



**PLANNING COMMISSION
STAFF REPORT
January 18, 2022**

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

DATA SUMMARY

Application Number: 21PLN-49
Subject: Tentative Subdivision Map for the division of a ± 0.84 -acre parcel into 5 single family lots ranging in size from $\pm 5,021$ square feet (Lot 5) to $\pm 6,881$ square feet (Lot 1) and an undeveloped sixth parcel of $\pm 8,364$ square feet.
Location/APN: 455 Mill Street/029-150-029
Applicant: Andy Cassano, Nevada City Engineering
Zoning/General Plan: Multiple Family/Planned Development (R-3)(PD)/Urban High Density Residential
Entitlement: Tentative Subdivision Map
Environmental: Categorical Exemption

RECOMMENDATION:

Staff recommends the Planning Commission approve the 455 Mill Street Tentative Subdivision Map, as presented, or as modified by the Planning Commission, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adoption of Findings of Fact for approval of the Tentative Subdivision Map as presented in the Staff Report; and,
3. Approval of the Tentative Subdivision Map in accordance with the Conditions of Approval as presented in the Staff Report.

BACKGROUND:

A Tentative Subdivision Map (07PLN-08) and Planned Development (07DRC-09) was approved for the property in 2007. The entitlements have since expired and the property and residential improvements have noticeably deteriorated over the years.

The five single family dwellings on the property have recently been vacated and the property has recently been purchased by a new owner. The new owner has started to renovate the homes with both interior and exterior upgrades.

PROJECT DESCRIPTION:

A Tentative Subdivision Map for the division of a ±0.84-acre parcel into 5 single family lots ranging in size from ±5,021 square feet (Lot 5) to ±6,881 square feet (Lot 1) and an undeveloped sixth parcel of ±8,364 square feet.

Residential Units – The five existing single-family dwellings contain porches of ±100 square feet with habitable square footages of ±700 feet. Each unit includes a single detached garage of ±200 square feet in the rear with adjoining paved parking area. New sidewalks are to be constructed from the house to the garages.

Access, Parking & Circulation – An existing 14-foot-wide driveway is shown extending from Mill Street through the site, providing a common driveway to each of the lots. The driveway includes a 6-foot easement on the adjoining property to the southwest.

Utilities – Water and sewer will be provided by the City of Grass Valley via the extension of utilities from Mill Street. A proposed ±20-foot easement for ingress/egress and public and private utilities is proposed along the Mill Street frontage.

Lighting – Lighting consists of existing street lighting, as well as individual lighting for each of the respective homes.

Drainage – The property drains from north to south into Wolf Creek. A storm drainage easement is located on the northeast side of the property for offsite drainage.

Flood Zone – The 100-year flood plain is located at the south end of the property along Wolf Creek. A portion of each of the existing residential units appears to be located outside of the 100-year floodplain. The finished floors of each of the units are at least 1 to 3 feet above the 2,359-foot base flood elevation (**Attachment 3 – Site Photographs**).

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

Surrounding land uses consist of the residential uses located to the north and west; commercial uses located to the south; and Wolf Creek and Highway 49 to the east. The ±0.84-acre parcel is located on the southeast side of Mill Street, northerly of the French Avenue and Mill Street intersection. The site currently has five detached single family residential units. The site has been disturbed and is covered with non-native grasses and plants. Some of the riparian vegetation along Wolf Creek is located on the southern portions of the property. Rhode Island Ravine is located along the northeastern portion of the property from Mill Street and terminating in Wolf Creek. Rhode Island Ravine is currently encased in a 48-inch culver through the property. The elevation of the property is ±2,367 feet above sea level along Mill Street and slopes down to ±2,357 along the eastern property line. The average slope of the property is 5% to 10%, with steeper slopes along Mill Street. The drainage from the site flows to the eastern portion of the property towards Wolf Creek.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan designates the site as Urban High Density Residential. The Urban High Density allows 8 to 20 units per acre, which would permit 6 to 16 units on the 0.84-acre site. The proposed density is 7.14 units per acres. The General Plan indicates that the most appropriate zoning district is the Multiple Family (R-3) Zoning District.

The project site is a rehabilitation of existing deteriorating residential units on proposed residential lot sizes and density consistent with the neighborhood. Multiple 2020 General Plan policies, goals, and objectives support both rehabilitation and preservation of existing housing stock and neighborhoods including, but not limited to:

- 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.

2019-2027 Housing Element – The 2019-2027 Housing Element was adopted by the City Council in August 2019 and Certified by the State Department of Housing and Community Development shortly thereafter.

The project is anticipated to provide 6 dwelling units for moderate income housing (80 to 120% of County Median Income). The moderate-income category represents 125 units, (16.8%) during the 2019-2027 Planning period (2019-2027 Housing Element Table II-32).

ADUs are also permitted on each of the respective lots, which accommodate non-deed restricted affordable housing units.

Zoning: The property is within the Multiple Family (R-3) Zoning district. The R-3 Zone is applied to areas of the City that are appropriate for a variety of higher density housing types, located in proximity to parks, schools, and public services. The R-3 Zone is consistent with and implements the Urban High Density (UHD) designation of the General Plan.

ENVIRONMENTAL DETERMINATION:

The proposed project qualifies for Categorical Exemptions pursuant to Section 15301, Class 1 and 15303, Class 3 of the California Environmental Quality Act (CEQA) and Guidelines. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all inclusive of the types of projects which might fall within Class I. The key consideration is

whether the project involves negligible or no expansion of the existing use. Examples include but are not limited to: (a) interior or exterior alterations.

A Class 3 Categorical Exemption consists of the construction and location of limited numbers of new, small facilities or structures; installations of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples include but are not limited to: (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single family residences may be constructed or converted.

ANALYSIS:

The Tentative Subdivision Map allows individual sale, lease, and financing of the existing five residential units and future development of parcel six for residential purposes. Given the Lot 6 ±8,364 square footage and taking into consideration parking, setbacks, etc., an additional single-family dwelling or duplex may be constructed on the Lot 6 property. No additional development is permitted than what is already permitted with the existing Multiple Family (R-3) Zoning designation. That is, the TSM merely changes the type of ownership for the respective six parcels. Individual sale, lease and financing disencumbers each of the units from one another thereby allowing financing and construction to occur independently.

Tentative Subdivision Map – Minimum parcel sizes in the R – 3 Zone are 2,000 square foot of site area per unit. Setbacks in the R – 3 Zone include 15 ft for the front building façade, 5 feet for a front porch; or the average of the two adjacent dwellings; side yards are 5 feet and rear yards are 10 feet. The subdivision map creates parcels consistent with the Multiple Family (R – 3) Zone.

Access, Parking & Utilities – Private access, parking and other improvements exist. The City's Development Code requires 2 parking spaces, with 1 covered. The project is consistent with the City's Parking Standards. Sewer and water utilities on Mill Street will be extended to serve each of the residential units.

Condition of Approval No. B – 2 requires an access and maintenance agreement for the shared driveway. Condition of Approval No B – 3 also requires drainage and maintenance agreements for common drainage facilities that serve the properties.

Landscaping – The front yard landscaping consists of grass and shrubbery. Condition of Approval No A – 6 requires an additional tree to be planted on each of the lots prior to the issuance of a Certificate of Occupancy.

Fencing – Considering the existing development, staff did not condition the project to require fencing. Fencing may be constructed by each of the prospective property owners at their discretion.

Wolf Creek Trail – Staff did not condition of the project to reserve a trail easement along Wolf Creek. The Wolf Creek Trail preferred alignment is on the other side of Wolf Creek on Caltrans property. City of Grass Valley Public Works has consulted with Caltrans and is awaiting Caltrans approval of the trail easement in the next couple of months.

Wolf Creek Riparian Area – A biological inventory was prepared for the project in 2007, which identified the boundaries of the riparian and wetland habitat on the property. The inventory determined the areas of disturbance, as well as the existing driveway and building do not occur in riparian and wetland habitat; and will not affect this habitat.

The City's Development Code requires a minimum setback of 30 feet for new development or requires the preparation of a Resource Management Plan for encroachment less than 30 feet. The Resource Management Plan shall include measures which will minimize impact to the watercourse and enhance runoff filtration.

Except for Lot 6, considering all improvements are existing, the City's Creek and Riparian Resource Protection does not apply to the project. Should additional improvements be constructed beyond what exists or should Lot 6 develop with improvements less than 30 feet from the top of the bank, Condition of Approval No. A – 8 requires the preparation of a Riparian Management Plan for the property's riparian habitat along Wolf Creek.

Flood Zone – Based upon the Tentative Subdivision Map, all the existing improvements are in close proximity to the FEMA designated 100-year flood zone. Condition of Approval No. A – 5 requires that should structures be within the FEMA designated Flood Zone, a Flood Development Permit shall also be required prior to issuance of a building permit. Condition of Approval B – 5 requires the 100-year flood plain to be shown on the Final Map.

ATTACHMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Aerial Photograph

Attachment 3 – Site Photographs

Attachment 4 – Findings and Project Conditions of Approval

Attachment 5 – 455 Mill Street Tentative Subdivision Map