



Critical Meeting - New Nevada City Courthouse

Ask the full Nevada City Council to Recommend the State Courts to:

Choose the Forest Service Site

Please attend:

Where: Nevada City Hall

When: Wednesday, May 22, 6:30 pm

Please also email City Council

(even if you have before)

publiccomment@nevadacityca.gov

cc: heidi.hall@nevadacountyca.gov

Please ask the City Council to:

1. Ask the AOC to re-evaluate the Site Criteria ratings on the 2 neighborhood sites.
2. Recommend to the State that the USFS site be selected for the new courthouse.
3. Specifically recommend against the Hirschman's Pond and Coyote Street sites.

Background

As you know, the State Office of the Administrative Courts staff has rated their top 3 sites for the new Nevada City Courthouse:

1. Forest Service site on Highway 49 – we neighbors agree, this is the best choice

- Ready to go from a site development standpoint.
- Has had strong community support for a long period of time.
- Received the highest ratings in AOC Site Selection Criteria.

As neighbors, we say No to the 2 neighborhood sites:

2. The NW corner of Cement Hill and Highway 49 at Hirschman's Pond – we neighbors say this is a poor choice

- Entry to our beautiful Hirschman's Pond open space and trail.
- Wetlands
- Primary evacuation route for Cement Hill neighborhood.
- This site's criteria rating should be in position 6 (not 2).
- A key entry to Nevada City at West Broad Street, historic Nevada City's "Main Street".

3. Wooded parcel at Coyote Street and Highway 49 – we neighbors say this is a poor choice

- Directly above Alexander St. and adjacent to one of the most historic neighborhoods in Nevada City
- Jumps south of Highway 49, a physical barrier that protects historic Nevada City neighborhoods.
- Zoned residential.
- This site's criteria rating should be in position 10 (not 3).

Questions: nevadacityneighbors@gmail.com

Nevada City Neighbors
and
Greater Cement Hill Neighborhood Association

May 14, 2024

Nevada City Council
317 W. Broad St.
Nevada City CA 95959
publiccomment@nevadacityca.gov
cc Heidi Hall

Dear Members of the Nevada City Council:

Nevada City Neighbors (including the Nabob/Oregon Hill neighborhood) have joined with the Greater Cement Hill Neighborhood Association to strongly support the location of the new Nevada City Courthouse at the USFS site on Highway 49.

The USFS site is the best choice

It is by far the best site for our community and the courts:

- It is ready to go from a site development standpoint.
- It is north of Highway 49, a physical barrier that protects historic Nevada City neighborhoods from non residential development above the highway.
- It meets the long term goals of Nevada City's General Plan and Zoning.
- It has had strong community support for a long period of time.
- It received the highest ratings in the AOC Site Selection Criteria to date.

The Hirschman's Pond and Coyote Street sites are not suitable for the courthouse.

--These sites clearly do not meet **AOC Goal 1.4: "...siting a new courthouse should strive to meet historical and local preferences."**

--The Coyote Street site is south of Highway 49 (a physical barrier to non residential zoning and uses north of the highway) and directly adjacent to the most historic residential neighborhood in Nevada City.

--The Hirschman's Pond site includes the entrance to the beloved Hirschman's Pond and Trail which was purchased with State grant funds by the City and is heavily used. This site is also at a key entry to Nevada City at West Broad Street, historic Nevada City's "Main Street". It is located at the only emergency exist to the high fire prone Cement Hill neighborhood and beyond. There are wetlands on the site and Sierra Chorus Frog habitat.

--Neither site meets the long term goals of Nevada City's General Plan and Zoning. They are both zoned R-1, Single Family Residential and non residential development on them would conflict with the overall theme and specific goals and polices of the Nevada City General Plan.

--These sites both have strong local opposition for the courthouse. The Nevada City Ad Hoc Committee meeting on the issue was before a packed chambers all with speakers opposed to these sites. Approximately 50 emails largely in opposition to the Coyote Street site were received. Over 150 Cement Hill neighbors signed a petition against that site.

We have carefully reviewed the Site Selection Criteria (Version 9) in a number of key areas for the USFS , Coyote Street site, Hirschman's Pond, and Highway 20 (Mull property) sites. Based on our analysis: The Coyote Street site and the Hirschman's Pond sites should have substantially lower ratings, taking them to 6th position and 10th position. The Mull property along Hwy 20 went from 4th to 2nd position in our analysis because it was not fully recognized for its positive properties. The USFS site remained in first place in our analysis.

Neighborhood Groups' Courthouse Site Ratings

Site		AOC Version 9 Ratings		Neighborhood Re-evaluation Ratings
	Ranking	Total Points	Ranking	Total Points
7. USFS	1	646	1	662
3. Mull	4	632	2	632
12. Hirschman's Pond	2	634	6	567-581
10. Coyote St.	3	624	10	488

A full explanation of our revised ratings analysis is attached. In particular, the current Site Criteria ratings (Version 9) made numerous incorrect conclusions, most notably in the following critical areas:

Courthouse site rating errors

SC 10.1 Does the project at these sites further the Nevada City general plan, goals, and policies ? The State rated both neighborhood sites as highly enhancing local goals. This is entirely incorrect: 1. Both sites are zoned single family residential. 2. The theme of the Nevada City General Plan is to preserve its wooded enclosure, preserve the historic core, and limit new employment generators to areas within existing business type zoning in the core or in carefully selected sites outside of the core. (The USFS and Mull sites have

been long designated employment with related general plan land use designations as a result – Employment Center and Planned Development.) Our analysis of the Nevada City General Plan goals, policies, and implementing zoning which give guidance on this issue is attached.

SC 5.1 Neighborhood compatibility. Both sites are rated the highest (5) by the State as “fits surrounding use”. This is clearly not correct. The Coyote Street site is directly adjacent to the historic Nabob/Oregon Hill residential neighborhood and directly over the fences of the Alexander Street homes. The Hirschman’s Pond site lies at the entrance to one of Nevada City’s most beloved and well used open space parks and trail area – Hirschman’s Pond. The placement of a large urban use like the courthouse in this location would completely alter the aesthetics and important social and health qualities of this landmark used as a daily escape by so many.

SC 5.7 Neighborhood concerns. The Coyote Street site was rated by the State as having only “3 - some” neighborhood concerns related to a courthouse at this site. This is not correct. This neighborhood is fully opposed to this site, has filled the Council Chambers, and has been joined in their concern by other historic neighborhoods throughout the City. It should be rated 1 for “Extensive neighborhood concerns” similar to the Hirschman’s Pond site.

SC 11.3 Are there previous environmental concerns on the site? The Hirschman’s Pond site is rated with no concerns. This is not correct. The site includes wetlands on and near the site with associated habitat.

SC 6.1. Neighborhood condition – economic vitality. Both sites are rated by the State as having “strong economic potential for redevelopment”. This makes no sense. Both are vacant sites with single family residential zoning. The Coyote St site is within a historic Nevada City neighborhood that receives special attention for preservation to of its existing qualities by the Nevada City General Plan. The Hirschman’s Pond site is at a key entry to the historic Core of the City and surrounded by high quality landscape and a single family residential neighborhood with no City plans for changes in land use or redevelopment.

In fact, City policy for economic development centers around the need to preserve the landscape and historic nature of the City. High intensity urban use on both of these sites would harm the economic vitality of the surrounding land as well as the City as a whole.

We ask the City Council to make a motion on May 22nd to:

1. Ask the AOC to re-evaluate the Site Criteria ratings in light of our neighborhood engagement and analysis.
2. Recommend to the PAG/AOC, that the USFS site be selected for the new courthouse.
3. Specifically recommend against the Hirschman's Pond and Coyote Street sites.

Sincerely,

Bob Wright, Laurie Oberholtzer, Greg Chapman, Peggy Wright, Eileen Jorgensen, Will Hart for Nevada City Neighbors, the Nabob/Oregon Hill area neighbors, and the the Greater Cement Hill Neighborhood Association

Nevada City's General Plan and Zoning Supports USFS Courthouse Site Inconsistent with Coyote St. and Hirschman's Pond Sites

The Nevada City General Plan clearly states a primary goal to protect the current historic form of the City:

“Probably the most important single purpose of this Plan is to preserve the existing essential character of Nevada City. This “essence” is that of a small, compact, historic town surrounded by green, wooded hills. The special appeal of Nevada City — both to residents and to visitors — has survived over time because this character has not been destroyed by the type of growth which has surrounded so many other historic towns.” Page 1 Nevada City General Plan

This essence has always been interpreted with a primary goal of preserving the original “historic core” which consists of the commercial center bounded by the original residential neighborhoods including a boundary formed by what is now Hwy 49 on the north. The plan does include carefully sited economic development areas outside of the Core which include some of the area north of Highway 49. This is consistent with Major Principle 4 below. These areas are designated Employment Center or PD on the General Plan Map. The USFS site is designated Employment Center and the Mull site on Hwy 20 is designated Planned Development.

The General Plan is based on four major principles:

1. *PRESERVE THE SENSE OF WOODED ENCLOSURE by protecting views from the highways and by maintaining rural density surrounding a tight urban cluster.*
2. *ENHANCE THE HISTORIC CORE by appropriate complementary development such as visitor accommodations and infill residential.*
3. *REINFORCE EXISTING COMMERCIAL CONCENTRATIONS and strongly limit additional commercial locations.*
4. *CREATE OPPORTUNITIES FOR EMPLOYMENT AND REVENUE GENERATORS tucked away in wooded surroundings, but tied closely to the highways.*

Page 1 Nevada City General Plan

Consistent with these principles, the General Plan specifically does not locate an employment center on the SW corner of Highway 49 site because it is part of the historic neighborhood core. It also does not designate the NW corner of Hwy 49 for employment uses because of the General Plan's concern for the preservation of important open space and a wooded enclosure formed by low density residential on much of the land north of the Core on Hwy 49. However, it does designate both the USFS site and the Mull site on Hwy 20 for Employment Center and Planned Development (which can include employment uses).

Other Nevada City General Plan Goals and Policies Relevant to the Courthouse decision

Numerous goals throughout the General Plan clearly create a land use concept that supports the careful planning that selected employment center land use designations only in locations that

would be consistent with the Plan's primary goals of historic preservation, economic development, conservation, and land use form (**key passages bolded**):

Historic Preservation

2. *Whereas many other Mother Lode towns are being surrounded by modern subdivisions and commercial development, the Nevada City Basin remains nearly pristine. **The City seeks means to preserve its sense of a historic town surrounded by open forest.***
3. ***As the City grows and new buildings are added outside the historic district, it is the City's aim to encourage design which is appropriate to our own age, but which is unassertive, allowing the dominance of the City's primary, nineteenth century historic period.***

Page 9 General Plan

Conservation

*Nevada City has a settling of great beauty which should be preserved. The City began at the confluence of Deer Creek and Little Deer Creek and grew up the hill to the north on the sunny side of the creek. The City lies in a basin which wraps around the City, with Cement Hill, Sugar Loaf Mountain, Harmony Ridge, and Banner Mountain forming a forested backdrop. The open space surrounding the City is one of the distinctive characteristics. **A goal of the City is to preserve its strong sense of entry and the sense of a distinct city surrounded by green, wooded hills. A joint city-county effort should be made to preserve the forested part of Nevada City's historic setting. Special consideration should be given to the perception of the City as seen from the highways.***

Page 9 General Plan

*Plan Concept To the northwest, Highway 49 is the main access route. The previous Highway 49 (Old Downieville Highway) is a narrow road winding through the extensive Erickson Lumber Company holdings and limited rural residential. **When the new Highway 49 was cut through the forest, it created excellent access for a number of adjacent sites, which are now receiving much interest for development proposals. However, the very characteristic which makes them prime development sites visibility and accessibility from the highway - - also makes them sensitive and vulnerable locations with regard to preserving Nevada City's essential image and character.***

Page 19 General Plan

Land Use policies

*PD **Planned Development (PD):** Large ownerships or other special opportunities for clustering or mixed-use development. "Planned development" classification allows more creative solutions to provision of open space and amenities than do the standard setback, coverage, and height requirements. However, it also requires more attention to design review.*

Evaluation standards should be similar to those for "employment center" classification above. Clustering of development should enable the provision of generous landscaping, open space, and conservation areas.

This PD designation may be combined with other land use designations (such as SF-PD for single family-planned development) where clustering of development, providing generous open space, and other planned development features are clearly desirable.

When using the planned development designation in combination with another land use designation, the density standards of the other designation shall apply

Page 31 General Plan

EC

Employment Center (EC): Light commercial or light industrial development concentrations which address the city's need for jobs and revenue but which do not harm the essential visual character of "historic town surrounded by open forest," and which remain sensitive to established neighborhoods. This designation is intended to include existing light industrial development and future development opportunities. Future zoning and development under this designation should fall within the following different categories, based on zoning and/or site plan review considering the nature of the neighborhood and surroundings:

- a) Relatively small parcels available for job generating land uses as very light manufacturing, research and development, and related activities, where such uses area esthetically designed, do not generally involve outside storage, and have mitigated characteristics that allow the uses to exist in close proximity to residential neighborhoods. The City will consider noise, light, glare, signage, traffic generation, and hours of operation among the neighborhood compatibility factors for development in these areas. The Tahoe Forest Headquarters on Highway 49, the Gold Flat Road parcels, and the Old Bottling Works on Uren Street are typical of this type of category.

Page 30 General Plan

Economic Development

page 11 General Plan

The economy of Nevada City is based at present primarily on tourism and government service. Other important industries include timber, construction, and a small but growing light industrial sector. The economic goals of the City are as follows:

1. Encourage and assist local business and jobs to remain in Nevada City.
2. **Maintain Nevada City's existing concentration of employment as the seat of county government**

3. *Diversify the economy of the City by attracting additional types of economic development.*
4. *Generate direct and indirect tax revenue necessary to provide adequate basic public services.*
5. **Support the historic and visual quality of the City.**

Neighborhood Revision to AOC Site Criteria Ratings

Criteria #	Criteria	AOC rating	Nbhood Rating	Criteria Weight	Change +/- to rating	New position	Explanation for recommended rating change
USFS site 7							
AOC points					646		
SC 1.3	Expansion capability	1	3	3	+6		Tintle property
SC 1.4	Pkg expansion potential	1	3	3	+6		Tintle property
SC 2.6	Social services near	1	3	2	+4		Rood Center is nearby, 1-3 miles meets this criteria for 3 pts
					+16		
More accurate points/position					662	1(same)	
Hwy20/ Coyote Site 3 (Mull)							
AOC points					618		
SC6.2	Office space for justice partners and legal near	3	5	4	+8		
SC8.1	Visibility of site to public	3	5	3	+6		Visible from Hwy 20 potential
SC19.4	Local Economic Dev Potential	3	5	5	+10		The Nevada City General Plan theme for economic development is to preserve the historic "core" of the city, focus on historic preservation. As a results it locates and locate new employment

									centers north of Hwy 49 in EC and PD designated properties. This site has potential for employment uses since it was designated in the City General Plan as PD.
								+24	
More accurate points/position								632	2
Pello-Hirschman's Pond – site 12									
AOC Points								634	
5.1	Neighborhood compatibility	5	1	4				-16	The intensive urban courthouse use is incompatible with the popular nature park and hiking trail that is adjacent (the pond) as well as the directly adjacent Cement Hill neighborhood. As a result, this site should receive the lowest score on this criteria.
9.2	Supports city and county planning initiatives	5	1	3				-12	Does not support the City's long standing initiative of protection of the Hirschman's Pond open space and trail. The city purchased the property with a State grant and over the years has adopted a long term Master Plan for the open space park, developed the trail system and parking, conducted fuel reduction projects, and sponsored nature education programs.
10.1	Project impact on city master plan, zoning etc	5	1	4				-15	Does not comply with City R-1 residential zoning on this site intended for compatibility with the adjacent Cement Hill residential zoning and the Hirschman's Pond and trail open space. (See General Plan discussion attached.)

AUC rhd wt.

11.2	Structures needing abatement?	5	3?	4	-8?		The neighboring house to be purchased would need demolition and likely some abatement.
11.3	Prev env concerns	5	3?	3	-6?		The site is adjacent to the Hirschman's hydraulic mining site and is likely to have some related problems. In addition, there are wetlands on and near the site.
19.4	Local Economic Dev Potential	5	1	5	-10		Local economic development will be harmed with degradation of the entry to the popular and heavily used (by locals and tourists) Hirschman's Pond natural open space. A key entry to historic Nevada City is also located just across the highway. There is little opportunity for screening from the historic townscape of what will be a visually inconsistent urban project. (See General Plan discussion attached.)
					-53 to minus 67		
	More accurate points/position				567-581	6	
	Coyote St - site 10						
AOC	points/position				624		
5.1	Neighborhood compatibility	5	1	4	-16		This site is not compatible with the directly adjacent Nabob/Oregon Hill neighborhood, specifically Alexander St. (it touches these backyards). It will also be highly visible from the Upper Main and Upper East Broad Street homes.

<p>This is the most historic residential neighborhood in Nevada City. Most of the homes date to the 1800s. The lowest score for this criteria is appropriate. (See General Plan discussion attached.)</p>								
<p>The neighborhood is highly vocal in its opposition to this site. Approx 50 letters in opposition to the site were submitted to the City Council Ad Hoc Courthouse Committee in one week. The Chambers were filled when it was discussed.</p>		-8	4	1	3	Neighborhood concerns to adjacent courthouse		5.7
<p>As with the Pello site, a low score of 1 meaning extensive neighborhood concerns is in order. Local economic development will be harmed with degradation of this entry to historic Nevada City and in particular, this historic neighborhood. Nevada City is highly dependent on historic interest tourism and protection of the historic "core" as an economic development tool is a key principle of the General Plan. (See General Plan discussion attached.)</p>		-16	4	1	5	Neighborhood condition-economic vitality		6.1
<p>The long standing city initiative of promoting historic preservation, protecting the historic core and historic neighborhoods, and attraction of historic interest tourism would clearly be harmed by this urban intensive project on the site. The site wit within the historic core and the most historic neighborhood in Nevada City and south of Hwy 49 which forms the boundary of the historic core. (See General Plan discussion attached.)</p>		-12	3	1	5	Supports city and county planning initiatives		9.2
<p>The site is zone R-1 Single Family Residential, clearly incompatible with the courthouse use both on the site and in its impact on the homes and entire neighborhood directly adjacent to it.</p>		-16	4	1	5	Project impact on city master plan, zoning etc		10.1

										<p>The courthouse would “jump” the highway which now serves as a planned separation between the City’s historic core and the government zoning and uses across the highway. (See General Plan discussion attached.)</p>
12.2		Unique features or landmarks, complements	5	1	4	-16				<p>This wooded site which lies directly adjacent to the historic Nabob/ Oregon Hill neighborhood is planned for low density housing that in the future would seamlessly extend from the existing homes. The General Plan’s envisioned low density residential use on this site would allow retention of the wooded backdrop which is a distinct feature of the landscape of this part of town.</p>
12.4		Minimum loss of veg and landscape	3	1	3	-6				<p>The courthouse proposal would not in any way complement this natural feature/ landmark. There would be extensive tree loss with courthouse development of this site.</p>
17.2		Current ownership	3	1	3	-6				<p>Though the site is made up of a number of parcels with different entity names, they are all within one family’s ownership.</p>
19.2		Clear of ex bldgs. and site imp	5	1	5	-20				<p>There are existing buildings which would need to be dealt with.</p>
19.4		Local Economic Dev Potential	5	1	5	-20				<p>This site is incompatible with the directly adjacent Nabob/ Oregon Hill neighborhood, specifically Alexander St. (just behind these backyards) and will be visible from the Upper Main and Upper East Broad Street homes.</p> <p>This is the most historic residential neighborhood in Nevada City. Most of the homes date to the 1800s. This project would harm the economic development potential of the city which relies</p>

Local Revisions to AOC Site Scorecard

USFS	AOC Rating	Local Rating	Weight	Change	Reason
SC1.3 Expansion Capability	1	3	3	+6	Tintle Property
SC 1.4 Parking Expansion	1	3	3	+6	Tintle Property
SC 2.6 Social Services Proximity	1	3	2	+4	Rood Ctr 1-3 miles
Net Gain +16					(646+16)=662 #1

Hwy 20/Coyote "Mull"

SC 6.2 Office Space for Justice Partners nearby	3	5	4	+8	within 1 mile
SC 8.1 Visibility of Site	3	5	3	+6	Visible from Hwy20
SC 19.4 Local Economic Development Potential	3	5	5	+10	General Plan Preserve historic – zoned EC PD
Net Gain +24					(618+24)=642 #2

Melo-Pello/Hirschman's Pond

5.1 Neighborhood Compatibility	5	1	4	-16	Incompatible Cement Hill neighborhood Hiking/Nature/Pond
9.2 Supports City+ County Planning Initiatives	5	1	3	-12	Does not support protection of Pond and <u>Open Space</u> / <i>Public Space</i>
10.1 Project Impact on City Master Plan And Zoning	5	1	4	-16	ditto 9.2

Hirschman's(cont)	AOC	Local	Weight	Change	Reason
11.2 Structures needing abatement	5	3?	4	-8?	House demolition- and likely more?
11.3 Previous Environmental Concerns	5	3?	3	-6?	Hydraulic mining- Wetlands
19.4 Local Economic Development Potential	5	1	5	-20	subverts potential visually inconsistent w/General Plan-historical
Net Reduction				-64 to -78	(634 -64)=570 #6 (634-78)=556

Coyote St/Hwy 49

5.1 Neighborhood Compatibility	5	1	4	-16	Incompatible with Historic Neighborhood
5.7 Neighborhood Concerns to Adjacent Courthouse	3	1	4	-8	Extensive Concerns vocal outcries
6.1 Neighborhood Condition Economic Vitality	5	1	4	-16	General Plan historical focus degraded in opposition to economic development
9.2 Supports City & County Planning	5	1	3	-12	City's historic core and historic neighborhoods violated
10.1 Project Impact on City Master Plan, Goals, etc.	5	1	4	-16	inconsistent Zoned R-1 Single Family Residential
12.2 Unique Features Landmarks Complements area	5	1	4	-16	now wooded backdrop
12.4 Minimum loss of Vegetation and landscape	3	1	3	-6	extensive loss of trees – nature vs Parking lot/Bldg
17.2 Current Ownership	3	1	3	-6	same family owner

Coyote/Hwy 49 cont.	AOC	Local	Weight	Change	Reason
19.2 Existing Bldgs and Site Improvements	5	1	5	-20	Three homes to be demolished
19.4 Local Economic Development Potential	5	1	5	-20	incompatible with historic neighborhood And General Plan
				Net Reduction -136	(624-136)= 488 #10