GRASS VALLEY PLANNING COMMISSION
STAFF REPORT
April 18, 2006 Meeting

Agenda Item 8.4
To: Grass Valley Planning Commission
From: Tom Last, Planning Director
Approved By: Joe C. Heckel, Community Development Director
Application: Planned Unit Development 05PLN-41 and Tentative Map 05PLN-40
Subject: Development of 10 single family residences for Habitat for Humanity.

Data Summary
Location: 543 Ivy Street
Assessor’s Parcel No.: 08-260-46
Applicant: Habitat for Humanity
Representative: Nevada City Engineering
Zoning: R-3 (Multiple Family Residence)
General Plan: Urban High Density

I. Recommendation: The Planning Commission should review the proposal, and by motion, recommend that the City Council approve Tentative Map Application 05PLN-40 and Planned Unit Development Application 05PLN-41, subject to the findings and condition of approval listed on pages 3-10 of this report.

II. Project Description: Habitat for Humanity proposes to subdivide the vacant parcel into ten lots, ranging in size from 1,817 to 2,743 square feet. The tentative map shows a 16,268 square foot common area which includes the proposed new internal road. The application includes a Planned Unit Development (PUD) to allow the smaller lots and flexible setbacks. The applicant proposes two detached single-family homes and eight attached townhouses/duplexes which have zero lot lines (attached garages, with some attached second story bedrooms). According to the applicant, eight of the units will be designated as affordable.

The site plan shows a new, 16-feet wide road going through the center of the site. Several retaining walls and building stem walls are proposed between lots to accommodate the grading. The housing units will terrace downward from west to east. The building setbacks are generally three feet or zero lot lines for the side yards, 3-20 feet for the rear yards, and 3-15 feet for the front yards. Exterior building materials consist of board and batt siding, with shingle accents in the eaves, and vinyl windows. All of the units contain a single-car garage and one parking space in the driveway. The building elevations for the units facing Ivy Street include porches. There are three shared parking spaces on the south side of the new road. The open area on the south includes two picnic tables and lawn area.

III. Environmental Setting: The project site is located on the south and west side of Ivy Street. This site is primarily in an area dominated by single-family homes. There is a
commercial building to the west, and an apartment complex to the south of the property. This would be considered an infill project according to the 2020 General Plan.

**IV. Environmental Review:** The City 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 mitigation measures have been provided to reduce these impacts to a level that is less than significant. Therefore, a Mitigated Negative Declaration is proposed to be adopted. The Initial Study and proposed Mitigated Negative Declaration were circulated for a 20-day public review period starting on February 24, 2006, and ending on March 16, 2006. The City did not receive any additional comments from agencies or the public that require a change to the Mitigated Negative Declaration.

**V. General Plan and Zoning Analysis:** The General Plan designation for the property is Urban High Density which has a density range of 8.01 to 20 dwelling units per acre. This designation is intended to accommodate town houses and higher density apartments. The proposed density of 11.5 dwelling units per acre is within the General Plan density range, but below the Housing Element’s goal of a mid-range of 14 dwelling units per acre. The Land Use Element includes several goals and polices to promote infill development and the provision of a full range of affordable housing opportunities. Policy 9-LUP actually states the City should provide for higher densities on infill sites. Land Use Goal 4-LUG states the City should protect and enhance the character of established single family neighborhoods. The proposed lot sizes are smaller than other lots in the area. However, along Ivy Street, there are several homes that have building setbacks that are very close to the road, and there is a mix of smaller and larger homes. Additionally, there are homes along Alta and North School Streets that have front yard building or porch setbacks that are less than 10 feet. These areas also include a mix of large and smaller homes. Therefore, the proposed building sizes and setbacks are not uncommon for this area of the City.

The R-3 Zoning District requires a minimum lot size of 10,000 square feet, a lot width of 75 feet, and maximum lot coverage of 50%. It also requires greater setbacks than what are proposed. The purpose of the PUD application is to permit diversification in the relationship of various structures and open spaces in planned buildings as it relates to development standards. It is intended to provide greater flexibility in the design to take advantage of a site and to produce a development that is in harmony with its neighborhood. Since the surrounding area is predominantly single-family homes, the PUD allows for some flexible development standards, while maintaining the density range of the General Plan. As noted above, the proposed building setbacks are not uncommon to other buildings in the area. The smaller lot sizes may be incompatible with many of the surrounding houses, but the project proposes townhouses and 2 single family homes which are more in character to the surrounding area than a higher density apartment project which is also permitted in this zone.

**VI. Development Review Considerations:** Section 16B of the City’s Zoning Ordinance establishes a procedure for projects subject to development review. Single family homes are not subject to these provisions. Additionally, the City of Grass Valley’s Community Design Guidelines provide design standards for apartment and condominium projects in the R-3 Zone. However, single family homes are not subject to
these guidelines. Since this project proposes a PUD, the City’s Zoning Ordinance requires the City Planning Commission and City Council to review and consider the building design. The Development Review Committee reviewed the site plan and building elevations as part of a study session item on March 28, 2006. The DRC provided the following comments for consideration by the Planning Commission and City Council:

1. The DRC noted the proposed houses are small, but incorporate architectural elements typical to other homes found in Grass Valley.

2. The two homes on lots 1 and 2 should include eyebrow roofs if they have second story windows.

3. Lots 9 and 10 should be expanded to include the open space areas to the south and east of these lots.

The Community Design Element of the General Plan includes the following goals, objectives and policies that should be considered:

3-CDG: Assure that new development is sensitive to and strengthens the existing built and natural environment.

11-CDO: Infill development that is consistent with the historic development patterns in terms of scale, design and material.

13-CDO: High quality streetscape and building design in all new development.

8-CDP: Provide opportunities for attached housing units in single family residential areas, when attached housing will be consistent with established densities and neighborhood appearance.

The DRC supported the design of the project and believed it was consistent with the general character of Grass Valley. As noted in the previous section, this project, besides the smaller lot sizes, appears to be consistent with the City’s goals, objectives and policies.

VII. Alternatives: The Planning Commission may continue the application with direction to redesign the project, or may deny the application with findings.

VIII. Recommended Action: The Planning Commission, by motion, should recommend that the City Council approve Tentative Map Application 05PLN-40 and Planned Unit Development Application 05PLN-41, subject to the following findings and condition of approval:

IX. Findings:
1. The applications for Tentative Map 05PLN-40, Planned Unit Development 05PLN-41 were submitted to the City on December 23, 2005, and deemed complete, upon submittal of additional information, on January 30, 2006.
2. On January 30, 2006, the City circulated Tentative Map 05PLN-40 and Planned Unit Development 05PLN-41 applications to appropriate agencies and departments for review and comment.

3. The City completed the Initial Study in compliance with the California Environmental Quality Act and concluded that the project may have potentially significant impacts on the environment. Two Mitigation measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment. The City circulated the proposed Mitigated Negative Declaration for public review (from February 24 to March 16, 2006) and received no comments or substantial evidence that the project will have a significant effect on the environment.

4. The Planning Commission has independently reviewed, analyzed and considered the proposed Mitigated Negative Declaration prior to making its recommendation on this project, and the Mitigated Negative Declaration reflects the independent judgment of the City of Grass Valley.

5. The initial study prepared by the City did not identify any adverse impacts on the environment, specifically on wildlife resources; therefore, the project is determined to be de minimis and not subject to the California Department of Fish and Game fee.

6. The Planning Commission conducted a public hearing on the applications on April 18, 2006.

7. The project is consistent with the City of Grass Valley 2020 General Plan. The construction of the project, as described in the Staff Report, is consistent with the General Plan designation and the zoning of R-3, Multiple Family Residence District.

8. The Tentative Map, as conditioned, complies with the General Plan Policies, and densities, and complies with the development and subdivision standards identified in the Zoning Ordinance.

9. The design and improvements of the proposed Tentative Map, as conditioned, complies with the General Plan.

10. The site is physically suited for the proposed development.

11. The Planned Unit Development for this residential development will constitute an environment of sustained desirability and stability; that it will be in harmony with the character of surrounding neighborhoods; that it will provide affordable housing; and that it will not result in an intensity exceeding the standards of the General Plan.

12. That the establishment, maintenance and operation of the proposed Tentative Map and Planned Unit Development will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements of the City of Grass Valley.
X. Conditions of Approval:

1. All project plans and uses shall be implemented in accordance with the plans and description provided by the applicant and approved by the Grass Valley City Council for Tentative Map 05PLN-40 and Planned Unit Development 05PLN-41, unless changes are approved by the Planning Commission prior to commencing such changes. Minor changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.

2. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

3. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.

4. Planned Unit Development 05PLN-41 shall expire and become null and void in one year from the date of approval, or ______, 2007, or unless an extension is granted by the Planning Commission.

5. Tentative Map 05PLN-40 shall expire and become null and void in three years from the date of approval, or ______, 2009, or unless an extension is granted by the Planning Commission.

PRIOR TO RECORDING THE FINAL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

6. The applicant shall provide verification that the eight attached townhouses will be made affordable to very low income residents and monitored pursuant to the requirements of Habitat for Humanity. If City funding assistance is used for this project, the applicant shall abide by the terms of such funding agreement.

If the project is purchased or developed by another entity besides Habitat for Humanity, said developer shall comply with all of the requirements of the City’s Affordable Housing Program.

7. 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 an Encroachment, Retaining Wall, and Grading Permit; and shall pay all appropriate fees for plan check and inspection at the time of permit issuance. The grading and improvement plans shall include roadway slopes and elevations, curb, gutters, sidewalks, signing, paving, water and sewer pipelines, storm drains, and necessary easements, in accordance with City’s Standards.

8. The applicant shall submit to the City Engineer for review and approval a Final Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.
9. The applicant shall enter into an agreement with the City Engineer to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of the improvements. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his/her expense.

10. Prior to recordation of the final map, the subdivider shall provide to the Community Development Director an acceptable method, such as a homeowners association, tenant agreement, and/or CC&R’s to maintain the common areas for the residential areas, roadways, detention facilities and the open space. The subdivider shall provide the appropriate documentation for review by the Community Development Director, City Engineer and City Attorney.

11. Subdivider shall dedicate land, or pay a fee in-lieu of dedication, for park and recreation purposes in accordance with the City’s Subdivision Ordinance.

12. The Applicant shall submit a program to ensure that the onsite detention facilities will be maintained by the property owner(s).

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

13. Sufficient surety (Maintenance Bond) guaranteeing the public improvements for a period of one year shall be provided.

14. If substantial changes in the size, alignment, grades, etc. during construction, original "as-built" plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer’s office.

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

15. 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 an Encroachment and Grading Permit; and shall pay all appropriate fees for plan check and inspection at the time of permit issuance. The grading and improvement plans shall include roadway slopes and elevations, curb, gutters, sidewalks, signing, paving, water and sewer pipelines, storm drains, and necessary easements, in accordance with City’s Standards.

16. The applicant shall submit to the City Engineer for review and approval, a detailed Soils and Geology Report certified by a Civil Engineer registered in the State of California and qualified to perform soils work. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways and existing roadway in relation to the proposed T.I.’s. The grading plan shall incorporate the recommendations of the approved Soils Report.
17. The applicant shall submit to the City Engineer for review and approval, drainage plans, hydrologic, and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:

Quantities of water, water flow rates, major watercourses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps and drainage courses. Hydrology shall be in accordance with the City of Grass Valley Improvement Standards and Specifications and Master Plan Drainage Standards.

In order to preclude significant impact to downstream properties, the applicant shall limit the storm water run-off after development to the pre-development conditions. The site drainage system shall incorporate sand/oil separators, or other approved methods to prevent site contaminants from impacting downstream watersheds.

18. The developer shall post a cash bond or deposit in the amount of $5,000 with the City for erosion and temporary drainage and/or sedimentation control of the project site as determined appropriate by the City Engineer. A detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Department 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.

19. If any of the improvements which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title or interest sufficient for such purposes, the applicant shall do all of the following at least 60 days prior to the filing of the final or parcel map for approval pursuant to Government Code Section 66457:

a. Notify the City of Grass Valley in writing that the applicant wishes the City to acquire an interest in the land which is sufficient for such purposes as provided in Government Code Section 66462.5;

b. Supply the City with (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil Procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the current fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report;

c. Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the applicant will pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the land.
20. 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 Improvement Plans.

21. The project developer shall adhere to the following tree protection measure as noted on the project site plans during any construction activities for this project:

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.

This measure and accompanying drawing shall be included on all final grading and construction plans.

22. The applicant shall obtain a Timber Harvest Permit (or appropriate exemption) from the California Department of Forestry, and shall obtain a tree removal permit from the Grass Valley Public Works Department. Prior to the removal of trees measuring 8-inches (DBH) or larger, the applicant shall provide the City with a Reforestation Bond, or suitable security, in the amount of $5,000, to guarantee diligent prosecution of the project after clearing the site. The Reforestation Bond shall be surrendered by the applicant upon abandonment of the project, or failure to obtain and prosecute the grading and building permits, within six months of removing any tree (8-inch DBH, or larger).

23. The applicant shall submit sewer calculations for the proposed development and any calculations necessary to verify the existing sewer system’s ability to carry the additional flow created by the development.

24. Prior to initiating grading and/or construction of the site improvements for the project, the developer shall initiate the following:

a. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer’s contractor shall notify both the Community Development and Engineering Departments 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.

b. Placement of construction fencing around all trees designated to be preserved in the project.

c. Submit for review and approval by the Fire Department, a Fire Safety Plan.

d. Submittal of two copies of the signed improvement/grading plans and a CD with an AutoCAD (or equivalent) drawing of the public improvements.

25. The applicant shall construct 12 feet of asphalt travel lane, curb and gutter, and a 4 foot sidewalk, per City Standards, and shall dedicate right-of-way necessary to
achieve 19 feet of right of way from the centerline of the existing right-of-way on Ivy Street along the entire property frontage. Power poles will need to be relocated, as needed.

26. Prior to issuance of a grading permit, a detailed engineering plan shall be prepared that incorporates recommendations identified in the Preliminary Geotechnical Report dated 2/8/2006. Geotechnical measures shall be incorporated into project grading and construction. A Geotechnical Engineer shall review the grading for implementation of those recommendations and design criteria. (MM)

DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

27. 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.

28. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Nevada County Environmental Health 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.

29. Prior to final preparation of the subgrade and placement of pavement base materials, all underground utilities shall be installed and service connections stubbed out behind the hardscape improvement. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

30. If grading is to take place between October 15 and April 15, a “rainy-season” erosion control plan shall be submitted for review and approval. Permanent erosion control measures shall include hydro-seeding of all disturbed areas within 30 days of completion of grading. Erosion control measures shall be installed prior to October 15 and any time disturbed areas are left untouched for more than 30 days during anytime of the year.

31. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.

32. 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.

33. Prior to placing the initial lift of asphalt and after all aggregate base is placed, all public sewer pipelines and storm drain pipelines shall be video inspected at the expense of the contractor/developer. All videotapes shall be submitted to the
City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.

34. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements.

35. If grading or other construction operations unearth archeological or historical artifacts or resources, construction activities shall cease. The Planning Department shall be notified of the extent and location of discovered materials so that they may be recorded by a qualified archaeologist. Disposition of artifacts shall comply with state and federal laws. A note of this requirement shall be clearly delineated on the grading and building plans of the project. (MM)

Attachments:
Location Map
Site Map
General Land Use Map
Proposed Mitigation Negative Declaration
Maps from Applicant

cc: Applicant
Nevada City Engineering
File