of the building.
5. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

**FIRE:**

6. The project shall be designed and constructed in accordance with all applicable codes and standards, including but not limited to, the 2022 editions of the California Fire and Building Codes (as amended and adopted by the City of Grass Valley), NFPA 13-22, 24-19, and 72-22, and the City of Grass Valley. If a domestic meter is requested to serve the project, prior to issuance of a grading permit or a building permit the applicant shall perform a Water Demand Analysis to determine meter size and fees.

**ATTACHMENTS:**

1. Aerial and Vicinity Maps
2. Applications
3. Improvement Plans