



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memorandum**

MEETING DATE: June 28, 2022

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Public Hearing to consider the Meeting of Nevada County Planning Commission's May 26, 2022 (4-0) (1 absent) vote and recommendation for the 49er Self-Storage project including: 1) Adopt the Mitigated Negative Declaration (EIS22-0003); 2) Approve the Zoning District Map Amendment to rezone the subject parcel from Highway Commercial (CH) to Neighborhood Commercial (C1) (RZN21-0003); 3) Approve the Petition for Exceptions to Road Standards to allow for a reduced easement width on Johnson Place (PFX21-0006), and; 4) Approve the Conditional Use Permit to allow for the development and operation of a self-storage facility with 17 permanent buildings and 7 storage containers, as well as the formal approval of the existing Alta Sierra Family Automotive auto repair facility (District II).

RECOMMENDATION:

The Planning Commission, on May 26, 2022, voted 4-0 (1 absent) to recommend that the Board of Supervisors take the following actions:

- I. Environmental Action: After reviewing and considering the proposed Mitigated Negative Declaration (EIS22-0003), approve the attached Resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS22-0003), pursuant to Section 15074 and 15097 of the California Environmental Quality Act Guidelines and making the findings contained within the attached Resolution (*Attachment 1*).

II. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance amending Zoning District Map No. 43 to rezone Assessor Parcel Number: 025-220-054 from Commercial Highway (CH) to Neighborhood Commercial (C1) (RZN21-0003) based on the findings contained within the draft Ordinance (*Attachment 2*).

III. **Project Action:** Approve the attached Resolution approving the Petition for Exceptions to Road Standards (PFX21-0006) and Conditional Use Permit (CUP21-0005) based on the findings contained with the draft Resolution (*Attachment 3*).

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Draft Resolution: Initial Study/ Mitigated Negative Declaration
1A: Initial Study and Mitigation Monitoring and Reporting Plan (EIS22-0003)
2. Draft Ordinance: Zoning Map Amendment
2A. Exhibit A: Zoning Map Amendment Exhibit
3. Draft Resolution: Petition for Exceptions to Road Standards and Conditional Use Permit
3A: Conditions of Approval & Mitigation Monitoring and Reporting Program
4. Project Vicinity, Zoning and Public Notice Map
5. Site Plan
6. May 26, 2022 Planning Commission Staff Report (without attachments)
7. May 26, 2022 Staff Memorandum with Revised Conditions of Approval
8. Project Distribution Public Comments Received
9. May 26, 2022 Draft Planning Commission Meeting Minutes

PROJECT DESCRIPTION: The project is a proposed Rezone from Highway Commercial (CH) to Neighborhood Commercial (C1) to allow for the proposed self-storage use, 2) a Petition for Exceptions from Road Standards to allow for a reduced easement width on Johnson Place, and a 3) a Use Permit to allow for the development and operation of a self-storage facility with 17 permanent buildings and 7 storage containers, as well as the formal approval of the existing Alta Sierra Family Automotive auto repair facility.

Rezone: The project proposal includes a Zoning Map Amendment request from Highway Commercial (CH) to Neighborhood Commercial (C1) in order to accommodate the proposed use of self-storage facilities. Mini-storage buildings are not permitted in the CH zoning district, but are permitted in the C1 district, per Table L-II 2.4.D of the Nevada County Land Use and Development Code. The subject parcel was previously zoned C1, along with all surrounding zoning in the immediate project vicinity on the east side of State Route 49, but was rezoned to CH in 1996 to accommodate a proposed home, garden, and construction equipment rental business, which no longer exists. The proposed rezone would return the parcel to the original C1 zoning to support the development of

the new self-storage facility and bring the existing auto repair facility on the site into compliance with the Nevada County Land Use and Development Code. The Rezone would also be consistent with the Nevada County General Plan because Table 1.2 of the Land Use Element defines both CH and C1 zoning districts as compatible with the HC General Plan designation. Existing and proposed zoning is shown in Figure 1 below.

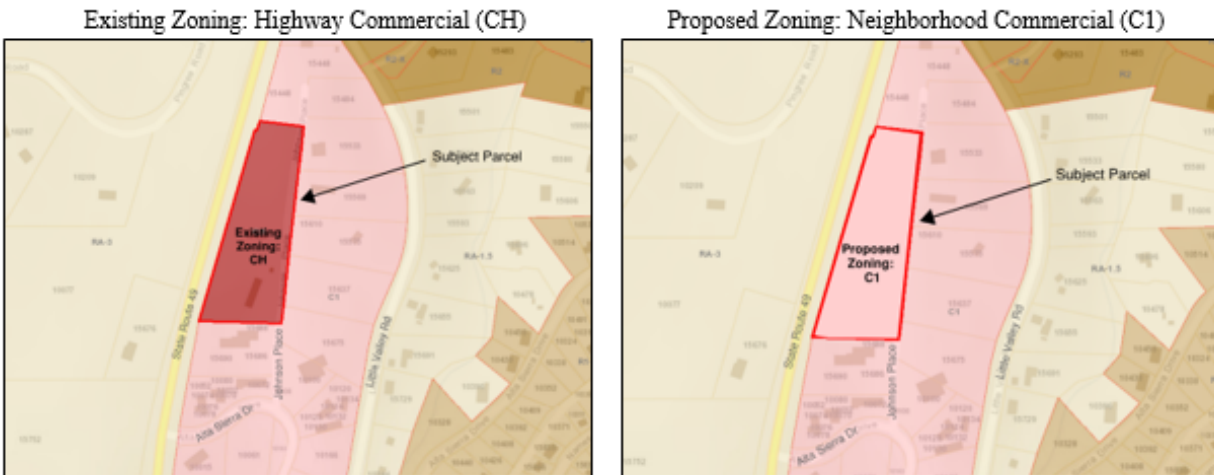


Figure 1: Existing and Proposed Zoning

Petition for Exceptions to Road Standards: Access to the site is via Johnson Place, a private road, from Alta Sierra Drive and State Route (SR) 49, publicly maintained roads. Johnson Place is a 30-foot wide right of way that extends from Alta Sierra Drive to the northern end of the subject parcel. The segment of Johnson Place south of the storage facility entrance is currently used by several Alta Sierra commercial businesses, and Johnson Place traverses through a parking lot in this area. Land Use and Development Code Sec. L-XVII 3.4.A requires a 50-foot right of way width for Local Class 1 roads, which will be required for this project. The current easement width for Johnson Place is 30 feet. The applicant has obtained a 10-foot fuel modification easement from the neighboring parcel APN 025-430-005 to the east to meet fuel modification requirements for the only portion of the road that is not in a parking lot from Alta Sierra Dr to the entrance of the self-storage facility. On the applicant's parcel (APN 025-220-054), a 40-foot-wide Offer of Dedication to the County for Johnson Place is proposed along the western property line of the parcel along the project's frontage on Johnson Place. This section of Johnson Place would consist of the existing 30-foot easement, the proposed 10-foot offer for public access, utility, and emergency egress purposes plus an additional 10 feet of fuel modification easement adjacent to the APN 025-220-054. The Nevada County Department of Public Works and Nevada County Consolidated Fire District are supportive and have recommended approval for this petition for exception because the proposed offers of dedication meet the intent of the 50-foot required easement in Land Use and Development Code Sec. L-XVII 3.4.A.

and new plantings to provide visual interest and complement structures. An existing chain link fence and gates are situated along the perimeter of the auto repair facility and a 6-foot-high fence wrought iron fence or similar is proposed in all areas except the northern perimeter and the western perimeter north of Building 15 which would be fenced using chain link fencing.

The project proposes three signs: one (1) wall sign on Building 16 facing State Route 49, one (1) monument sign with both the automotive repair tenant and self-storage facility advertised on the sign, and one (1) 25-foot-tall pole sign. The Planning Commission and Planning Department staff recommend approval of only the proposed monument sign and wall sign to limit visual clutter and aesthetic impacts along State Highway 49. Condition of Approval A.7 has been included to limit signage to the proposed wall sign and monument sign only, and that all project signage shall be designed and maintained consistent with the Nevada County Land Use and Development Code and the Western County Design Guidelines regarding sign design and lighting.

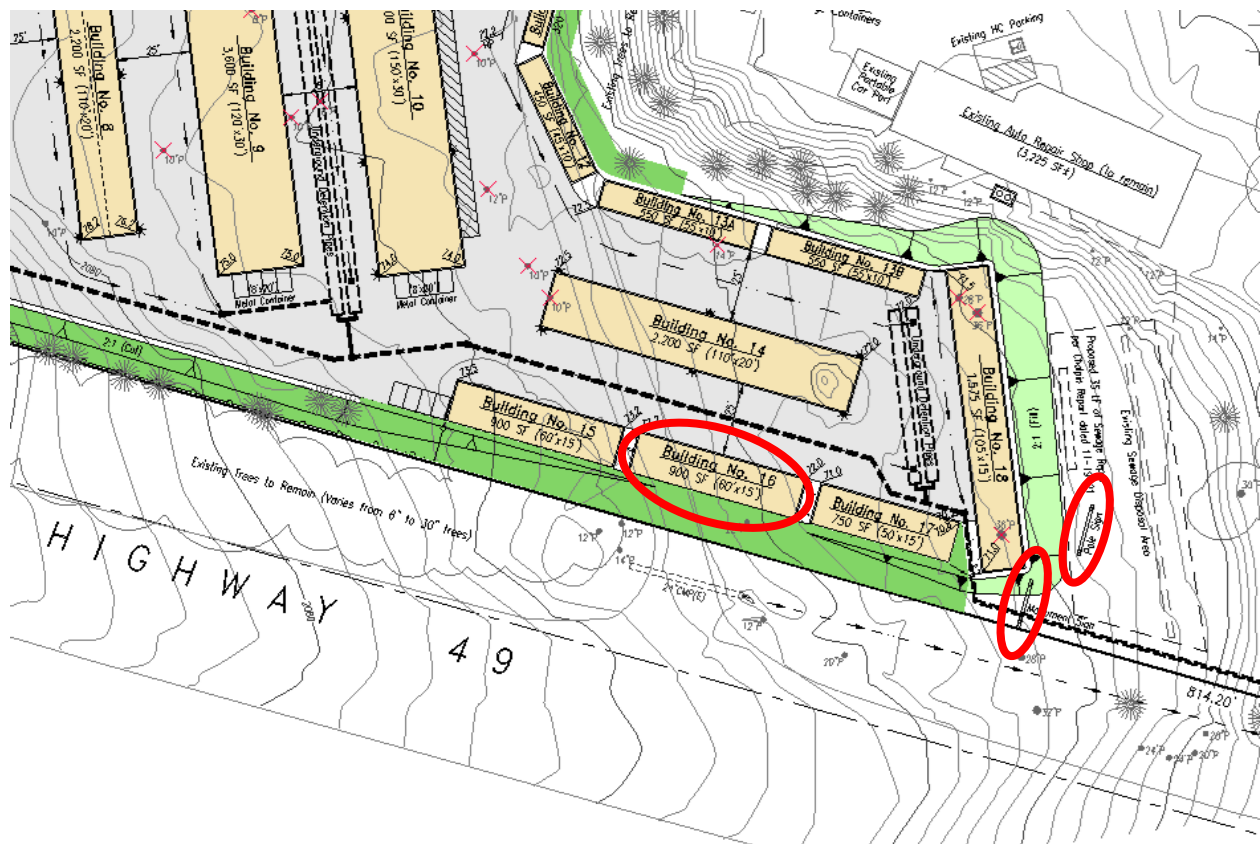


Figure 3: Proposed Sign Locations

The project proposal includes thirty-four (34) new, exterior wall-mounted LED lights proposed on eight (8) of the proposed storage buildings and two existing pole lights and six existing building-mounted lights to provide security lighting at both the self-storage and auto repair facilities. A photometric lighting plan was included in the project materials that showed that there will be no light trespass across property lines, and that all

lighting will be downcast and shielded so as to comply with the Land Use and Development Code standards regarding lighting. Condition of Approval A.6 has been included to ensure all existing and proposed lighting shall be in conformance with Land Use and Development Code. The Planning Commission directed staff to clarify this condition to include requirements for dimmers and motion sensors to achieve the Commission's intent to limit the intensity of overnight security lighting.

The Use Permit proposal also proposes to formalize an existing non-conforming use on the project site. Alta Sierra Family Automotive includes approximately 3,225 gross square feet (sf) structural space, including shop, office, and storage. Three automotive service bays are located within the main shop building. The facility has 15 parking spaces, including one handicapped space. Alta Sierra Family Automotive has two existing access points from Johnson Place. In order to minimize the overall number of encroachments onto Johnson Place from the subject parcel, Alta Sierra Family Automotive would keep the existing northern driveway gate regularly closed. The current hours of operation are 8AM to 5PM, Monday through Friday. The auto repair shop has an established septic system from the original equipment rental facility that was permitted on July 29, 1996, and a repair field has been identified as part of the Use Permit application to serve in the event of a leach field failure.

ZONING AND GENERAL PLAN CONSISTENCY:

The subject parcel is zoned Commercial Highway (CH) and has a Highway Commercial (HC) General Plan Land Use designation. Should this project be approved, the property's Zoning would be changed to be consistent with the current zoning of much of the surrounding area in terms of the Neighborhood Commercial (C1) zoning. The Rezone would also be consistent with the Nevada County General Plan because Table 1.2 of the Land Use Element defines both CH and C1 zoning districts as compatible with the HC General Plan designation. As discussed above, the proposed project will require satisfactory completion of the Conditions of Approval and Mitigation Monitoring and Reporting Program to ensure it can meet current development standards in the C1 Zoning and HC General Plan Land Use designations, but overall, the use of the property as a self-storage facility and automotive repair facility is compatible with the area.

ENVIRONMENTAL REVIEW:

The Planning Department prepared a project specific draft Initial Study for the project and found that this project will not result in a significant physical change to the environment. The draft Initial Study made a good faith effort to disclose anticipated future impacts of the redevelopment of this site. The draft initial study/proposed Mitigated Negative Declaration was circulated for public comment between April 8, 2022 and May 9, 2022 (*Attachment 1*). The Notice of Availability/Notice of Intent to adopt a Mitigated Negative Declaration was sent to several local and state responsible agencies as well as surrounding property owners. As of this writing, no adverse comments were received as a result of this outreach. Since this project will not result in the significant impacts to the environment and will make the Zoning designation for the subject property

consistent with other surrounding land uses, staff has determined that a Mitigated Negative Declaration is the appropriate document for this project. The Planning Commission provide a recommendation to the Board of Supervisors to adopt the draft Initial Study/proposed Mitigated Negative Declaration for this project.

PLANNING COMMISSION ACTION:

At the Meeting of May 26, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed project including the draft Mitigated Negative Declaration, Zoning District Map Amendment, Petition for Exceptions to Road Standards, and Conditional Use Permit. After taking public testimony and deliberating on the project, the Planning Commission agreed to limit project signage to only the proposed wall and monument signs, and directed staff to clarify Condition of Approval A.6 regarding lighting to include requirements for dimmers and motion sensors to achieve the Commission's intent to limit the intensity of overnight security lighting. The Planning Commission, in considering the entire record before them, voted 4-0 (1 absent) and recommended that the Board of Supervisors: 1) Adopt the Mitigated Negative Declaration (EIS22-0003); 2) Approve the Zoning District Map Amendment to rezone the subject parcel from Highway Commercial (CH) to Neighborhood Commercial (C1) (RZN21-0003); 3) Approve the Petition for Exceptions to Road Standards to allow for a reduced easement width on Johnson Place (PFX21-0006), and; 4) Approve the Conditional Use Permit to allow for the development and operation of a self-storage facility with 17 permanent buildings and 7 storage containers, as well as the formal approval of the existing Alta Sierra Family Automotive auto repair facility.

SUMMARY:

The applicant is seeking a Rezone from Highway Commercial (CH) to Neighborhood Commercial (C1) to allow for the proposed self-storage use, a Petition for Exceptions from Road Standards to allow for a reduced easement width on Johnson Place, and a Use Permit to allow for the development and operation of a self-storage facility with 17 permanent buildings and 7 storage containers, as well as the formal approval of the existing Alta Sierra Family Automotive auto repair facility. The Planning Department has reviewed the proposed changes and found that no significant physical environmental impacts would occur as a result of this action and that the proposal to go to Neighborhood Commercial (C1) Zoning Designation would be consistent with the Nevada County General Plan and other similar surrounding uses of the subject parcel. The Planning Commission has reviewed the proposed changes and found that no significant physical environmental impacts would occur as a result of this action. Therefore, based on the project's consistency with the Nevada County General Plan and Zoning Ordinance, the Planning Commission on May 26, 2022 on a 4-0 (1 absent) vote recommended that Nevada County Board of Supervisors take the project actions described below.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Environmental Action: After reviewing and considering the proposed Mitigated Negative Declaration (EIS22-0003), approve the attached Resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS22-0003), pursuant to Section 15074 and 15097 of the California Environmental Quality Act Guidelines and making the findings contained within the attached Resolution (*Attachment 1*).

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- III. Project Action: Approve the attached Resolution approving the Petition for Exceptions to Road Standards (PFX21-0006) and Conditional Use Permit (CUP21-0005) based on the findings contained with the draft Resolution (*Attachment 3*).

Item Initiated by: Kyle Smith, Associate Planner

Approved by: Brian Foss, Planning Director