



**REGULAR CITY COUNCIL MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 12, 2015**

**Closed Session – 6:00 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Jennifer Ray, Mayor

Robert Bergman, Council Member

Evans Phelps, Vice Mayor

Terri Andersen, Council Member

Duane Strawser, Council Member

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION – 6:00 PM

Pursuant to Government Code Section 54956.9, the Consulting City Attorney is requesting a closed session conference to discuss and confer on a Settlement Authority Request regarding the pending Worker's Compensation claim of James Fowler against the City, Claim No. NCWA 556102.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Andersen, Bergman, Strawser, Vice Mayor Phelps, & Mayor Ray

PLEDGE OF ALLEGIANCE

PROCLAMATION: 150th Anniversary of Nevada City Theatre

PRESENTATION: Swearing In Ceremony – Canine Officer Rüdiger

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

- A. Subject:** Memorial Bench Request for Pioneer Park
Recommendation: Pass a motion approving a bench with plaque to be placed at the Pioneer Park playground in memory of Donna Rocker.
- B. Subject:** Approval of Hiring a New City Planner
Recommendation: Approve hiring of Tonya Ward, AICP, MUP as the City of Nevada City's City Planner pursuant to City's Personnel Policy Guide.
- C. Subject:** Implementation of Land Management Plan for Hirschman's Pond – Sierra Nevada Conservancy Proposition 84 Healthy Forests Grant Program
Recommendation: Authorize Mayor to sign a letter of support for Sierra Streams Institute to apply for funding to complete fire clearing on the Hirschman's Pond property.
- D. Subject:** Memorandum of Understanding (MOU) for Deer Creek Environs Fuel Reduction Project
Recommendation: Accept the Memorandum of Understanding (MOU) between Sierra Streams Institute, The Fire Safe Council and the City of Nevada City and approve the Mayor to sign on behalf of the City.

4. APPROVAL OF MINUTES:

A. City Council Meeting – July 22, 2015

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. **Subject:** League of Women Voters Request for Use of Nevada City Council Chambers

Recommendation: Provide direction to the City Manager.

6. PUBLIC HEARINGS:

A. **Subject:** Public Hearing to Consider a 15-year Extension of the Current Development Agreement between the City of Nevada City and Kenmawr-Nevada City LLC and Nevada City Tech Center, LLC

Recommendation: Hold the Public Hearing and after consideration, adopt Ordinance 2015-XX approving and extending the proposed 15-year extension of the current Development Agreement, and authorize the Mayor to sign the final draft of the extended Agreement.

B. **Subject:** Public Hearing to Consider Adoption of Proposed Amendments to the Existing Nevada City Design Guidelines, Relative to Architectural Review

Recommendation: Hold the Public Hearing and after consideration, the Council can adopt the proposed amendments to the Nevada City Design Guidelines as recommended by the Planning Commission as submitted or with any modifications.

7. OLD BUSINESS:

8. NEW BUSINESS:

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER’S REPORT:

12. ADJOURNMENT

Certification of Posting of Agenda

I, Catrina Olson, Assistant City Manager for the City of Nevada City, declare that the foregoing agenda for the August 12, 2015 Regular Meeting of the Nevada City City Council was posted August 7, 2015 at the office of the City of Nevada City (City Hall). The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed this August 7, 2015 at Nevada City, California

_____, Catrina Olson, Assistant City Manager

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

| | |
|--------------------|--|
| August 26, 2015 | Regular City Council Meeting |
| September 7, 2015 | Labor Day |
| September 9, 2015 | Regular City Council Meeting (Admissions Day-floating holiday) |
| September 23, 2015 | Regular City Council Meeting |
| October 12, 2015 | Columbus Day |
| October 14, 2015 | Regular City Council Meeting |
| October 28, 2015 | Regular City Council Meeting |

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2015

TITLE: Memorial Bench Request for Pioneer Park

RECOMMENDATION: Pass a motion approving a bench with plaque to be placed at the Pioneer Park playground in memory of Donna Rocker.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION: Friends and family of Donna Rocker, a local teacher and community volunteer, would like to place a bench in her memory at Pioneer Park. All funds for the bench and plaque will be provided by those making the request.

The City adopted its "Policy for Placement of Items in City Parks & Open Space" on September 25, 2013. Appendix B of this policy does not include recommendations for memorials at Pioneer Park. However, the suggested bench location for Donna Rocker is one of several logical locations in the park for a bench. The Parks & Recreation Supervisor and the Public Works Supervisor recommend the location shown in the attached picture. The memorial bench would replace a cement bench that was made unusable by the new ground cover at the playground.

The family has made the following request for wording on the plaque:

Dedicated to Donna Nadine Rocker
Remembered for her giving spirit, zest for living, eye for beauty,
unwavering faith and enduring positive outlook.

The Recreation Committee reviewed this at their July 22, 2015 meeting and recommended the City Council approve the bench with the wording as presented.

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: None

ATTACHMENTS:

- ✓ Memorial Placement Request Form
- ✓ Policy for Placement of Items in City Parks & Open Space
- ✓ Photo of recommended bench location

City of Nevada City
Parks & Recreation Department
Policy for Placement of Items in City Parks and Open Space
Adopted September 25, 2013

The policies and processes provided herein should be followed prior to any new structure, play equipment, benches, facility, etc. being placed in a Nevada City park or open space owned and operated by the City.

Any person or organization requesting to place, fund or construct a new amenity in a City park or open space property should be directed to the Parks & Recreation Supervisor. It is assumed in the following policy and procedures that all projects are fully funded by an individual, organization or has been included in the City's budget.

Memorials:

Memorials are smaller or common items that are requested for placement in City Parks to honor a family member or friend. Examples: bench, plaque, tree, etc.

Any individual or family requesting to place a memorial should complete a Memorial Placement Request Form (Appendix A). A list of options for placement of memorials has been provided in Appendix B. To take advantage of one of these memorial placements, the individual making the request will need to cover all costs for materials and installation. If the individual would like to request a memorial that is not included on the pre-approved list, their project request will need to be presented to the Recreation Committee for approval. In addition, any requests for a tree will need to be approved by the Public Works Director to insure that the type of tree will grow in this area, match the current landscaping and be located near watering lines to avoid extra maintenance needs.

Placement of benches along Hirschman Trail is managed by the Bear Yuba Land Trust (BYLT) within the guidelines provided by the Memorandum of Understanding (MOU) between BYLT and the City (Appendix C). There are a limited number of bench locations along the trail. A diagram of the potential bench locations can be found in Appendix C along with the agreement.

Memorial plaques shall be no larger than 12" x 12" with lettering no larger than 1".

Playground Equipment:

There is only one playground owned and operated by the City of Nevada City. It is located in Pioneer Park. Most of the playground equipment has been funded by the Nevada City Lions Club. When equipment for the playground needs to be replaced or additional equipment is desired...

1. The Parks & Recreation Supervisor will first approve the desired equipment to insure that based on installation regulations, the equipment can be placed within the boundaries of the existing playground to meet safety and ADA requirements.

2. The Public Works Director will then approve the use of Public Works employees for the installation of the equipment or recommend that the equipment be installed by a professional.
3. New equipment can then be installed.

New or Re-constructed Facility:

New or re-constructed facilities include monuments, historical artifacts, eagle scout projects, recreational amenities, etc.

The following steps will be taken for any proposed projects on City properties.

1. A Project Proposal Submission Form (Appendix D) shall be completed.
2. The project will be presented to the Parks & Recreation Supervisor.
3. The Parks & Recreation Supervisor will then request written comments from other appropriate staff members on the project.
4. Staff comments should be addressed and then the project will be presented to the Recreation Committee for direction.
5. If the Recreation Committee recommends that the project proceed, it will then be presented to the City Council for direction and final approval.

If the Recreation Committee does not recommend the project, the project will be shared with the City Council at a regularly scheduled City Council meeting for informational purposes only.

Recognition Signs:

Recognition signs have historically been placed next to Eagle Scout projects and new facilities. Any signs or plaques placed next to a facility or structure that has been donated shall fit within the following parameters:

- Signs/plaques shall be no larger than 20" x 20"
- Lettering shall be no larger than 1"
- All signs/plaques will be approved by the Recreation Committee

Wording and Language:

The wording/language that is proposed for any recognition sign, Eagle Scout project, memorial, etc. shall be approved by the Recreation Committee and City Council.

**City of Nevada City
Memorial Placement Request**

This form is intended to collect all necessary information from an individual, family or organization who would like to place an item on City owned property as a memorial. All memorials, materials needed and labor must be funded by the person, family or organization making the request.

Contact Name: _____

Phone #: _____ Alternate Phone #: _____

Full Address: _____

Email: _____

Item that you would like to have placed on City property (ie: bench, tree): _____

Location where you would like the item placed: _____

Person being honored by memorial: _____

Significance of this location: _____

Amount of funding you have available for this project: _____

Other related information: _____

MEMORIAL PLACEMENT OPTIONS

UPDATED: JULY 2013

Calanan Park

At this time, there are no suggested locations for memorials within the boundaries of Calanan Park and staff recommends not approving any memorials until a plan for this property is adopted by City Council.

Environs/Tribute Trail

2-3 bench locations would be appropriate along the Trail that connects from Jordan St. to Providence Mine Rd. A map is attached to show the approved bench locations for this section of trail.

No memorial locations are recommended for the section of trail from Champion Mine Rd. to the NID ditch.

Hirschman Pond Property/Trail

As noted within this document, Hirschman's Pond has bench locations available. The Bear Yuba Land Trust will work with individuals interested in these locations. Memorial benches will only be placed as noted in Appendix C.

Miners Trail

No memorials recommended.

Nevada Mine/Stiles Mill

Due to the Brownfield's Clean-up grant that is in process at this time, no memorials are suggested for this property.

Old Airport

Due to the un-developed nature of this property, staff does not recommend memorials at this location.

Penzance Park

No memorials recommended.

Pioneer Park

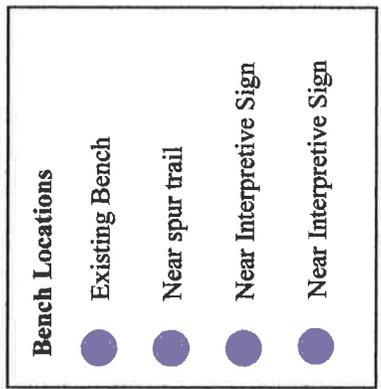
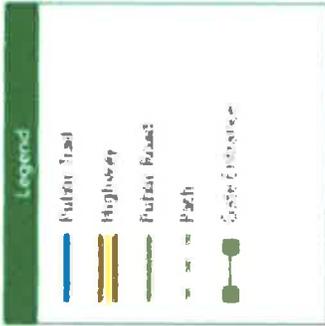
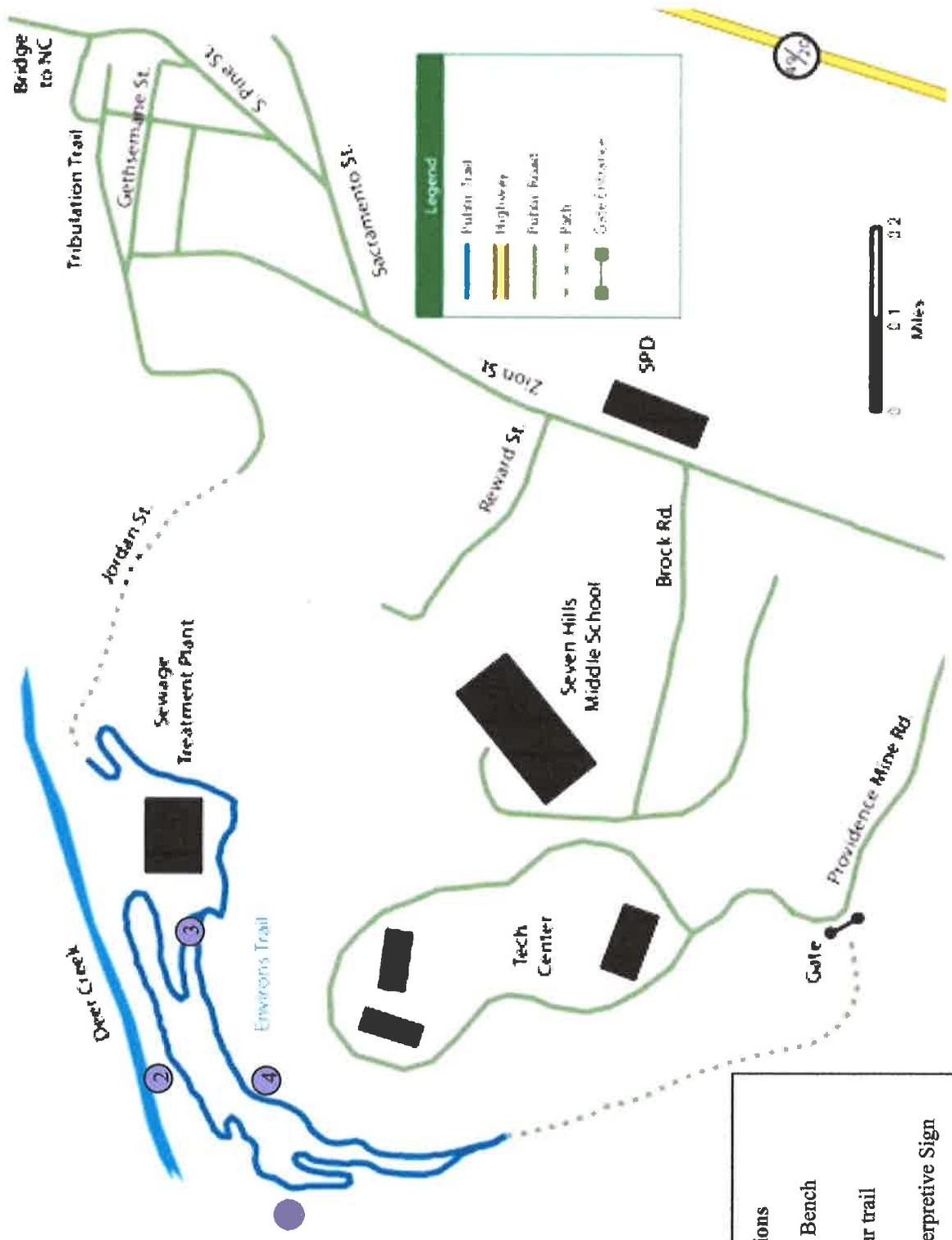
At this time, there are no suggested locations for memorials within the boundaries of Pioneer Park.

Robinson Plaza

At this time, there are no suggested locations for memorials within the boundaries of Robinson Plaza and staff recommends not approving any memorials until a plan for this property is adopted by City Council.

Sugarloaf Mountain

Although specific locations have not been chosen, placement of up to 3 benches is possible.



MEMORANDUM OF UNDERSTANDING
CITY OF NEVADA CITY, CALIFORNIA
AND
NEVADA COUNTY LAND TRUST
FOR
TRAIL CONSTRUCTION AND MAINTENANCE

Introduction

This Memorandum of Understanding (MOU) describes the relationship between the City of Nevada City, a public entity, hereinafter referred to as "City", and the Bear Yuba Land Trust, a private, non-profit group, hereinafter referred to as "BYLT", in their joint efforts to provide non-motorized public trails within the sphere of influence of the City.

WITNESSETH

WHEREAS, the BYLT has been operating since 1991 and is a member supported group promoting voluntary conservation of Nevada County's natural, historical, and agricultural resources through protection and enhancement of trails, parks, and open spaces to provide a lasting community heritage; and

WHEREAS, the goals of BYLT are accomplished by acquiring land, conservation easements, and development rights by donation, purchase and other means through voluntary, private action; and

WHEREAS, BYLT was the lead agency responsible for the construction of several trails in western Nevada County; and

WHEREAS, the City recognizes that one of the essential elements of enhancing the quality of life in the City is the construction of parks, recreation programs and facilities, open space and trails; and

WHEREAS, the City has or will obtain public land where trails are proposed and/or planned; and

WHEREAS, the City supports trail development that links park facilities, neighborhoods, schools and other community facilities; and

WHEREAS, it is mutually beneficial for the City and BYLT to collaborate in the development, operation, and maintenance of non-motorized trails,

NOW, THEREFORE, in consideration of the above recitals, the parties agree as follows:

1. To establish the procedure and responsibility for accomplishing the location, design, construction, operation and maintenance of trails on land owned by the City of Nevada City.
2. In concept BYLT agrees to:
 - A. Provide assistance to the designated City representative to plan trail alignments on City property.
 - B. Prepare project descriptions suitable for CEQA review.

- C. Secure easements from private landowners for trail segments to be built over private land that provides connections to City property.
- D. Secure grants and private funding to purchase service of contractors to construct the trail(s).
- E. Organize and supervise volunteers to assist in the construction of trails.
- F. Manage a trail adoption program for trails as agreed to by the City.

3. In concept the City agrees to:

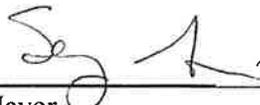
- A. Insure that each project complies with CEQA, the City's General Plan, Parks and Recreation Master Plans and any other applicable laws, regulations, and permitting requirements.
- B. Provide BYLT with written approval and assist with obtaining encroachment permits for trails constructed on city property.
- C. Provide assistance in the construction of the trail using the City's equipment, personnel, and funds to the extent they are available and agreed upon through the budget process.
- D. Reimburse BYLT for services provided in accordance with terms of contract or purchase agreements executed by both parties.

4. Both Parties agree to:

- A. Only proceed with a project when a letter of agreement has been received and signed by both parties describing the details of a specific project.
- B. Carry out all of their responsibilities under this agreement in a timely fashion, and to the extent possible, will do nothing to jeopardize the cooperation and goodwill of any willing donors, grantors, volunteers or other members of the public.
- C. Consult with the other party before preparing any information about the trail project for public distribution.
- D. Provide a designated representative to carry out the terms of this MOU. The designated representative for the City shall be Dawn Zydonis, Nevada City Parks & Recreation Supervisor; and the designated representative for BYLT shall be Bill Haire, Trails Coordinator.
- E. Termination of this agreement may be initiated by either party and will be effective upon delivery of written notice the other party by the signer of this agreement.
- F. Two originals signed this 14th day of August, 2013 in Nevada City, CA.

CITY OF NEVADA CITY

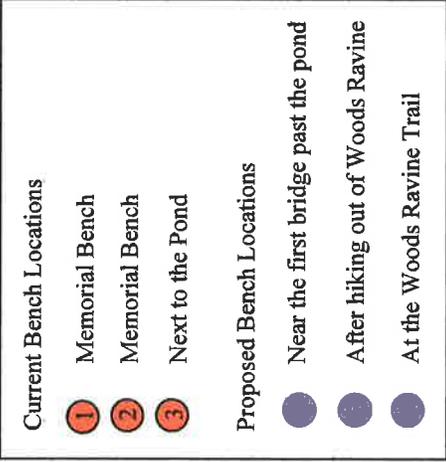
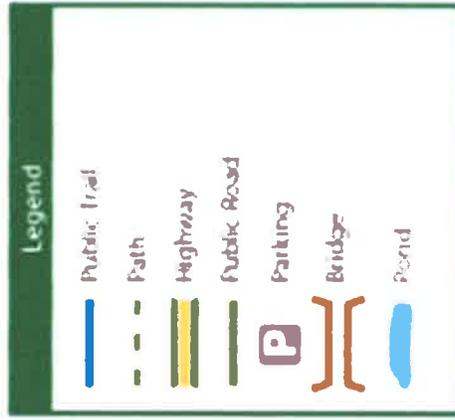
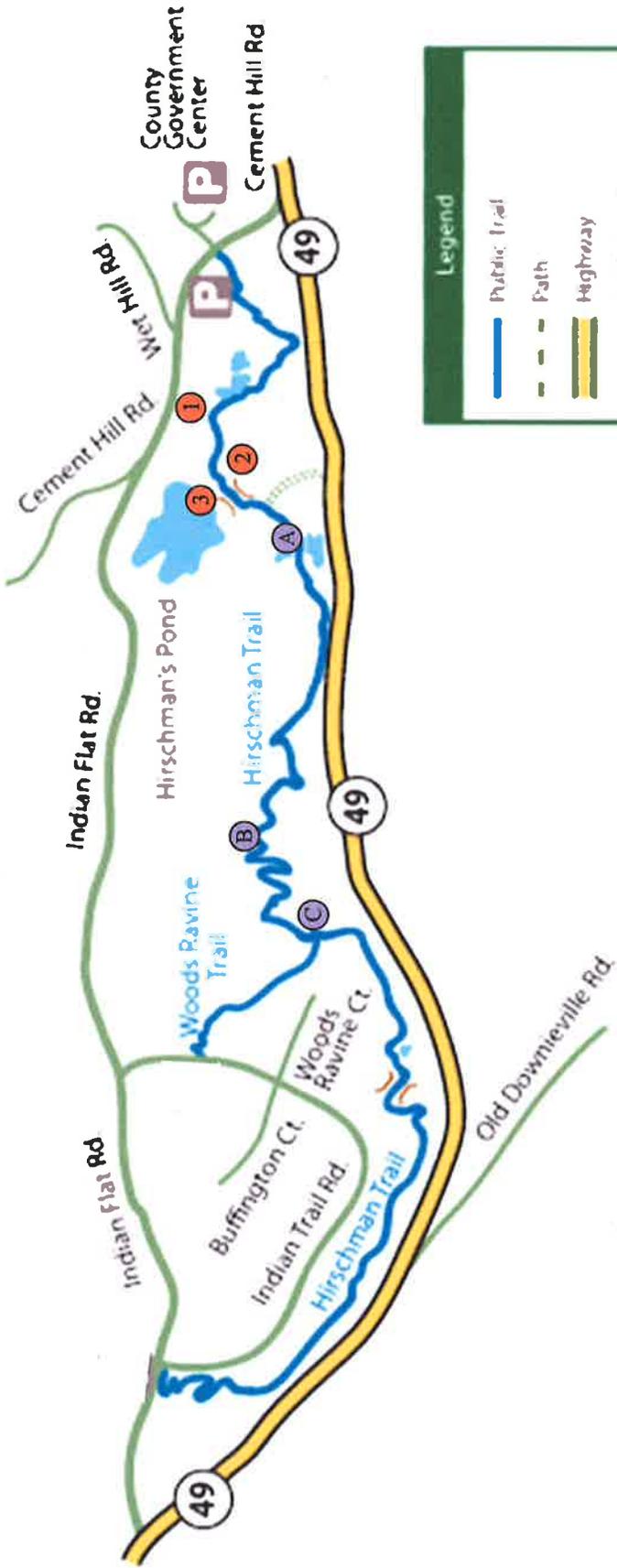
BEAR YUBA LAND TRUST



Mayor
Sally Harris



President
Joe Byrne



**City of Nevada City
Proposed Project Submission**



The purpose of this form is to communicate with the City about a project that is being proposed on City property, needs City administration or requests City partnership. The City Manager will review and provide direction about how to proceed with the project proposal. A list of City processes and timelines is included at the bottom of this form. This form is to be submitted to the City Manager (City Hall, 317 Broad St, Nevada City, CA 95959). Allow at least 2 weeks for the City Manager to respond.

Applicant/Organization Information

Applicant/Organization: _____

Contact person: _____

Phone #: _____ email: _____

List any other parties/organizations involved in the project: _____

Project Information

Project Title: _____

Briefly describe the project (A more detailed description of the project may be required at a later date.):

Describe how the project needs City involvement (ie: on City property, need the City to be the fiscal lead, etc). _____

Describe how the project will benefit the City, its residents and/or the community? _____

List efforts undertaken to gather public opinion and community support: _____

Type of Support Needed from the City:

1. Letter of Support YES NO
2. # of staff hours per month _____
 Dates/duration of project that this staff time is needed: _____
3. Other: _____
4. Other: _____

Funding Sources:

- a. Total cost of the project: _____
- b. Amount provided by organization: _____
- c. Amount requested from City: _____

(OVER)

- d. Amount provided by Grant funds: _____
 What grant is the organization planning to apply for? _____

 Attach a copy of the Grant Application Packet or a website address to the information: _____

- e. What maintenance is required once the project is complete? _____

 Is there future funding available for maintenance of the project? Explain: _____

City Process:

Once your form is submitted to the City Manager, the following steps may occur.

- a. A staff member may be assigned as the Project Manager.
- b. The information distributed to City Staff for comments. This process can take 2-3 weeks for staff to return comments and/or conditions. In addition, if it is determined that the project requires environmental review, that process can take up to 3 months.
- c. Presentation to City Council for direction/approval of the project. The City Council only meets the 2nd and 4th Wednesday of each month. Agenda items must be prepared and turned in to City Hall in advance. Placement on any council agenda is determined by the City Manager.
- d. The City may require deposits or fees be paid for staff time in reviewing and implementing projects or grants.
- e. Projects may need to be presented to the Recreation Committee or Planning Commission. These bodies meet once each month.
- f. Some projects may require a signed Agreement or Memorandum of Understanding (MOU) between the City and the Organization.
- g. A monthly written status report from the organization may be required during the planning and implementation process.

FOR CITY HALL USE

Is the project a priority for the City? YES NO
 Explain: _____

Is the project on the City's...
 Capital Improvement Project List (CIP)
 General Plan
 A Master Plan (Pioneer Park, Hirschman's, etc): _____
 Strategic Plan
 Other: _____

Does the project match the City's Mission/Vision? YES NO
 Explain: _____

Would the project interfere with another project that is on the CIP? YES NO
 Explain: _____

Staff member assigned as Project Manager: _____

City of Nevada City Memorial Placement Request

This form is intended to collect all necessary information from an individual, family or organization who would like to place an item on City owned property as a memorial. All memorials, materials needed and labor must be funded by the person, family or organization making the request.

Contact Name: Grace Dolan

Item that you would like to have placed on City property (ie: bench, tree): bench

Location where you would like the item placed: by the playground especially but anywhere in Pioneer Park

Person being honored by memorial: Donna Rucker

Significance of this location: Donna Rucker took her grandchildren to this park. Donna loved the concerts in the park.

Amount of funding you have available for this project: \$ 400

Other related information: Donna Rucker was a beloved teacher. She cared about nature, music, and children. She was concerned about her community and was a faithful volunteer.



Donna Nadine (Braesch) Rocker

Donna Nadine Rocker, beloved mother, grandmother, teacher and friend, unexpectedly passed away on May 12, 2015. Donna suffered a fatal infection after a planned surgery. Those who were fortunate to share love, life and learning with Donna Rocker will forever be blessed by her giving spirit, zest for living, love of family and friends, dedication to learning, eye for beauty, unwavering faith and enduring positive outlook.

Donna Nadine Braesch was born in Omaha, Nebraska on March 21, 1935. She was the second daughter of Hans and

Anita Braesch. Donna grew up on farms in south eastern Nebraska where she learned the art of cooking for large groups and creating perfect pie crust. Donna graduated from Blair High School in 1952 and completed her bachelor's degree and teaching certificate at Midland College.

On New Year's Eve 1954 while visiting a college classmate in Hildreth, Nebraska, Donna met the love of her life, Merlin Henry (Rock) Rocker. Donna and Rock were married on June 26, 1955 in Fremont, Nebraska. They began their passionate life of travel and adventure together when Donna crossed the Atlantic on the Queen Elizabeth cruise ship to join Rock in England where he was stationed by the US Air Force.

Donna and Rock described their marriage as three full lifetimes. Eleven years as a couple before adding their daughters Sheila Elizabeth in 1966 and Tatiyana Nadine in 1968. A fast paced lifetime as the Rockers 4 extended the adventures through parenthood, and finally the empty nest and time for golf, travel and visiting their daughters' families and friends far and wide. Rock was taken early from Donna on June 12, 2002 after an extended illness through which Donna cared for him in the purest example of unconditional love and support.

Donna was a lifelong educator. She taught first graders at Hennessey Elementary School in Grass Valley for more than 20 years. She touched many children's lives throughout the community. Most precious to Donna were her grandchildren, Katerina Rocker Heppe (19), Peter Rocker Heppe (17) and Max Rocker Katz (3).

An avid Golfer, Red Hatter, Bridge Player and Pie Baker, Donna Rocker enjoyed rich friendships and a very busy social calendar. She traveled annually with friends from high school and planned frequent adventures with friends from college. She was a member of the congregation at Peace Lutheran Church for 39 years and volunteered at Interfaith Food Ministry, Hospitality House and Habitat for Humanity.

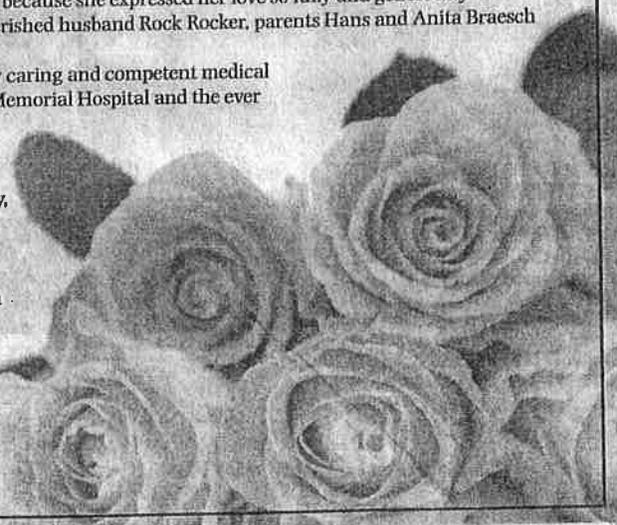
Donna will be deeply missed by many. She is survived by her grandchildren, daughters and adored son-in-laws, Chris Rocker Heppe and Michael Katz; her sister, Shirley and Dick Robeson, sister-in-law, Elvera and Randy Dallman, nieces and nephews, Clark Robeson, Curtis and Dayleen Robeson, Sheryl and Jim Aerhart, Dudley and Linda Dallman, Bradley and Amy Dallman and all their children; her dear friend Myrna Heppe and the Ogren and Heppe families; her companion Don Martinez and his family; and numerous friends, colleagues, and students who each know how special they were to Donna because she expressed her love so fully and generously.

Her spirit now joins her cherished husband Rock Rocker, parents Hans and Anita Braesch and niece Holly Robeson.

Thank you to the incredibly caring and competent medical professionals at Sierra Nevada Memorial Hospital and the ever compassionate

Dr. Chris and Susan Clayton.

A celebration of Donna Rocker's life will be held Tuesday, May 19 at 4:00pm. Peace Lutheran Church, Grass Valley. Donations can be made to Hospitality House (1262 Sutton Way, Grass Valley, 95945) or Interfaith Food Ministry (440 Henderson Street, Grass Valley, 95945).





View of proposed bench location



View from potential bench location



Bench style

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959

August 12, 2015

www.nevadacityca.gov

TITLE: Approval of Hiring a New City Planner

RECOMMENDATION: Approve hiring of Tonya Ward, AICP, MUP as the City of Nevada City's City Planner pursuant to City's Personnel Policy Guide.

CONTACT: Mark Prestwich, City Manager; Catrina Olson, Assistant City Manager

BACKGROUND / DISCUSSION:

The City's City Planner, Cindy Siegfried, recently provided notice that she will retire effective September 4, 2015 after approximately eight years of dedicated service.

As a result, City staff conducted a recruitment for a replacement City Planner advertising locally and in an industry publication with a wide circulation. The City received 19 applications for the position. After a staff committee scored the applications, six candidates were selected for interviews with a panel consisting of the City Manager, Assistant City Manager, Consulting City Engineer, City Planner, and Consulting City Planner.

The City Manager, in consultation with the interview panel, has decided to hire Tonya Ward to serve as Nevada City's next City Planner. Ms. Ward is a certified land use planner by the American Institute of Certified Planners and holds a graduate degree in Urban and Regional Planning. She brings more than 16 years of comprehensive planning experience to Nevada City, which includes managing complex technical projects in municipal planning departments as well as private sector experience. Ms. Ward's strong educational credentials, experience with historic districts and preservation in smaller California cities, General Plan implementation, environmental permitting, and commitment to customer service excellence are notable qualities considered in the decision to select Ms. Ward for the position.

Pursuant to the City's Personnel Code, hiring at or above the department head level is subject to City Council approval.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENT: None

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2015

TITLE: Implementation of Land Management Plan for Hirschman's Pond – Sierra Nevada Conservancy Proposition 84 Healthy Forests Grant Program

RECOMMENDATION: Authorize Mayor to sign a letter of support for Sierra Streams Institute to apply for funding to complete fire clearing on the Hirschman's Pond property.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION:

In 2012, Sierra Streams Institute was awarded a grant to create a Land Management Plan for Hirschman's Pond. At the July 23, 2014 City Council meeting, the Council approved the Land Management Plan for Hirschman's Pond Property that had been created with that grant funding. Sierra Streams Institute would now like to apply for a grant to complete the fire clearing that is discussed in the Land Management Plan. Sierra Nevada Conservancy is accepting applications for the Proposition 84 Healthy Forests Grant Program. If awarded funding, the Council will be able to review the project again before considering approval of Sierra Streams accepting the funding to complete the fire clearing.

Sierra Streams Institute has been a great partner with the first step of this project. They kept the City well informed of the work and studies that they were completing on the Hirschman's property. The Land Management Plan was developed with animal habitat as a high priority. If awarded the grant, animal habitat as well as preservation of native plants will be a high priority while completing the work.

Implementation of the Land Management Plan is consistent with the City's Hirschman Pond Vision and Planning Study that was adopted in 2010.

ENVIRONMENTAL CONSIDERATIONS: A Notice of Exemption was completed for the Land Management Plan and an Implementation of the Plan.

FISCAL IMPACT: Sierra Streams Institute will be the lead agency on the grant application. Grant funding will cover all costs of completing the work on the Hirschman's Pond Property. There will be funds available through the grant to cover staff time to assist with the project.

ATTACHMENTS:

- ✓ Land Management Plan for Hirschman's Pond
- ✓ Draft Letter of Support

Land Management Plan for Hirschman's Pond, Nevada City, CA

Objectives

The purpose of this Land Management Plan is to guide management of the city of Nevada City-owned 85.34 acre Hirschman's Pond Property, with the goals of maintaining a healthy forest in perpetuity, improving recreational opportunities, and preventing catastrophic wildfires. These goals will be met by focusing on maintenance of native plant and wildlife communities, coupled with small-scale management of particular forest stands via hand-thinning.

This plan will reduce forest fuel loads through the removal of highly flammable woody understory and invasive species, such as Scotch Broom, and through thinning and re-location of high concentrations of woody debris and ladder fuel species. By reducing the risk of catastrophic fire and subsequent erosion and sedimentation, this Land Management Plan will create a healthier forest for native plants, animals, and people.

Maintaining a fire safe forest in the Hirschman's Pond area will also prevent potential water quality impacts to Woods Ravine, a tributary of Deer Creek, by preventing erosion that ensues after catastrophic fires, and ensuring that the resulting sedimentation and nutrient addition to Woods Ravine are avoided. Managing the forest in the Hirschman's Pond area with the objective of increased overall ecosystem health will not only reduce the risk of wildfire, but also enhance ecological integrity by improving forest habitat for plants and animals and contributing to increased water quality in Woods Ravine and Deer Creek.

Property Description

The Hirschman's Pond property is infested with non-native plants, primarily Scotch broom and Himalayan blackberry. These non-native plants greatly increase fire danger and decrease forest integrity, and their presence is contrary to the objectives of the City for management of the property, as stated in the city's Hirschman's Pond Vision and Planning Study (2010). The city's long term goal is complete removal of all non-native vegetation from the site and replanting with native vegetation, in order to improve habitat for native wildlife, to increase recreational opportunities, and to reduce fire risk. Given the property's location, the need to reduce the risk of catastrophic fire is especially great. Within a quarter mile of the site are the historic buildings of Nevada City whose entire downtown is listed on the National Register of Historic Places; the headquarters of Tahoe National Forest; and the Nevada County Government Center with its County Administration Center, County Jail, Main Library, Mental Health Facility, Facilities maintenance center, county sheriff and emergency operations center. The recent development of a 2.4-mile trail system through the property has brought an increase in human interactions with the environment, along with increased risk of fire.

A short distance from the pond, the newly developed Hirschman's Pond Trail traverses Woods Ravine, a major tributary of Deer Creek, which flows into the Sacramento River and San Francisco Bay via the Yuba and Feather Rivers. A short spur trail follows Woods Ravine upstream for a quarter mile. Improvements to the vegetative complex in the area and reduction of wildfire risk would therefore have an important benefit for recreational use and overall watershed health in the Deer Creek watershed, by improving water quality, reducing erosion, and increasing native habitat. The steep narrow Deer Creek canyon immediately downstream of Nevada City poses an exceptionally high fire risk and was the location of the catastrophic 49er Fire in 1988. It has been identified as the #1 fire hazard in Nevada County as specified in the Community Wildfire Protection Plan developed by the Firesafe Council of Nevada County, Nevada County Fire Chiefs Council, and the Nevada County Board of Supervisors.

Following comprehensive ecological assessments, we have developed this Land Management Plan for Hirschman's Pond, with the goal of guiding management of the property to maintain a healthy forest and recreational resource in perpetuity.

Recommendations for the management plan include selective thinning strategies (trees under 6" DBH) that have emerged as a new standard for fire prevention and control in forest ecosystems, involving the removal or modification of surface fuels, the felling of excess small snags, and manual thinning to decrease overall stand density. This plan focuses on the inclusion of strategies to reduce the effects of climate change, increasing carbon sequestration capacity and forest biodiversity, and improving the overall health of the ecosystem and its ability to overcome stresses such as disease and drought caused by climate change. Selective reduction in tree density through careful thinning improves tree growth and vigor, increases live crown ratios, reduces insect and disease mortality, and promotes understory shrub development.

Resource Inventory

Forest Resources

Comprehensive forest health and structure surveys were conducted at three areas chosen to represent three of the approximately five distinct forest areas/types located on the property. These surveys included measures of tree diameter, height, crown height and extent, and spatial distribution/clustering within stands, as well as species identification and mapping by forest area. Forest plots (20 meter by 20 meter) were established in each area and spatially coincided with mammal, understory vegetation, and woody debris (fuel) surveys. All three of the plots measured as of the writing of this report have similar total basal areas, but vastly different basal areas per stem (i.e. stem size versus stem density) and fuel loads. See **Appendix A** for a map of all current work areas.

Area 1: “Hill” plot. The Hill plot represents the open, rocky terrain immediately surrounding Hirschman’s Pond itself, and consists primarily of ponderosa pine (*Pinus ponderosa*) and whiteleaf manzanita (*Arctostaphylos viscida*), with limited Douglas fir (*Pseudotsuga menziesii*), and interior live oak (*Quercus wislizeni*). This plot is the most mature forest type on the property, with limited mid-story canopy, a high overall canopy, and a smaller number of large diameter stems. Fire fuels in this plot are also limited, with no measured 100-hour fuel load, and negligible 10-hour and 1000-hour fuel loads. Weighted litter flammability was also negligible. However, the Hill plot is also located immediately adjacent to a large, dense plot of Scotch broom (*Cytisus scoparius*). Understory species consist of immature interior live oak, tanoak (*Notholithocarpus densiflorus*), and Scotch broom plants.

Area 2: “Coyote” plot. The Coyote plot is located near the property boundary in the thin corridor between Highway 49 and private property, immediately beyond the “Be Coyote Aware” trail sign. This plot represents the recently disturbed, fairly invaded, building-phase forest type encountered in a few locations on the property. This plot is dominated by one mature Ponderosa pine, and numerous smaller, but still mature species, including Pacific madrone (*Arbutus menziesii*), incense cedar (*Calocedrus decurrens*), black oak (*Quercus kelloggii*), interior live oak, and bittercherry (*Prunus* sp.). Pacific madrone has a large cumulative basal area, but distributed among multiple stems (this plot has the lowest basal area per stem), indicating a recent disturbance and heavy re-colonization. This also results in a much lower, denser canopy than that observed in the Hill plot, and a more fire-prone stand. The Coyote plot has negligible 100-hour or 1000-hour fuels, but a significant amount of 10-hour fuels, and a relatively high weighted litter flammability score. This high small-fuel load, coupled with densely packed pole-size stems, demonstrates a need for management of fire danger within this plot. Understory species in this plot consist of a mixture of native and non-native vegetation including pink honeysuckle (*Lonicera hispidula*), mountain misery (*Chamaebatia foliolosa*), bedstraw (*Galium aparine*), Himalayan blackberry (*Rubus armeniacus*), and Scotch broom.

Area 3: “Forest” plot. The Forest plot represents the mature closed-canopy mixed-oak woodland present at multiple locations on the property, particularly on South and West facing slopes between Hirschman’s Pond and Woods Ravine. Species in this plot consist primarily of incense cedar, black oak, and interior live oak, with a few small Ponderosa pine stems. While the Forest plot has a higher crown and less pole-size stems (ladder fuels) than the Coyote plot, it contains the largest amount of woody debris and the highest weighted litter flammability score of the three plots measured thus far. Understory species in this plot consisted of pink honeysuckle, interior live oak, poison oak (*Toxicodendron diversilobum*), and deerbrush (*Ceanothus integerrimus*).

Area 4: Woods Ravine. Woods Ravine is the only perennial stream on the property, and is a tributary of Deer Creek. During high flow events, several ephemeral channels flow into Woods Ravine, under the raised pedestrian boardwalk section of the trail. This area is highly infested with the invasive Himalayan blackberry, which precludes a native shrub and herb layer, and substantially limits wildlife movement.

Area 5: Area marked “Near End” of trail. This site is predominantly mixed grassland/woodland, with many invasive grasses and herbs. It requires a more detailed site evaluation before management suggestions can be made, but initial observations indicate that mowing and/or hand pulling will be employed for invasive removal, followed by planting/seeding with native grass and herb species.

Wildlife and Habitat

Surveys for wildlife on the property have been carried using a variety of methods, including: remote camera surveys, small-mammal live trapping, habitat viability surveys, and audio/visual surveys. Species surveyed include amphibians, mammals (terrestrial and aquatic), reptiles, and birds. No state or federally listed amphibians, mammals, or birds have been identified in any of the work areas.

The Western Pond Turtle, a state Species of Special Concern, is present in Hirschman’s Pond, where no vegetation removal will occur. The pond - especially the north side of the pond, which has no trail access - is home to a great variety of wildlife, both migratory and resident. This area will serve as a necessary “wildlife sanctuary” where animals and their habitat can remain undisturbed from human activity and any potentially disruptive management activities.

Soils

For a complete description of soils present on the Hirschman’s Pond property, please see **Appendix C**, Holdrege and Kull’s “Preliminary Abandoned Mine Land Characterization for Hirschman’s Pond” (attached). Due to the elevated levels of Arsenic and Lead in the waste rock pile on the southern end of the pond, we will avoid any work in this area to eliminate exposure risk.

Water Resources

The entire Hirschman’s Pond property is located northwest of Nevada City within the Deer Creek watershed. The parcels are situated on moderately sloping to steep slopes at elevations ranging from 2,500 to 2,650 feet. Several seasonal streams flow through the site, the most significant of which

is the Woods Ravine, which traverses the Open Space Parcel A of the Indian Trails Subdivision. The Flood Insurance Rate Map (FIRM) for this area, prepared by the Federal Emergency Management Agency, does not identify this site as being within any 100-year flood plains.

Hirschman's Pond was created as a result of hydraulic gold mining, but now supports resident populations of Western pond turtles, Pacific chorus frogs, and many migrating and resident waterfowl species. The seasonal overflow areas are particularly rich breeding areas for frogs and serve as basking areas for pond turtles and foraging grounds for birds. Stocked fish species (bass) in Hirschman's Pond have shown elevated levels of mercury, and due to the area's mining history, it is expected that the pond may contain other heavy metals. Water quality of Hirschman's Pond is not currently known, but will be the subject of future studies.

Management Goals:

1. Fuels Management:
 - a) Improved overall forest ecosystem health and habitat structure;
 - b) Implementation of wildfire prevention and safety measures;
 - c) Establishment of firesafe rural communities, with economic and social benefits of reduced fire risk.

2. Invasive Species Removal:
 - a) Reduction of fuel load;
 - b) Reduction of competitive pressures on native flora;
 - c) Elimination of non-native species and reduction of seed availability for downstream transport.

3. Revegetation:
 - a) Improvement in ecosystem stability and health;
 - b) Preservation and restoration of native biodiversity and rare/endangered species;
 - c) Increase in native food source, both plant and macroinvertebrate;
 - d) Overall water quality improvement through erosion prevention; and
 - e) Restoration of native plant communities that are adapted to the natural fire regime, resulting in improved fire resiliency.

Management Strategies:

1. Fuels Management:
 - a) Remove selected small diameter (< 6" DBH) standing trees, using hand tools (saws and small chainsaws) to allow for increased growth in remaining trees, remove ladder fuels, and opening of canopy to encourage growth of native understory shrubs

- b) Remove downed woody debris from areas without resident rodent populations to minimize ladder fuels
 - c) Dispose of thinned trees and downed woody debris by mulching locally (hand cutting into small pieces and scattering throughout work area). Invasive plant species will be removed before setting seed to ensure no germination is possible. Where appropriate, a small number of downed trees will be placed in Hirschman's pond, to provide basking habitat for Western Pond Turtles. This type of habitat is currently lacking in the Hirschman's Pond environment.
 - d) Create and maintain a firebreak buffer around the existing trail to prevent the spread of wildfire into surrounding residential and business areas
2. Invasive Species Removal:
- a) Remove the invasive, non-native, and highly flammable species Scotch broom (*Cytisus scoparius*), Himalayan blackberry (*Rubus armeniacus*), and bigleaf periwinkle (*Vinca major*) from identified areas (see **Appendix B**) to create and maintain a buffer around the existing trail to prevent the spread of wildfire into surrounding residential and business areas
 - b) Install erosion control measures during plant removal on slopes to ensure prevention of erosion and no potential for sediment to enter adjacent waterways
 - c) Replant areas with fire-resistant native understory plants following invasive vegetation removal to further mitigate any potential for erosion and sedimentation
3. Revegetation:
- a) In areas that have undergone invasive plant removal, re-plant with fire-resistant California native understory plants to mitigate any potential for erosion and sedimentation
 - b) Choose plants from local populations for propagation or transplanting to ensure they are adapted for long-term survival at this site
 - c) Replant with native plants that fill the same ecological niche as the invasive vegetation that has been removed. For example, using native white stemmed raspberry (*Rubus leucodermis*) and California blackberry (*Rubus ursinus*) to replant in areas of Himalayan blackberry removal will ensure continuity of habitat type and availability of food for wildlife. These revegetation efforts will also enhance habitat quality by improving the ability of wildlife to move through the forest and promoting the growth of herbaceous plants in the understory (both of which are hindered by the presence of Himalayan blackberry).
4. Monitoring:
- a) Continue annual monitoring of vegetation and wildlife
 - b) Regular water quality monitoring of Woods Ravine during invasive species removal and revegetation, to ensure no increase in turbidity and total suspended solids resulting from removal and revegetation efforts

- c) Annual monitoring of invasive species regrowth to inform continued management and removal efforts

Management Timetable

(Assuming a working timeline of Spring 2015 – Spring 2018)

| Management Strategy | Task | Timetable |
|---------------------------------|---|--|
| <i>Fuels Management</i> | <u>1.1</u> - Select and flag trees and ladder fuel for removal | Summer 2015 |
| | <u>1.2</u> - Manual removal of trees and ladder fuels | Fall and Winter 2015; Fall and Winter 2016 |
| | <u>1.3</u> - Woody debris removal (mulching) and relocation for turtle basking habitat (using draft horses) | Winter 2015; Fall and Winter 2016; Spring 2017 |
| | <u>1.4</u> - Evaluate success of fuel removal and continue as necessary | Ongoing |
| <i>Invasive Species Removal</i> | <u>2.1</u> - Remove invasive species from property | Spring 2016, Spring 2017 |
| | <u>2.2</u> - Install erosion control measures | Spring 2016 – Spring 2018 |
| <i>Revegetation</i> | <u>3.1</u> - In areas that have undergone invasive plant removal, replant with native plant species | Fall 2016 – Fall 2017 |
| <i>Monitoring</i> | <u>4.1</u> - Establish photo points and monitor quarterly to document landscape changes | Spring 2015 – Fall 2017 |
| | <u>4.2</u> - Seasonal monitoring of vegetation and wildlife | Spring/Summer 2015 – Fall 2017 |
| | <u>4.3</u> - Quarterly water quality monitoring at Woods Ravine | Spring 2015 – Fall 2017 |
| <i>Evaluation</i> | <u>5.1</u> - Analyze and interpret data from fuels management, invasive species removal, revegetation, and monitoring | Winter 2017 |
| | <u>5.2</u> - Compile final report and revise Land Management Plan | Spring 2018 |

Adaptive Management

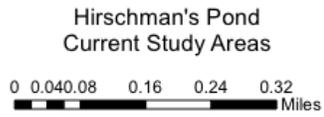
As with all dynamic natural environments, it is highly likely that plant and animal communities and conditions at Hirschman's Pond will experience changes over time. As such, we must plan on adaptively managing the property to account for these fluctuations. This Land Management Plan is intended to act as a "living document", which will be reviewed regularly and revised as necessary.

In order to provide the most appropriate management strategies for current conditions continued monitoring of biotic and abiotic factors on the property is essential. This monitoring will include the continuation of annual bird, mammal, amphibian and reptile communities as well as annual vegetation monitoring. Seasonal (quarterly) water quality monitoring will also take place at Woods Ravine and any ephemeral tributaries, in order to track the effects of seasonality as well as any management activities. Upon analyses of these data, we will revise management strategies as needed, to ensure that the ecological integrity of the Hirschman's Pond property is maintained in perpetuity.

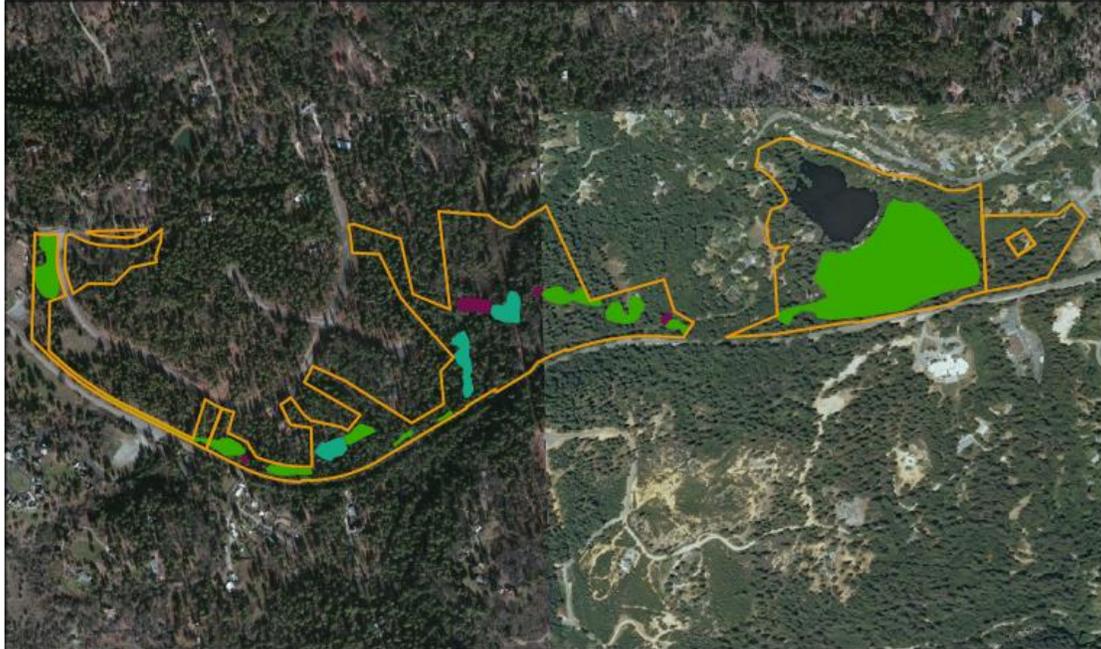
Appendix A. Hirschman's Pond Current Study Areas



| Study Areas | |
|---|-----------|
|  | End |
|  | Reference |
| Location | |
|  | Coyote |
|  | Hill |
|  | Forest |
|  | Woods R |



Appendix B. Invasive Plant Species Locations

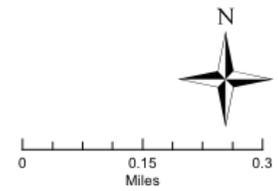


Legend

-  Parcel Boundary
-  Scotch broom
-  Himalayan blackberry and Scotch broom
-  Himalayan blackberry

Hirschman's Pond
Invasive Vegetation

Sierra Streams Institute
June 2014



Appendix C. Hirschman's Pond Soils Report



Project No. 2138-01
January 20, 2004

Bill Falconi
City of Nevada City
317 Broad Street
Nevada City, CA 95959

Reference: *Hirschman's Pond Property*
APN 05-010-56
Nevada County, California

Subject: *Preliminary Abandoned Mine Land Characterization*

Dear Mr. Falconi:

This letter report presents the results of our site reconnaissance and soil sampling for Hirschman's Pond site on Assessor's Parcel Number 05-010-56 in Nevada County, California. We performed our investigation in general accordance with the scope of services we explained to you on December 9, 2003.

The purpose of our services was to provide preliminary recommendations regarding possible elevated metals concentrations resulting from historic mining activity at the site and to determine the concentrations of arsenic, lead and mercury in select soil and water samples collected at the site during our preliminary site reconnaissance on December 17, 2003.

At your request, we prepared this letter report to summarize the results of our investigation as discussed during our site visit on December 9, 2003.

Property Description

The property covers an area of 33.5 acres and is located approximately one mile west of Nevada City. The property is bordered by residential property to the west, north and east and Highway 49 and the new juvenile detention center to the south. The parcel's eastern property line is contiguous with the city limits of Nevada City. Indian Flat Road and Cement Hill Road form the northern property boundary.

The slope gradients across the site range from relatively flat-lying to near vertical along the northern and western boundaries of the property. The site generally drains to the south and the topography is irregular as a result of past hydraulic mining. An approximate 4.3-acre perennial pond, known as Hirschman's Pond, is situated in the northwestern portion of the property and drains to the south. Figure 1 shows the approximate property boundaries and location of Hirschman's Pond.

A roughed-in access road enters the property from the south along Highway 49, across from the juvenile detention center. Granitic rock outcrops are exposed across the property. The property is vegetated by manzanita, pine trees and other indigenous trees and shrubs.

Site Geology

We reviewed the Geologic Map of the Grass Valley - Colfax Area (A. Tuminas, 1983). The geologic map indicated that the site is located in an area where the geology is characterized by early Cretaceous Yuba Rivers granodiorite. The Cretaceous period occurred between approximately 144 and 65 million years before present.

Field Reconnaissance

On December 17, 2003, we walked the property to observe existing surface conditions and surficial evidence of historic mining features that have the potential to impact future development. During our site visit, we obtained soil and surface water samples at select locations on the property.

During our site walk, we observed what appeared to be waste rock and concrete foundation in the area just south of Hirschman's Pond. The apparent waste rock observed in the surface of the stockpile consisted of angular, predominantly granitic rock to 6 inches in diameter. We estimated the volume of the stockpile at approximately 20 cubic yards. We also observed various hydraulicked bluffs, depressions, water conveyance channels, and abandoned water conveyance iron piping east of Hirschman's Pond. Refer to Figure 1 for approximate site feature locations.

Soil Sampling

We obtained 15 discrete soil samples in areas of apparent past mining operations, three background samples across the property, and one surface water sample from

Hirschman's Pond on December 17, 2003. All of the soil samples were obtained at depths of approximately 4 to 10 inches below the ground surface (bgs). Samples SP-1, SP-3, SP-4, SP-5 and SP-12 were obtained from disturbed areas. Samples SP-6, SP-7, SP-8, SP-9 and SP-14 were obtained across the property from depressions and hummocks that were apparently the result of past hydraulic mining operations. Samples SP-2 and SP-15 were obtained from the base and sides of the hydraulicked bluffs. Samples SP-10, SP-11 and SP-13 were obtained from abandoned conveyance channels and depressions possibly associated with historic mining activity. Three background samples, BG-1, BG-2 and BG-3, were obtained from erosional areas associated with the hydraulicked bluffs and from an apparently unimpacted, centrally located portion of the site. One surface water sample, HWS-1, was obtained on the southern end of Hirschman's pond. Approximate sample locations are shown on Figure 1.

Samples were collected in plastic zip-lock bags. Samples were immediately sealed and labeled upon collection. The samples were transported to Excelchem Environmental Labs, a California state certified analytical laboratory, under chain of custody documentation.

Sample Analyses

Samples were analyzed for total arsenic, lead and mercury. Table 1 summarizes the analytical test results. The laboratory analysis report and chain of custody documentation are attached.

| Table 1 - Analytical Results of Soil and Water Samples | | | | | | | |
|---|---------------------|-----------------|-----|--------------|-----|-----------------|-------|
| Hirschman's Pond Property | | | | | | | |
| APN 05-010-56 | | | | | | | |
| Nevada County, California | | | | | | | |
| EPA 6010B/7471A | | | | | | | |
| Sample Number | Sample Depth (feet) | Arsenic (mg/kg) | | Lead (mg/kg) | | Mercury (mg/kg) | |
| | | Result | RL | Result | RL | Result | RL |
| Soil Samples | | | | | | | |
| SP-1 | 0.5 | 3.5 | 2.0 | 8.9 | 2.0 | 0.088 | 0.010 |
| SP-2 | 0.4 | 7.6 | 2.0 | 12 | 2.0 | NA | NA |
| SP-3 | 0.5 | NA | NA | NA | NA | 0.045 | 0.010 |

**Table 1 - Analytical Results of Soil and Water Samples
Hirschman's Pond Property
APN 05-010-56
Nevada County, California**

| | | EPA 6010B/7471A | | | | | |
|---------------------|---------------------|-----------------|-----|--------------|-----|-----------------|-------|
| Sample Number | Sample Depth (feet) | Arsenic (mg/kg) | | Lead (mg/kg) | | Mercury (mg/kg) | |
| | | Result | RL | Result | RL | Result | RL |
| SP-4 | 0.5 | 17 | 2.0 | 170 | 2.0 | NA | NA |
| SP-5 | 0.5 | 5.1 | 2.0 | 18 | 2.0 | NA | NA |
| SP-7 | 0.6 | NA | NA | NA | NA | 0.14 | 0.010 |
| SP-8 | 0.6 | ND | 2.0 | 17 | 2.0 | NA | NA |
| SP-9 | 0.5 | 5.9 | 2.0 | 15 | 2.0 | NA | NA |
| SP-10 | 0.5 | NA | NA | NA | NA | 0.22 | 0.010 |
| SP-12 | 0.5 | 5.8 | 2.0 | 16 | 2.0 | NA | NA |
| SP-13 | 0.5 | NA | NA | NA | NA | 0.34 | 0.010 |
| SP-14 | 0.5 | NA | NA | NA | NA | 0.049 | 0.010 |
| SP-15 | 0.5 | NA | NA | NA | NA | ND | 0.010 |
| BG-1 | 0.5 | 7.7 | 2.0 | 13 | 2.0 | NA | NA |
| BG-3 | 0.5 | 5.2 | 2.0 | 15 | 2.0 | NA | NA |
| Water Sample | | | | | | | |
| HWS-1 ¹ | -- | ND | 20 | ND | 10 | ND | 0.25 |

Notes: mg/kg = milligrams per kilogram
 ND = not detected
 NA = not analyzed
 RL = laboratory reporting limit—concentrations are not reported below this limit
 1 = HWS-1 surface water sample was obtained from Hirschman's Pond. Water samples are reported in µg/L.

Seven of the site soil samples and two of the background soil samples were analyzed for total arsenic. Arsenic concentrations in the site samples ranged from non-detect (less than the laboratory reporting limit of 2.0 mg/kg) to 17 mg/kg. The concentration of 17 mg/kg was detected in soil sample SP-4, which was obtained from an apparent waste rock stockpile on the southern side of Hirschman's Pond. The remaining arsenic concentrations detected in site soil samples ranged from non-detect to 7.6

mg/kg. Background soil samples BG-1 and BG-3 had arsenic concentrations of 7.7 mg/kg and 5.2 mg/kg, respectively.

Seven of the site soil samples and two of the background soil samples were analyzed for total lead. Lead concentrations in the site samples ranged from 8.9 mg/kg to 170 mg/kg. The concentration of 170 mg/kg was detected in soil sample SP-4, which also displayed a lead concentration above those of the other site samples. The remaining lead concentrations detected in the site soil samples ranged from 8.9 mg/kg to 18 mg/kg. Background soil samples BG-1 and BG-3 had lead concentrations of 13 mg/kg and 15 mg/kg, respectively.

Seven of the site soil samples were analyzed for total mercury. No background soil samples were analyzed for total mercury. Mercury concentrations in the site soil samples ranged from 0.045 mg/kg to 0.34 mg/kg.

Discussion of Analytical Laboratory Results

The United States Environmental Protection Agency (USEPA) has established preliminary remediation goals (PRGs) for use in evaluating potential health risks resulting from environmental contamination. Residential PRGs are listed in Table 2 below.

| Arsenic ¹ | Lead ² | Mercury ³ |
|----------------------|-------------------|----------------------|
| 0.39 | 150 | 23 |

Notes: 1 cancer endpoint
3 mercury and compounds

2 CAL-modified PRG

Source: USEPA Region 9 PRG Tables (http://www.epa.gov/Region9/waste/sfund/prg/s1_04.htm)

Arsenic concentrations detected in eight of the nine samples exceeded the residential PRGs for arsenic of 0.39 mg/kg (cancer endpoint). The PRG for arsenic listed in Table 2 is a chemical concentration that corresponds to a one-in-one million lifetime cancer risk. The PRG is based on inhalation of soil dust, one dermal contact per day, and ingestion of 200 milligrams of soil per day for 350 days per year. Our experience in Nevada County has been that background arsenic concentrations, obtained from

areas not impacted from past mining operations, often fall in a range of concentrations between ND (non-detect) and 15 mg/kg. Sample SP-4, at a concentration of 17 mg/kg, was the only sample analyzed that exceeded typical background concentrations for arsenic.

Lead and mercury concentrations detected in samples obtained from the subject site were generally in the range of typical lead and mercury soil concentrations for the area. Sample SP-4 was the only sample to exceed the PRG for lead. Lead and mercury concentrations in the remaining samples did not exceed their respective PRGs listed in Table 2.

Conclusions and Recommendations Regarding Potential Chemical Hazards

The following conclusions and recommendations are based on our field observations, analytical test results, and our experience with typical background concentrations in the area.

The purpose of our sample collection and analytical testing was to perform a preliminary evaluation of possible chemical hazards that are typically associated with historic mining operations. We analyzed 13 discrete soil samples and two discrete background soil samples across the property, and one water sample from the south side of Hirschman's Pond. In general, the lead and mercury concentrations detected were similar to background lead and mercury concentrations detected at other project sites in the vicinity of the subject site.

Arsenic concentrations detected in eight of the nine samples obtained from the site exceeded the residential PRG for arsenic, and one of the samples exceeded typical background concentrations for the subject site. The EPA considers that exposure to soil (by dermal contact, ingestion or dust inhalation) with the arsenic concentrations detected may result in a small increase in lifetime cancer risk.

Based on the elevated lead and arsenic concentrations detected in SP-4, we recommend that the stockpile on the south side of Hirschman's Pond, as shown on the attached Figure 1, be further investigated. We recommend that three additional samples be obtained from within and beneath the stockpile and analyzed for total arsenic and lead by EPA test method 6010. Based on the results of additional sampling, removal or onsite disposal of the stockpile may be warranted.

Limitations

The following limitations apply to the findings, conclusions and recommendations presented in this report:

1. We have performed this work in accordance with present, regional, generally accepted standards of care. This report does not represent a legal opinion. No warranty, expressed or implied, including any implied warranty of merchantability or fitness for the purpose is made or intended in connection with our work.
2. The purpose of our study was not to guarantee or certify a clean site, but to reduce the uncertainty as much as practicable. We have used our judgement and experience to arrive at our conclusions. Therefore, our conclusions are not to be considered scientific certainties. The recommendations provided herein are contingent upon our review of future sampling results or any other pertinent information that becomes available.
3. These services were performed consistent with our agreement with our client. We are not responsible for the impacts of any changes in environmental standards, practices or regulations subsequent to performance of our services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report. This report is solely for the use of our client. Any reliance on this report by a third party is at the risk of that party.
4. We did not perform a subsurface investigation, nor did we address other geotechnical engineering or physical hazards associated with past mining activities.
5. The recommendations and conclusions in this report are preliminary in nature based on existing site conditions; our interpretation of site history and site usage information; and the results of our limited subsurface investigation, sample screening, and laboratory analyses. The concentrations detected in the samples we collected during our site investigation may not be representative of conditions between locations sampled. Other forms of contamination may be present within the site that our limited investigation did not detect.

6. The findings of this report are valid as of the present date. Changes in the conditions of the property can occur with the passage of time. The changes may be due to natural processes or to the works of man, on the project site or adjacent properties. In addition, changes in applicable or appropriate standards can occur, whether they result from legislation or the broadening of knowledge. Changes in regulations, interpretations, and/or enforcement policies may occur at any time. Such changes may affect the extent of rededication required.
7. Our scope of work did not include determining the presence of radon, lead paint, or asbestos, endangered species, geologic hazards, archeological sites, or ecologically sensitive areas (e.g., vernal pools and wetlands).

Please contact us if you have any questions regarding our observations, conclusions or preliminary recommendations presented in this report.

Sincerely,

HOLDREGE & KULL

Prepared by:


Joseph Riley
Staff Geologist

Reviewed by:


Chuck Kull
C.E.G. 1622



encl: Figure 1: Approximate Sample Location Map
Analytical Laboratory Report and Chain of Custody Documentation

F:\WPDOCS\LET\2138.AML

Holdrege & Kull

DRAFT Letter of Support

Sierra Nevada Conservancy
11521 Blocker Drive Suite 205
Auburn, CA 95603

August 12, 2015

Greetings,

On behalf of the City of Nevada City, I am pleased to offer my enthusiastic support for the proposal to the Sierra Nevada Conservancy by Sierra Streams Institute, entitled Hirschman's Pond Forest Health Project.

The City has previously partnered with Sierra Streams Institute to develop the Hirschman's Pond Land Management Plan with funding from Sierra Nevada Conservancy. Sierra Streams led this collaborative effort through the city's Parks and Recreation Department, with extensive input from neighbors and concerned community members. The finished plan was officially approved by the Nevada City Council on July 23, 2014. The current proposal if funded will allow the work outlined in the plan to take place.

Hirschman's Pond is one of the City's most beloved recreational resources, with popular hiking and biking trails, a pond that serves as a sanctuary for local wildlife, and interpretive signage. Located just across Highway 49 from downtown Nevada City, Hirschman's Pond is set aside as open space for the enjoyment of locals and visitors, and presents a high fire risk to the surrounding neighborhood and downtown in its current dense, forested state. Implementation of the plan will enhance recreational and ecological values of this vital resource.

We are pleased to continue our partnership with Sierra Streams Institute with the long-awaited implementation of the Hirschman's Pond Forest Health Project. The City's Parks and Recreation Department will manage the site in perpetuity, and welcomes partnerships with groups such as Sierra Streams to ensure its long term health.

Please contact City Manager Mark Prestwich at (530) 265-2496, ext. 119 if you need any further information.

Sincerely,

Jennifer M. Ray, Ph.D
Mayor of Nevada City

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2015

TITLE: Memorandum of Understanding (MOU) for Deer Creek Environs Fuel Reduction Project

RECOMMENDATION: Accept the Memorandum of Understanding (MOU) between Sierra Streams Institute, The Fire Safe Council and the City of Nevada City and approve the Mayor to sign on behalf of the City.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION: The City owns approximately 45 acres of open space known as "The Environs". This property is located on the west side of the City limits primarily between Jordan St. and Providence Mine Rd. The Wastewater Treatment plant is surrounded by the Environs. The Environs also extends across Deer Creek to a small portion of land by Champion Mine Rd.

In October 2013, the City was awarded a Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Competitive Grant for fire clearing on The Environs property. The Fire Safe Council assisted in writing the grant application. The Fire Safe Council and Sierra Streams Institute have agreed to assist with the project. The details of their involvement are explained in the proposed MOU (attached). Work on this project is planned to begin this fall. Any contract work that will cost more than \$5,000 will go through the City's formal bid process.

ENVIRONMENTAL CONSIDERATIONS: The California Environmental Quality Act (CEQA) requirements for the grant application were completed in 2007. The Fire Safe Council and Sierra Streams Institute place a high priority on animal habitat and preservation of native plants.

FISCAL IMPACT:

Staff time involved in implementing the work on this grant is not covered by grant funding.

ATTACHMENT:

- ✓ Proposed MOU between The Fire Safe Council, Sierra Streams Institute and the City of Nevada City

**MEMORANDUM OF UNDERSTANDING BETWEEN
SIERRA STREAMS INSTITUTE
THE FIRE SAFE COUNCIL OF NEVADA COUNTY
CITY OF NEVADA CITY
Setting Forth Mutual Understanding of Roles in Completion of
the Deer Creek Environs Fuel Reduction Project**

This Memorandum of Understanding (MOU) is made by and between Sierra Streams Institute (“SSI”), the Fire Safe Council of Nevada County (“Fire Safe Council”), and the City of Nevada City (“City”), effective on the date the last party executes this MOU, to set forth a statement of mutual understanding regarding the roles and responsibilities each party is to play in completing work on the the Deer Creek Environs Fuel Reduction Project.

RECITALS

WHEREAS, Fire Safe Council at the request of City took the lead in writing a FEMA grant requesting funds for a fuel reduction program on property west of the City Waste Water Treatment Plant and this grant was approved in the amount of \$26,947.00 with a match of \$8,922.00, for a project total of \$35,869.00;

WHEREAS, City has worked with both entities in building an interpretive trail through the Environs and desires to continue working with them to reduce fuels and improve the surrounding habitat by restoring vegetation to the native palette completing grant work on the Tribute Trail Project while avoiding duplication of efforts;

NOW THEREFORE, the parties to this MOU agree to the following statement of mutual understanding regarding their respective roles and responsibilities.

Intent

The interpretive trail to be built for public use has been completed and this MOU is a statement of mutual understanding of the roles and responsibilities of each entity in completing the grant work of fuel reduction and improving the vegetation habitat in the Environs so that efforts are not duplicated.

Duration

This MOU is effective on the date the last party executes this MOU and will remain in effect until the work is finished, unless extended or terminated in writing by all parties, but in no event will it extend beyond the end of the grant period on July 16, 2016, unless that period is extended.

Project Management

The respective roles and responsibilities of the parties are understood to be as follows:

- City will contract with Fire Safe Council to review all plans to be sure the work plan meets the requirements of the FEMA grants.
- SSI will work cooperatively with the Fire Safe Council to monitor work done pursuant to the work plan for compliance with FEMA grant conditions.
- City will contract with SSI to develop a vegetative/fuel reduction plan in cooperation with the Fire Safe Council.
- City will review and approve all plans and work performance and be the project's fiscal agent for the FEMA grants.

Funding

The FEMA grant is expected to fund at \$26,947.00. Subject to submission of supporting invoices that are reimbursed, Project Management will be done by Fire Safe Council for the amount of \$3,000.00; flagging and re-vegetation and assistance will be provided SSI for the amount of \$4,000. The balance of the grant funding, when paid by FEMA shall be allocated among the parties in proportion to the grant-reimbursable work done by each.

Agreed to by all parties whose signatures appear below:

Sierra Streams Institute

Fire Safe Council of Nevada County

City of Nevada City

Title: _____

Title: _____

Title: _____

Date: _____, 2015

Date: _____, 2015

Date: _____, 2015

**CITY OF NEVADA CITY
DRAFT SUMMARY MINUTES
REGULAR CITY COUNCIL MEETING OF JULY 22, 2015**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. The agenda listed directly below the video screen has bullet points which you can select to get to a specific agenda item. Click on the desired agenda item which will enable you view the meeting from that point forward. Please contact Deputy City Clerk, Corey Shaver for websites assistance (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, Contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

Regular meeting called to order at 6:30 PM

ROLL CALL

Present: Council Members Phelps, Strawser, Bergman, Mayor Andersen, Vice Mayor Ray

PLEDGE OF ALLEGIANCE

PROCLAMATION:

None

PRESENTATION:

Park & Recreation Supervisor Zydonis presented Certificates of Appreciation to the swimming pool staff.

BUSINESS FROM THE FLOOR – PUBLIC COMMENT (Per Government Code Section 54954.3)

Sally Harris, Spring St – Thanked the out-going Mayor Terri Andersen and incoming Mayor Jennifer Ray for their services.

Linda Chaplin – Stated she uses the Pioneer Park pool; it's a beautiful pool and staff provides excellent service.

Dave Iorns, 110 N Pine St – Read a letter from the Chamber of Commerce requesting that the terrazzo lights on Commercial Street be agendized at a future Council Meeting as the Chamber supports the lights and would like to participate in a discussion about placing them above the boardwalk for a one year pilot test.

Niel Locke – Stated that there's a kick-starter out there for a turn table at the railroad museum and they've raised \$5900 out of the \$9500 needed; wants to clarify some facts about the train at the Northern Queen, it was forced to close because the Ramey family that owned it could not afford to pay the insurance requirements as the State recognized it as a carnival ride.

- Vice Mayor Phelps requested that the Chamber of Commerce bring a lighting proposal to Council and requested the City Manager agendize this item for a future Council meeting.

1. REORGANIZATION OF CITY COUNCIL

A. Confirmation of Mayor Pro Tem Selection to be Mayor

- Mayor Andersen provided exiting comments as Mayor.
- Vice Mayor Ray accepted to be Mayor.

B. Nominations and Selection of Vice Mayor

- Mayor Ray asked Council Member Phelps if she accepted the role of Vice Mayor.
- Council Member Phelps accepted to be Vice Mayor.

2. COUNCILMEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Vice Mayor Phelps

Stated she had a talk with Bill Falconi and the City has saved more than the mandatory 25% in water reduction and the citizen's should be very proud.

Council Member Andersen

NCTC – There is a public workshop on Tuesday, July 28th at Grass Valley City Hall to discuss the Western Nevada County Transit Development Plan; Omni Means has been hired for the Gold Flat Road Traffic Analysis; there's an open house on Wednesday, August 5th at Grass Valley City Hall regarding the LaBarr Meadows/McKnight Way Project.

Council Member Bergman

Digital Media Campus – Stated they meet every Monday for a couple of hours; it's a good thing for Western Nevada County.

A. Subject: Review & Discussion of Code of Conduct – Jennifer Ray

Mayor Ray briefly reviewed the Rosenberg's Rules of Order and the Nevada City Code of Conduct.

B. Subject: 2015 AMGEN Tour of California Expenses – Evans Phelps

Vice Mayor Phelps asked this item be on the agenda for discussion to see if the City could pay towards the 15,000+ debt for AMGEN that Council Member Strawser personally paid due to unforeseen events.

- Council Member Strawser explained that sponsorship funds were raised for two certain categories, but later we learned they were unable to participate because AMGEN closed out those two categories by using their own sponsors, causing those funds to be denied and he personally paid this debt out of a moral obligation.

- Vice Mayor Phelps stated that the City hosted this year's AMGEN with Duane's help in getting it here; past AMGEN contracts were signed by the City, the City provided the insurance coverage. This bike event gives a lot of recognition to the City, we're a bike friendly community and we should help out to pay back Duane.

Public Comment

Dave Iorns – Submitted photographs of the AMGEN 2015 event, - Stated that the City was the second starting position for the AMGEN 2015 and it drew a lot of media attention for Nevada City. Duane has already paid the Chamber of Commerce the \$15,359.61 that was spent because of the two sponsors unable to participate; the City was the host of this event; request the City Council find a way to help with paying this debt back to Duane.

Sally Harris, 625 Spring St – Stated she agreed that AMGEN is a huge asset to this City; she's sorry that Duane got put into this position but she believes it's illegal and unethical for the City to pay for this; this is unfortunate but there needs to be another way to raise the money; don't use City funds.

Reinette Senum – Stated there are special circumstances here; we're not doing this for one Council Member; this event was for the City.

Laurie Oberholtzer – Stated she doesn't want the City to get in trouble by paying a City Council Member.

Consultant City Attorney DeGraw stated that you need to understand this is what I looked at and the Fair Political Practices Commission looked at. This is not a personal obligation of Duane Strawser and it's not paying Duane Strawser back because he has no legal obligation to pay this. He paid it because as he stated, he had a moral obligation to do so. We're not reimbursing him, we're making good on a commitment that was made by the City.

Furthermore, in response to Ms. Harris, she felt it was illegal and unethical. I feel it's not that way at all. Anytime the City takes a look at something and determines there's a legitimate public purpose involved and making the expenditure and that's an expenditure they can vote to approve.

Public Comment - Closed

Council Member Strawser stated that he will recuse himself though he doesn't have to take his vote away but was advised by an attorney that he should recuse.

Consultant City Attorney DeGraw stated that as long it's not made as part of the budget process, a 4/5 vote is required to approve.

Action: Motion by Evans, to direct Mark and Catrina to look at the Economic Development line items and see what kind of help that we can make towards this debt that was incurred by the community to fund the AMGEN tour; Council Member Bergman added – and to report back what possibilities there may be without a commitment at this point to spending anything, just to identify in order to get this approved and if it's not acceptable to Jennifer and Terri, than I second the motion.

(ROLL CALL VOTE: AYES – Phelps, Bergman; NOES – Andersen, Ray; RECUSED – Strawser)

3. CONSENT ITEMS:

A. Subject: Records Retention Policy Management Guidelines

Recommendation: Pass Resolution 2015-36 approving the updated City Records Management Guidelines, Version 2006.

B. Subject: Notice of Completion for Nimrod Street Sewer Line Project

Recommendation: Pass Resolution 2015-37 approving a Notice of Completion for a sewer line replacement on Nimrod Street and authorize Mayor to sign.

C. Subject: Nevada City Police Department Vehicle Replacement

Recommendation: Receive as information a quote and sale contract from Folsom Chevrolet for the purchase of a replacement vehicle for the Nevada City Police Department.

D. Subject: Nevada City Supervisory Unit Amendment No. 1 - Cell Phone Allowance

Recommendation: Review and Approve

Action: Motion by Bergman, seconded by Strawser to approve Items A, B, C and D as presented.

(Approved 5 - 0)

4. APPROVAL OF MINUTES

A. Regular City Council Meeting – July 08, 2015

Action: Motion by Bergman, seconded by Phelps to approve July 8, 2015 minutes as amended.

(Approved 3 – 0, Abstain Strawser, Ray)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Paid Sick Leave Policy Pursuant to AB 1522 for Part-time, Temporary and Seasonal Employees

Action: Motion by Strawser, seconded by Bergman to approve Resolution No. 2015-38 Adopting a Paid Sick Leave Policy Pursuant to AB 1522 for Part-Time, Temporary and Seasonal Employees and Establishing the Accrual Method known as AB 2245 and the Minimum Paid Sick Leave Usage Increment.

(Approved 5 – 0)

6. PUBLIC HEARING:

None

7. OLD BUSINESS:

None

8. NEW BUSINESS:

A. Subject: Nevada City Farm to Table Street Closure Request

Action: Motion by Phelps, seconded by Bergman to authorize the "Farm to Table" street closure request per the application presented with the terrazo lighting to be left hanging up, but turned off after the event until we have the lighting discussion on the August 12th or August 26th City Council meeting.
(Approved 5 – 0)

B. Subject: Simplification and Modernization of Nevada City's Business License Tax

Action: Motion by Phelps, seconded by Strawser to direct to staff to prepare for City Council consideration an ordinance, subject to voter approval, to simplify and modernize the City's business license tax.
(Approved 5 – 0)

9. CORRESPONDENCE:

None

10. ANNOUNCEMENTS:

National Night Out

11. CITY MANAGER'S REPORT:

- Fire Station 54 is operating at full staff.

12. ADJOURNMENT:

Action: Motion by Bergman, seconded by Phelps to adjourn – 8:17 PM
(Approved 5 – 0)

Jennifer Ray, Mayor

Attest:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959

August 12, 2015

www.nevadacityca.gov

TITLE: League of Women Voters Request for Use of Nevada City Council Chambers

RECOMMENDATION: Provide direction to the City Manager.

CONTACT: Mark Prestwich, City Manager

BACKGROUND / DISCUSSION: The City received a letter dated July 28, 2015 from Anne Dewitt, President of the League of Women Voters of Western Nevada County, a nonpartisan political organization, requesting use of the City's Beryl P. Robinson, Jr. Council Chambers the first Friday of each month from noon to 1:00pm for their monthly board meetings. The City has no recurring conflicts at this hour.

Pursuant to the City's Use Guidelines for the City Council Chambers, staff is authorized to make the room available for official City use, non-profit meetings related to City business, and other governmental entities for public meetings and employee trainings. Because the requested use falls outside the scope of staff-level authorization, use of the Council Chambers for this purpose requires City Council authorization. Should the City Council authorize the use of the Council Chambers for the League of Women Voters of Western Nevada County monthly board meetings, it is recommended the City's use guidelines, standard insurance and waiver requirements apply.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ July 28, 2015 Letter from Anne Dewitt, President, League of Women Voters of Western Nevada City
- ✓ City of Nevada City Contract and Use Guidelines for use of City Facility Beryl P. Robinson, Jr. Room (Council Chambers)



LEAGUE OF WOMEN VOTERS®
WESTERN NEVADA COUNTY

Mark Prestwich
City Hall
317 Broad Street
Nevada City, California 95959

July 28, 2015

Dear Mr. Prestwich,

The League of Women Voters of Western Nevada County is a nonpartisan political organization encouraging informed and active participation in government. It influences public policy through education and advocacy. We are looking for a new location to host our monthly board meetings and I'm writing to request the use of the chambers at City Hall.

Currently, the League's board meets the first Friday of the month from noon-1pm. We are open to holding our meeting at another time if there is an existing scheduling conflict with the Chambers during that time. Ideally, this request would be indefinite, but we are happy to place the request periodically on whatever schedule works for the City.

I understand this request would need to be approved by the City Council. Could you please place the request on the August 12 Council agenda for consideration and let me know how best to proceed?

Thank you for your consideration.

Sincerely,

Anne Dewitt
President
League of Women Voters of Western Nevada County
(530) 913-4952
annedewitt2012@gmail.com

City of Nevada City
Contract and Use Guidelines for use of City Facility
Beryl P. Robinson, Jr Room (Council Chambers)



The following guidelines are for use of the Council Chambers at City Hall.

Before Using the Facility:

- Use of the facility must be approved by City staff. The room is only available for official City use, non-profit meetings related to City business, and other government entities for public meetings and employee trainings. In addition, the room may become unavailable at any time if needed for official City business.
- All building users must have a completed contract and proof of insurance on file with the City.
- The Contact Person, named on the contract, must be at least 21 years of age and monitor the facility throughout the entire use of the facility.
- Any organization using the facility for an event that is fee based must get approval from City staff for use of the facility.

During Use of the Facility:

- Events taking place in the Council Chambers should not be disruptive to business within City Hall.
- NO SMOKING is allowed inside City Hall at anytime.
- Tacks may be used on the carpeted walls. Do not use tape, tacks, etc on non-carpeted walls, windows or doors in the room.
- If guidelines are not being followed police have the authority to shut down the event.
- The heat/AC cannot be adjusted during use.
- There is no access to copy machines or office supplies during use of the facility.
- The storage room/kitchen is not available to groups using the Council Chambers.

Before leaving the Facility:

- The premises shall be cleaned and tables and chairs returned to their appropriate spaces before leaving the facility.
- If the building is left unclean or damage occurs within the facility, facility users may be charged a cleaning fee.
- Clean up any spills on tables, chairs and floors.
- Remove all papers, equipment and personal items that do not belong to the City.
- If your group will be using the room for more than one day or needs garbage to be taken out throughout your use of the room, facility users are responsible for removal of garbage.
- Turn off all lights.
- Close and lock ALL doors.

Other:

- No pets are allowed in the building at anytime. (Service animals are the exception.)
- Items lost or left behind are not the responsibility of the City of Nevada City.
- Renters must provide their own supplies (ie: presentation, audiovisual, etc.) Some tables and chairs are available.
- Keys to the facility must be picked up at City Hall, one business day prior to the event. Keys must be returned to City Hall the first business day following the event. Keys can also be returned to the drop box that is located outside the front doors of City Hall. There is a \$100 fee for each lost key.

(OVER)

- The sound system is not available for use by facility users.

Insurance

Proof of insurance is required from all facility users. Insurance must be provided on an Acord Form, in the amount of \$1,000,000, naming the City of Nevada City as additional insured.

All Forms must be mailed or faxed to:

City Hall, 317 Broad Street, Nevada City, CA 95959
 (f) 530-265-0187
 (p) 265-2496

Thank you for your cooperation.

Contact Information

Organization: _____
 Mailing Address _____ City _____ Zip _____
 Contact Person: _____
 Daytime Phone _____ Alternate Phone _____
 Email address: _____

Event Information

Date(s) Requested: _____
 Event times: Start: _____ End: _____ Set-up start time: _____ Clean-up end time: _____
 Event Description: _____
 #of people attending event: _____

Keys

The following individuals have permission to pick up keys for our organization's use of the Council Chambers. They have been given a copy of the Use Guidelines.

Name: _____ Phone #: _____
 Name: _____ Phone #: _____
 Name: _____ Phone #: _____
 Name: _____ Phone #: _____

Waiver for Use

I, the undersigned, have read and agree to abide by and enforce all rules and regulations as stated in the Use Guidelines. I understand that the Council Chambers may become unavailable if needed for official City Use. "Renter" further agrees to indemnify and hold harmless the City of Nevada City, it's Officers, Agents and Employees against any and all claims, demands, damages, costs, expenses of whatever nature including litigation costs and attorney fees arising out of, or resulting from the "Renter's" use of the facilities of the City of Nevada City.

Print Name: _____ Signature: _____ Date: _____

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2015

TITLE: Public Hearing to Consider a 15-year Extension of the Current Development Agreement between the City of Nevada City and Kenmawr-Nevada City LLC and Nevada City Tech Center, LLC

RECOMMENDATION: Hold the public hearing and after consideration, adopt Ordinance 2015-XX approving and extending the proposed 15-year extension of the current Development Agreement, and authorize the Mayor to sign the final draft of the extended Agreement.

CONTACT: Cindy Siegfried, City Planner

BACKGROUND / DISCUSSION: The City originally entered into a Development Agreement regarding the subject property with then owner Grass Valley Group on November 12, 1985. The City Council, on December 11, 2000, approved an extension of that Development Agreement with the new owner, Tektronix, Inc. for 15 years to January 9, 2016. The Development Agreement's policies, rules and regulations are currently valid and the current owners (Kenmawr-Nevada City LLC and Nevada City Tech Center, LLC both wish to extend the Agreement; such extension will continue to affect future build-out of the two properties.

The owners desire to continue development of a business park project, consisting of two properties of approximately 400,000 square feet of light industrial space, and 20,000 square feet of related facilities; each of these two parcel are entitled to 200,000 square feet of building space and 10,000 square feet of related ancillary facility space. The project will continue to generate jobs and revenue which, as previously found in entering into the Development Agreement and extending it, will benefit the City and its residents.

The Planning Commission, at their meeting of July 16, 2015, held a public hearing and considered an extension of the current Development Agreement by entering into a new proposed Development Agreement between the City of Nevada City and the current owners (Kenmawr-Nevada City, LLC and Nevada City Tech Center, LLC of two separate parcels located on Providence Mine Road for a term of 15 years; said properties are commonly referred to as the Nevada City Tech Center and the prior Textronix/Grass Valley Group site (containing 112 acres).

ENVIRONMENTAL CONSIDERATIONS: The proposed Development Agreement extension is found to be consistent with prior Council findings regarding environmental review under the California Environmental Quality Act (CEQA), referencing the prior Environmental Impact Report (SCH #8310717) and as found in the approved Agreement Exhibits.

FISCAL IMPACT: None

ATTACHMENTS: The proposed Development Agreement is attached; it contains minor changes to the Agreement which reflect an updated land use map indicating the approved R3, R2 and R1

zone changes approved in 2011 and a clarification of the permitted uses associated with the property's Industrial/Employment Center zoning.

- ✓ Ordinance 2015-XX, Approving Extension of Development Agreement
- ✓ Proposed Development Agreement (original DA with strikeout)

ORDINANCE NUMBER 2015-XX

**CITY OF NEVADA CITY
APPROVING AN EXTENSION OF
THE EXISTING DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF NEVADA CITY AND
KENMAWR-NEVADA CITY, LLC
AND CAMPUS PROPERTIES, LLC
OWNERS OF PROPERTY ON PROVIDENCE MINE ROAD**

WHEREAS, the City Council held a public hearing at their meeting of August 12, 2015 to consider an extension of the current Development Agreement between the City of Nevada City and Tektronix, Inc. entered into on December 22, 2000 for another fifteen (15) years by entering into an agreement on similar terms with Kenmawr-Nevada City, LLC and Nevada City Tech Center, LLC the current owners of the subject property now consisting of two separate parcels (containing approximately 112 acres) located on Providence Mine Road for a term of 15 years; said properties are commonly referred to as the Nevada City Tech Center and the prior Textronix/Grass Valley Group site.

The City originally entered into a Development Agreement regarding the subject property with then owner Grass Valley Group on November 12, 1985. The City Council, on December 11, 2000, approved an extension of that Development Agreement for 15 years to January 9, 2016.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

Section 1 Legislative Findings

1. The proposed Development Agreement extension is found to be consistent with prior Council findings regarding environmental review under the California Environmental Quality Act (CEQA), referencing the prior Environmental Impact Report (SCH #8310717) and as found in the approved Agreement Exhibits, as found in Ordinance 2000-07, dated December 11, 2000.
2. Further extension of Agreement will continue to affect future build-out of the two properties as a business park project for light industrial use and related facilities continuing to generate jobs and revenue which will benefit the City and its residents.
3. The Planning Commission held a public hearing at their meeting of July 16, 2015 and recommended the City Council approve the extension of the Development Agreement for a 15-year period.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council of the City of Nevada City held this 12th day of August, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST: _____
Niel Locke, City Clerk

RECORDING REQUESTED BY:

CITY OF NEVADA CITY

WHEN RECORDED RETURN TO:

CITY OF NEVADA, CITY
317 Broad Street
Nevada City, CA 95959

Space Above for Recorders Use

DEVELOPMENT AGREEMENT

This Development Agreement (hereinafter sometimes referred to as this "Agreement") is made and entered into this _____ day of _____, 2015, by and between _____, 2015, by and between

the CITY OF NEVADA CITY, a municipal corporation in the State of California (hereinafter "City"), and

NEVADA CITY TECH CENTER, LLC
12555 Dunbar Road
Glen Ellen Ca 95442, and

KENMAWR-NEVADA CITY, LLC
530 Madison Avenue
New York, NY 10022

(hereinafter collectively, "Owner")

RECITALS

1. Owner owns in fee that real property located within the City of Nevada City and more particularly described in Exhibit "A" hereto and incorporated herein by this reference, hereinafter called the "Subject Property."

2. Owner desires to continue development of a business park project on the Subject Property consisting of approximately 400,000 square feet of light industrial space, and 20,000 square feet of related facilities, hereinafter called the "Project." Owner may also desire to subdivide the Subject Property into two or more legal parcels for purposes of sale, lease, or finance. At the initial approval of dividing the subject property into two parcels by prior owner Tektronix, Inc. it was been determined that half the approved development would flow to each half of the property, now in separate ownership. The two original parcels are designated as Parcels 1 and 2 on Exhibit C attached hereto and made a part hereof, and ~~EACH~~ each of these two parcel ~~are is~~

~~allocated entitled to~~ 200,000 square feet of building space and 10,000 square feet of related ancillary facility space.

3. The Project shall increase the employment base of the City of Nevada City and shall further have a substantial positive beneficial impact on City financial resources.

4. The City, in accordance with applicable local and state laws, ordinances, and regulations, previously approved General Plan Amendment No. 84-18, Zoning Amendment No. 84-9, Site Plan No. 84-17, a Development Agreement By and Between the City of Nevada City and Grass Valley Group Relative to Grass Valley Group Site Development, dated November 12, 1985 (hereinafter "1985 Development Agreement"), and Annexation No. 36; and all terms and all remaining applicable conditions of said permits and approvals are as set forth in Exhibit "B" and incorporated herein by this reference; and further, that said terms and conditions shall be hereinafter called "The Development Program."

5. Other Prior City Actions:

(a) The City Planning Commission and the City Council previously approved the Final Environmental Impact Report (hereinafter "Final EIR") prepared for the Project on August 13, 1984, and the City hereby concurs in and ratifies the certification that said Final EIR has been completed in accordance with the California Environmental Quality Act and all State and local ordinances and guidelines pertaining thereto.

(b) The City Planning Commission and the City Council previously unanimously approved a further extension of this Development Agreement by Ordinance 2000-07, including environmental findings, adopted on December 11, 2000, and the Development Agreement was filed as Document Number 2001-0005473 in Nevada County Official Records on February 27, 2001. The City also approved and the then owner filed a parcel map dividing the property into two major parcels as shown on the parcel map filed in Book 19 of Parcel Maps at Page 74, Nevada County, CA official records. Said parcels ~~and~~ are shown as Parcel 1 and Parcel 2 on Exhibit C attached hereto and made a part hereof. Said map included a companion reciprocal access, utility, and maintenance agreement filed as Document No. 2001-0042549, Nevada County Official Records, and all lands within the Project remain subject to this document or as amended.

(c) The City Council approved a tentative final map in the southerly portion of the property for Nevada City Tech Center LLC on February 14, 2006, which included an overall Site Plan Amendment to allow buildings and parking to flow through both Zones I and II, subject to City design control. The City filed a Notice of Exemption for this approval. Portions of the approved tentative final map have been filed and completed.

(d) The City Planning Commission and the City Council previously unanimously approved a general plan amendment and zone change for portions of the Subject Property by Ordinances 2011-03 and 2011-04, on January 12, 2011, zoning portions of previous development agreement Zone III to allow housing, recognizing that a housing mix could serve the business park well by reducing traffic and off-site impacts. The zoning also implement parts of the City's housing element, providing an area of use-by-right with up to 16 units per acre. This housing area is now designated as development agreement Zone IV in this development agreement extension. The City filed a Notice of Determination for a Mitigated Negative Declaration for this zoning approval.

6. In order to complete the Project, construct all necessary project related improvements and commence the use of the Subject Property in conformance with the Development Program additional governmental approvals required from the City do and shall consist of building permits, architectural design approval in conformance with City architectural review requirements. Building permit and architectural approval are deemed ministerial in that City approval is mandatory in the event the improvement designs submitted by the Owner conform to presently adopted ordinances, rules and regulations of the City.

7. The Owner hereby represents and the City hereby acknowledges that the Owner is the successor in interest to the Grass Valley Group, identified as the Owner in the 1985 Development Agreement, and I Tektronix, Inc., identified as the Owner in the 2000 Development Agreement extension. The City and Owner hereby acknowledge the repeal of the earlier development agreements dated November 12, 1985 and December 22, 2000, and filed as Document Numbers 85-27746 and 2001-0005473, respectively, in the office of the Nevada County Recorder. The City hereby finds and agrees that no further environmental review or documents are or shall be required to adopt this Agreement.

8. The City zoning ordinance sets forth procedures and regulations relating to the consummation of development agreements in conformance with and in furtherance of the purposes of California Government Code Section 65864 et seq.

9. Owner has prepared, and City has amended through prior City actions, a "Land Use Plan" of the subject property that is attached hereto as Exhibit "C" and incorporated herein by this reference. City hereby finds and agrees that said Land Use Plan is in conformance with the Development Program. Said Land Use Plan is intended to remain intact regard less of any future land division of the Subject Property.

10. The City, in consideration of Owner's agreement to develop the Project in accordance with the conditions of the approved Development Program, Land Use Plan, and the terms of this Agreement, desires and agrees to vest certain development rights in the Subject Property and process any remaining applications for development permits or entitlements for use and development of the Subject Property pursuant to the approved Land Use Plan expeditiously and in accordance with the terms of this Agreement and applicable state and local laws.

11. ———City, in consideration of Owner's agreement herein to develop the entire Project in accordance with the Development Program and Land Use Plan, desires and agrees to assure that Owner may proceed and complete the Project, and in accordance with those policies, rules, regulations, ordinances, design, improvement and construction standards and specifications, as such rules, regulations, ordinances and policies exist on the date of approval of this Agreement, subject to certain exceptions provided for herein.

12. ———The City Council has previously approved the Land Use Plan for the Project attached hereto as Exhibit "C", and finds that said Plan and this Agreement is in conformance with the City General Plan and applicable state and local law and that their implementation is in the best interest of the City and the health, safety and welfare of its residents, all in furtherance of the legislative purpose set forth in California Government Code Section 65864 et seq.

NOW, THEREFORE, it is agreed by the parties hereto as follows:

ARTICLE I.

GENERAL PROVISIONS

1.1 Property Subject to the Agreement. All of that real property located in the City of Nevada City, State of California, described in Exhibit "A", shall be subject to this Agreement. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with the Subject Property and the benefits and burdens hereof shall bind and inure to all successors in interest to the parties hereto relative to all portions of the Subject Property. The applicable provisions of this Agreement apply to each parcel and, in the event that the Subject Property is further divided into two or more legal parcels, the applicable provision of this Agreement shall apply to each and every parcel.

1.2 Term. The term of this Agreement shall commence upon the effective date of the ^{ORDINANCE} resolution approving this Agreement and shall extend for a period of fifteen (15) years thereafter, unless said term is extended by circumstances set forth in Section 4.4 of this Agreement or by mutual consent of the parties hereto. Following the expiration of said term, this Agreement shall be deemed terminated and have no further force and effect.

1.3 Parties to the Agreement.

(a) City of Nevada City. The City of Nevada City is a political subdivision of the State of California, exercising general governmental functions and powers. The principal office of the City is located at 317 Broad Street, Nevada City, California 95959. "City" as used in this Agreement refers to the City of Nevada City, California, and any assignee or successor to its rights, powers and responsibilities with respect to said property "Council" as utilized herein refers to the City Council of the City of Nevada City.

(b) The Owner. All references to "Owner" in this Agreement refer to both of the following, whose principal business addresses for the purposes of this Agreement are as is shown:

NEVADA CITY TECH CENTER, LLC
12555 Dunbar Road
Glen Ellen Ca 95442

Andand

KENMAWR-NEVADA CITY, LLC
530 Madison Avenue
New York, NY 10022

1.4 Assignment and Assumption. Owner shall have the right to sell, assign, or transfer this Agreement with all the rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. Such assignment and assumption may apply to all or portions of the Subject Property if it is subdivided into two or more legal parcels for purposes of sale, lease, or finance. The conditions and covenants set forth in this Agreement and incorporated herein by exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. Owner shall provide City with a signed and complete copy of the Assumption Agreement as provided for in Exhibit "E". Owner shall provide City with **written** notice of its intent to sell, assign or transfer this Agreement at least thirty (30) days in advance of such action. Express written assumption by such purchaser, assignee or transferee, to the satisfaction of the City Attorney, of the obligations and other terms and conditions of this Agreement with respect to the Subject Property or such portion thereof sold, assigned or transferred, shall relieve the Owner selling, assigning or transferring such interest of such obligations so expressly assumed. Any such assumption of Owner's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assumption Agreement in Exhibit "E" and incorporated herein by this reference.

1.5 Development Program. "Development Program" as used herein refers to the Project as proposed by Owner and reviewed and approved by City together with only the remaining applicable conditions of approval thereon as set forth in Exhibit "B" hereto, together with any amendments thereto as may be agreed to by the parties from time to time.

1.6 Land Use Plan. "Land Use Plan" as used herein refers to that Land Use Plan Map attached hereto as Exhibit "C". Said Land Use Plan may be amended from time to time by mutual consent of the parties hereto and in conformance with the provisions of Government Code Section 65868. The term Land Use Plan herein shall include any such amendments properly approved and executed. Notwithstanding the fact that the Subject Property is zoned LI-Light Industrial, the only uses permitted on the Subject Property are the permitted, conditional, and accessory uses consistent with City's prevailing regulations for the EC-Employment Center zoning district and including these additional land uses:

Permitted accessory uses typically associated with the technological, research and development, and a digital campus such as classrooms, child care facilities, and other similar uses that support such businesses.

1.7 Notices, Demands and Communications Between-among the Parties. Formal written notices, demands, correspondence and communications between the City and Owner shall be sufficiently given if dispatched by registered or certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Owner. Such written notices, demands, correspondence and communications may be sent in the same manner to such other persons and addresses as either party may from time to time designate by mail as provided this section.

___—1.8 Amendment. This Agreement may be amended from time to time by mutual consent of the parties hereto and in accordance with the provisions of Government Code Section 65868 and any procedures adopted by the City of Nevada City. The term "Development Agreement" or "Agreement" herein shall include any such amendments properly approved and executed.

___1.9 Estoppel Certificates. Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such other Party to certify in writing that to the knowledge of the certifying Party:

- (1) This Agreement is in full force and effect and is a binding obligation of the Parties;
- (2) This ~~agreement~~ Agreement has not been amended or modified and, if so amended, to identify the nature and dates of such amendments;
- (3) No current uncured default in the performance of the requesting Party's obligations under this Agreement exists or, if in default, the nature and amount of any defaults;
- (4) This ~~agreement~~ Agreement has terminated with respect to a Parcel, and such Parcel has been released from this Agreement.
- (5) Owner shall reimburse City for actual costs of providing Estoppel Certificates, and the City may require an advanced deposit for such costs.

ARTICLE II.

DEVELOPMENT OF THE PROPERTY

ZONES I, II, AND III

2.1 Permitted Uses. The Subject Property shall be used and developed only for such uses as are permitted by the Employment Center zoning district regulations as set forth in the Zoning Ordinance of the City, and as further defined or restricted by the terms of the Development Program and this Agreement.
~~See Section 1.6 above for additional land uses.~~

2.2 Permitted Location and Intensity of Development. The location and intensity of development of the Subject Property shall be in conformance with the Development Program and the Land Use Plan. Modifications of the location of development from that set forth in the Development Program shall be permitted in conformance with Section 3.2(d) hereof.

2.3 ———Reservations and Dedications of Land for Public Purposes. Provisions for reservation or dedication of land for public purposes, construction, installation and extension of public improvements, and other terms and conditions of development relevant thereto shall be those set forth in the Development Program (Exhibit "B"), Land Use Plan (Exhibit "C"), the herein Agreement and as set forth in the applicable ordinances, rules, regulations and official policies of the City in force at the time of approval of this Agreement.

2.4 Phasing of Development. The completion of the Project shall be phased based on the growth demands of the owner and of prevailing market demands.

2.5 Rules, Regulations and Official Policies: With regard to the development of the Subject Property and completion of the Project, the City rules, regulations, ordinances, laws, general and specific plans and official policies governing development, density, permitted uses, improvement standards and specifications, public services fees and charges, and environmental considerations shall be those provided by this Development Agreement and otherwise in force and effect upon the commencement of the term of this Agreement. Notwithstanding the above, the parties agree that prevailing building code technical design standards shall apply during the course of Project completion.

2.5.1 The City may thereafter, during the term of this Agreement apply only such newer, modified rules, regulations, ordinances and laws which are not in conflict with this Agreement and the rules regulations, ordinances and laws in effect on the date of this Agreement. This Section shall not preclude the application to development of the Subject Property such changes in City laws, regulations, plans or policies specifically mandated and required by changes in state or federal laws or regulations. In the event that such changes in state or federal laws prevent or preclude compliance with one or more provisions of this Agreement and implementation of the Land Use Plan, the parties shall take appropriate actions as may be required by Section 3.3 of this Agreement.

2.5.2 Application, processing and inspection fees as set forth in the City ordinances and regulations shall be those fees in effect at the time the fee is payable and shall apply to this Project pursuant to this Agreement.

2.5.3 Except as provided herein, this section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit discretion of City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by the City or any of its officers or officials. In no event shall subsequent discretionary or ministerial action or inaction of the City prevent the development of the Subject Property for the uses and to the density and intensity of development as set forth in the Land Use Plan and Development Program or render implementation of this Agreement impossible or economically infeasible. City shall not be responsible for project impairment solely caused by mandated changes in Federal or State laws and regulations.

2.6— Special Development Fees and Improvements: Owner shall pay specified development fees and install off-site road improvements as follows:

(a) Road Improvements: The City Council finds that the owner has previously completed the road improvements generally described in Site Plan condition of approval No. 19 as more specifically described in Exhibit "D" attached hereto and incorporated herein by this reference.

(b) Traffic Mitigation Fees:

(1) Prior to issuance of a Certificate of Occupancy as to any phase of the Project, Owner shall pay to the City a sum equal to not more than One Hundred and Forty Dollars (\$140.00) times the number of parking spaces required to be installed by Nevada City Ordinance No. 85-4 necessary to serve the structure for which occupancy is desired by Owner. Should the owner install parking spaces in excess of those required by said City Ordinance, said additional spaces shall not be included in the traffic fee calculation.

(2) Based on the Owner's previous completion of the road improvements as indicated in Subsection (a) that primarily benefit the general public, which improvements are described in Section (b) of Exhibit "D", the owner has a current credit balance of 332 pre-paid parking spaces distributed as 238 spaces prepaid for Parcel 1 and 94 spaces prepaid for Parcel 2.

(3) City has retained the funds paid by owner in a separate account and has applied the same for the purpose of installing improvements to the regional and local transportation system necessary to mitigate the impacts caused by the development of the Project. Compliance with the herein Subparagraph is deemed full satisfaction of Site Plan condition of approval No. 22.

(4) The completion of the off-site improvements -described in Exhibit "D", together with the on-going requirement to pay additional per-parking space fees, shall constitute the traffic mitigation for the Project, and additional construction consistent with the Development Program shall be exempt from the traffic mitigation component of the City's prevailing AB1600 Development fees.

(c) Fire Protection Fee: Owner has previously paid a fire protection fee in the sum of Fifteen Thousand Dollars (\$15,000.00), which funds have been applied by the City to secure fire service facilities, equipment and manpower necessary to serve the Project. Said fee shall apply only to the development shown on Site Plan No. 84-17, and any further development may be subject to additional fees. All project development shall be subject to the prevailing fire department annual parcel charge as applied throughout the City. However, the prepayment of this fee constitutes full development fee mitigation of fire service impacts, and further development of the Project consistent with the Development Program shall be exempt from the fire department component of the City's prevailing AB 1600 Development fees.

(d) Sewage Treatment Facility and Connection Fee:

(1) Owner shall pay a onetime Sewage Treatment Facility Fee to the City, a sum equal to \$2.657/gallon/day of sewage effluent requiring treatment generated by the Project. Said fee shall be due and payable for each phase of the Project for which Owner requests occupancy prior to issuance of a Certificate of Occupancy.

(2) Owner shall pay a onetime sewage service connection fee of \$4.173/gallon/day of sewage effluent requiring treatment generated by the Project, which shall be due and payable at the same time as the fee provided for in sub-section (d)(1), above.

(3) In addition to the above sewer service related fees Owner shall be solely responsible for the cost of such works of improvement as may be necessary to connect Project sewage transmission lines with City transmission facilities.

(4) Payment of the here-in sewage service related fees by Developer shall be deemed to fully satisfy the requirements of Site Plan Condition of Approval No. 42 with respect to sewage service. Acceptance of sewage fee payment by City shall constitute full satisfaction of Site Plan Condition of Approval No. 33.

(5) Payment of the fees outlined above constitute mitigation for the project and future development of the Project consistent with the Development Program shall be exempt from the sewer component of the City's prevailing AB 1600 Development Fee Program.

(6) Owner shall be required to comply with all existing and later adopted ordinances regarding discharge into the City sewer system. Further, Owner shall not discharge into the City sewer system any substance in sufficient quantity to injure or interfere with any sewage treatment process or cause water quality violations.

(e) Special Fees. The parties acknowledge and agree that the Special Fees and road improvement obligations set forth in this Section shall constitute the sole fees that may be imposed on Owner for the purpose of securing the public services described herein as a condition of Project implementation and use of the Subject Property in conformance with the Land Use Plan and Development Program and the herein Agreement. One purpose of the herein Special Fees provisions is to provide a ministerial means of determining fee and improvement obligations imposed by Site Plan conditions of approval. Owner acknowledges and agrees that certain existing City ordinances and regulations provide for additional public service related charges (for example - plan check and inspection fees), and it is not the intent of the herein Section to preclude the imposition of such charges.

(f) AB 1600 Development Fees. Owner shall be responsible for payment of the prevailing AB 1600 Development fee for future project development, excepting the components for traffic, fire, and sewer, as outlined above. Said fees shall be paid prior to the issuance of a Certificate of Occupancy and shall be based on the gross square footage and use for the building being occupied.

(g) Sales Tax. To the extent reasonably feasible, Owner will implement tax reporting procedures which will provide Nevada City the greatest benefit from California sales and use tax revenues. Such procedures may include designating the City of Nevada City as the point of sale for sales tax and use for self-reporting use tax under regulation 1699 on out of state purchases of goods used in the City of Nevada City in accordance with the rules outlined in SB 100, and reporting the City of Nevada City as the location of construction costs as allowed by the California State Board of Equalization per their December 1994 amendment to Regulation 1806. Owner shall not be obligated to implement procedures contrary to the sales and use tax laws or regulations of California or any other state. In the event Owner or any of its assigns or successors in interests lease the Subject Property hereafter, Owner will include this paragraph in such lease.

ZONE IV

2.7 City Review and Approval. Development of the residential portion of the Subject Property is pending at the time of the extension of the herein development agreement, and said Zone IV development approval shall be subject to the City's ordinary development review and tentative map approval processes.

2.8 Prior Environmental Review. The Residential Area general plan and zoning designations were subject to overall environmental review with the adoption of Ordinances 2011-03 and 2011-04. Development details during the City's ordinary development review and tentative map processes, shall include subsequent environmental review and appropriate mitigations based on the site plan specific public reviews under City ordinances, General Plan Housing Element, and the California Environmental Quality Act (CEQA).

ARTICLE III

DEVELOPMENT PROGRAM

3.1 3.1 Owner. Owner agrees to develop the property in conformance with the terms of this Agreement including the terms and conditions of development set forth in the Development Program. Improvement scheduling or dates or times of performance of either party hereto may be subject to revision from time to time as mutually agreed in writing. Such revisions are within the framework of this Agreement as presently drafted and executed and do not constitute contract amendments requiring new notice and hearing under State and local law.

3.2 -The City

(a) The City hereby agrees that it will accept for processing, review and approval all applications for development permits or other entitlements for use of the Subject Property necessary to implement the Land Use Plan, the Development Program and the herein Agreement provided that such applications are in conformance here with.

(b) In all instances, the City shall inform Owner upon request of necessary submission requirements for each application for permit or other entitlements for use in advance and review and schedule such application for Planning Commission and/or City Council action pursuant to the times set forth in this Section. Should the City fail to act within said time limitations, Owner may elect to take other action under Article IV hereof.

(c) In addition to its contractual obligations to cooperate with Owner in implementing the project in a timely fashion, City acknowledges that, in any event, it must take action upon the application for development permit or other entitlements for use necessary to implement the Land Use Plan in this Agreement within the time limitations established under existing or subsequently amended State and local planning, zoning, environmental, and subdivision laws, or be subject to the additional penalties set forth herein.

(d) (1) Owner may submit building, parking, and circulation improvement plans for portions of the Project located in "Zone I - Primary Use Area and Zone II -Secondary Use Area as shown on Exhibit C the Land Use Plan describing modifications in building and related improvement locations and the size of individual structures different from that shown on the approved original Site Plan without Site Plan amendment or further environmental review if such modifications are otherwise consistent with the terms of said Site Plan and this Agreement.

~~(2) (DELETED ZONES I AND II ARE TREATED EQUALLY UNDER THE CITY'S PRIOR SITE PLAN AMENDMENTS FOR NEVADA CITY TECH CENTER)~~

(32) The submittal of plans by Owner for building permit approval proposing development in "Zone III - Open Space/Reserved Development Area" shall require Site Plan amendment and amendment of the herein Agreement, actions subject to the discretionary approval authority of the City, including a determination of whether existing environmental documents are adequate to address the impact of any said amendment.

(43) The Residential District in Zone IV shall be subject to ordinary City design review, environmental review and conditional approval. See also Section 2.7 et seq. above.

3.3 - Cooperation in Securing Governmental Permits - Conflict of Laws. The City shall cooperate with the Owner in securing for Owner all permits which may be required by the City or any other governmental agency.

(a) In the event that State or Federal laws or regulations enacted or otherwise effective after this Agreement have been entered into, or the action or inaction of any other affected governmental jurisdiction prevent or preclude compliance with one or more provisions of this Agreement, or require changes in plans, maps, or permits approved by the City, the parties hereto agree that the provisions of the Agreement shall be promptly modified or suspended as may be necessary to comply with such State or Federal laws or regulations or applicable action or inaction of other affected governmental jurisdictions so long as such action or inaction is not inconsistent with City law and policy. City shall not be deemed in breach hereof if compliance by City is precluded by said State or Federal laws and regulations, or said governmental action and inaction.

(b) Each party to this Agreement agrees to extend to the other its prompt and reasonable cooperation in so modifying this Agreement or approved plans, map or permits to allow continued development of the Subject Property to the extent feasible and consistent with the principles and provisions of this Agreement.

ARTICLE IV

DEFAULT, REMEDIES, TERMINATION

4.1 - General Provisions.

(a) Subject to extensions of time by mutual consent in writing or as set forth in Sections 4.2 and 4.3 hereof, failure or delay by either party to perform any term or provision of this Agreement constitutes a default under this Agreement.

(b) In the event of default or breach of this Agreement or any of its terms or conditions, the party alleging such default or breach shall give the breaching party not less than thirty (30) days' notice in writing, measured from the date of certified mailing, specifying the nature of the alleged default and, where appropriate, the manner in which said default may be satisfactorily cured. During any such thirty-day period of curing, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

(c) After proper notice and the expiration of said thirty-day cure period, the other party to this Agreement, at its option, may institute legal proceedings pursuant to Section 4.5 hereof or give notice of intent to terminate this Agreement pursuant to California Government Code Section 65868. The matter shall be scheduled for consideration and reviewed in the manner set forth in California Government Code Sections 65864 et seq. by the City of Nevada City within thirty (30) days after notice of intent to terminate.

(d) Following consideration of the evidence presented before the City of Nevada City, either party alleging a default by the other party may, at its option, give written notice of termination of this Agreement to the other party by certified mail. Written notice of termination of this Agreement shall be effective immediately upon certified mailing to the defaulting party.

(e) Evidence of default by either party may also arise in the course of a regularly scheduled periodic review of this Agreement pursuant to California Government Code Section 65865.1. If either party determines that the opposing party is in default following the completion of the normally scheduled periodic review of progress under the Agreement, it may at its option, give, by certified mail, written notice of termination of this Agreement to the opposing party, specifying therein the alleged nature of the default, feasible actions to cure said default where appropriate, and granting the alleged defaulting party thirty (30) days in which to cure said default. If the alleged default is not cured within thirty (30) days or the defaulting party waives its right to cure such alleged default, this Agreement shall be deemed terminated thirty-one (31) days from the date of mailing of the notice of intent.

(f) Failure or delay in giving notice of default pursuant to this Section shall not constitute a waiver of any default, nor shall it change the time of default.

(g) Except as otherwise expressly provided in this Agreement, any failure or delay by either party in, asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive either such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

4.2 Default of Owner.

(a) The City shall, at least once every twelve (12) months during the term hereof, review the good faith substantial compliance of Owner with the terms of this Agreement. Such periodic review shall be limited in scope to compliance with the terms of this Agreement, and notice shall be provided pursuant to California Government Code Sections 65867 and 65868, including a statement that any review may result in amendment or termination of this Agreement, after notice and hearing as provided in Section 4.1.

(b) In connection with each periodic review, the City's finding of good faith compliance by Owner with the terms of the Agreement shall conclusively determine said issue up to the date of said review for purposes of future periodic reviews or legal action between the parties.

(c) The City shall deposit in the mail to Owner a copy of all staff reports and, to the extent practicable, related exhibits concerning contract performance a minimum of ten (10) calendar days prior to such review or action upon the Development Agreement by the Planning Commission or the City Council.

(d) Upon request by Owner, Owner shall be permitted an opportunity to be heard orally and in writing regarding its performance under this Agreement before each appropriate Departmental, Planning Commission or City Council review or action on the Agreement.

4.3 Default By City.

(a) In the event that the City does not accept, review, approve or issue necessary development permits or entitlements for use in a timely fashion as defined by this Agreement, despite a good faith effort by Owner to file timely complete application therefore or the City otherwise defaults under this Agreement, the City agrees that Owner shall in no event be obligated to proceed with or complete the project or any phase thereof, nor

shall resulting delays in Owner performance constitute grounds for termination or cancellation of this Agreement or the loss of density and use rights of Owner hereunder.

(b) Within thirty (30) days after receipt of a written request from Owner, the City shall consent in writing to reasonable adjustment or extension in any time schedule for Owner's performance hereunder.

4.4. Enforced Delay: Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to any of the following factors, the existence and impact of which are satisfactorily demonstrated: war; insurrection; lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; epidemics; quarantine restrictions; freight embargoes; lack of transportation; governmental restrictions or priority; the enactment of conflicting state or federal laws or regulations; new or supplemental environmental regulation; litigation; unusually severe weather; acts or failure to act of any public or governmental agency or entity (other than that, acts or failure to act of the City shall not excuse performance by the City); any abnormal delay in issuance of the permits referred to in Sections 3.2 and 3.3; or any other causes beyond the control or without the fault of the party claiming an extension of time to perform. An extension of time in writing for any such cause shall be granted for the period of the enforced delay, or longer as mutually agreed upon, which period shall commence at the time of the commencement of the cause.

4.5. Institution of Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default; to enforce any covenants or agreements herein or to enjoin any threatened or attempted violation thereof; to recover damages for any default; or to obtain any other remedy consistent with the purpose of this Agreement. Notwithstanding the above; Owner shall not be entitled to recover damages for any loss of profits derived from product sales; in no event shall City be entitled to recover for loss of tax or assessment revenues as a measure of damages; and any monetary damage award shall be limited to compensatory damages only. Such legal actions must be instituted in the Superior Court of the County of Nevada, State of California, ~~in an appropriate municipal court in that County,~~ or in the Federal District Court in the Eastern District of California.

4.6. Applicable Law/Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by either party because of breach of this Agreement or to enforce any provision of this Agreement, the prevailing party in such action shall be entitled to all reasonable attorney's fees, court costs and necessary disbursements in connection with such litigation.

ARTICLE V

PROJECT AS A PRIVATE UNDERTAKING

4.1 It is specifically understood and agreed by and between the parties hereto that the subject development is a private development; that the City has no interest in or responsibility for or duty to third parties concerning any of said improvements until such time and only until such time as City accepts the same pursuant to the provisions of this Agreement or in connection with the various subdivision map approvals; and that Owner shall have full power over and exclusive control of the Subject Property herein described, subject only to the limitations and obligations of the Owner under this Agreement.

ARTICLE VI

COOPERATION IN THE EVENT OF LEGAL CHALLENGE TO THIS AGREEMENT

5.1 In the event any legal action is instituted by a third party or other governmental entity or official challenging the validity of one or more provisions of this Agreement, the state and local legislation authorizing the City to enter into this Agreement, or discretionary action and approvals of the City on development permits or other entitlements for use and development of Subject Property pursuant to the approved Land Use Plan and this Agreement, the parties hereto agree to cooperate in defending said action .

ARTICLE VII

ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

6.1 Counterparts. This Agreement is executed in two (2) duplicate originals, each of which is deemed to be an original. This Agreement consists of fourteen (~~16~~14) pages and five (5) exhibits, which constitute the entire understanding and agreement of the parties. Said exhibits are as follows:

Exhibit "A" - Legal Description of Subject Property

Exhibit "B" - Development Program

Exhibit "C" - Land Use Plan

Exhibit "D" - Off-Site Road Improvements

Exhibit "E" - Assumption Agreement

7.2 Entire Agreement. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

7.3 Waiver. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or the Owner, and all Amendments hereto must be in writing, signed by the appropriate authorities of the City and the Owner and in a form suitable for recording in the Office of the Recorder, County of Nevada.

7.4 Recordation.

(a) Within ten (10) days of the date of this Agreement, or subsequent Amendments thereto, a copy thereof shall be recorded in the Official Records of Nevada County, California.

(b) Upon completion of contract performance by the parties or revocation of this Agreement, a written statement acknowledging such completion or revocation, signed by the appropriate agents of the City and Owner, shall be recorded in the Official Records of Nevada County, California.

ARTICLE IX

SEVERABILITY

8.1 the parties hereto agree that the provisions are severable. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected and shall remain in full force and effect unless amended or modified by mutual consent of the parties.

IN WITNESS WHEREOF, the parties hereto do affix their signatures as follows:

CITY OF NEVADA CITY _____ NEVADA CITY TECH CENTER, LLC
By: _____ By: CAMPUS PROPERTIES, LLC, Manager

By: _____ By: Robert and Linda
Upton Trust, Manager

____ Mayor

ATTEST: _____ By: _____
Robert Upton, Trustee

By: _____ KENMAWR-NEVADA CITY, LLC
Niel Locke, City Clerk
By: _____
_____ its _____ NEVADA CITY
TECH CENTER, LLC, a California limited liability company

By: CAMPUS PROPERTIES, LLC, a California limited liability company, Manager

By: Robert and Linda Upton Trust, Manager

By: _____
_____ Robert Upton, Trustee

By: _____ By: _____

~~KENMAWR NEVADA CITY, LLC~~

By: _____ By: _____

Attach Notary's Acknowledgment

CONSENT TO RECORDING of DEVELOPMENT AGREEMENT
RELATIVE TO DEVELOPMENT SITE, PROVIDENCE MINE ROAD

I, the undersigned Mayor of the City of Nevada City, California, pursuant to Ordinance _____85-10, hereby consent to the recording of the attached Development Agreement By and Between the City of Nevada City and Nevada City Tech Center LLC and Kenmawr-Nevada City, LLC
., relative to Providence Mine Road Site Development.

Date: _____ By: _____

Mayor

City of Nevada City

Attest:

Date: _____ By: _____

Niel Locke, City Clerk, ~~CITY OF NEVADA CITY~~ City of Nevada City

EXHIBIT A

Subject Property

Providence Mine Road Development Agreement Property Description:

All that portion of real property located within the incorporated area of the City of Nevada City, County of Nevada, State of California and described as Parcel B on Nevada City Parcel Map 85-01, recorded on July 26, 1985 and filed in Book 17 of Parcel Maps at Page 29, Nevada County, California, EXCEPTING THEREFROM that portion conveyed to the City of Nevada City along the abandoned Rough and Ready Canal for public trail purposes along the northerly line of said Parcel B.

EXHIBIT B

DEVELOPMENT PROGRAM

(ORIGINAL PROJECT CONDITIONS OF APPROVAL: THE PARTIES HERETO ACKNOWLEDGE THAT CERTAIN ORIGINAL CONDITIONS AS MARKED BY AN ASTERISK (*) HAVE BEEN FULLY SATISFIED)

July 12, 1984

Mr. Ken Myers
GRASS VALLEY GROUP, INC
Post Office Box 1114
Grass Valley, California 95945

SUBJECT: GRASS VALLEY GROUP, INC.
General Plan Amendment, P rezoning, Site Plan, and Development Agreement: FINAL EIR and PROJECT.

Dear Mr. Myers:

Please be advised that at their regular meeting of July 12, 1984, the Nevada City Planning Commission took the following actions regarding the above referenced project:

1. REGARDING THE PROJECT ENVIRONMENTAL -IMPACT REPORT:

The Planning Commission found that the Final EIR for the Grass Valley Group, Inc. application was adequate and complete, contained all of the information that could reasonably be included, and recommend that the City Council certify that:

A. The final EIR has been completed in compliance with CEQA, and

B. The final EIR was presented to the City of Nevada City, and that the City reviewed and considered the information contained in the final EIR prior to any action on the project.

2. REGARDING THE PROJECT APPLICATIONS:

A. ENVIRONMENTAL FINDINGS: The Planning Commission considered the information in the Final EIR for the project, and found that with mitigations attached to the site plan as conditions of approval, any potential significant adverse effects would be reduced below the level of significance. However, because of the large size of this project and because it will not be completed for another 15 years, the Commission found that it is difficult to accurately predict the environmental impacts caused by the project. Because of this, it is possible that reasonable minds could differ as to whether the project, even after adoption of the mitigation measures, may cause a significant environmental impact. In reviewing the final EIR the Commission noted that the EIR author pointed to traffic, sewer, water, and air quality as having possible "moderate" impacts, even after mitigation. The EIR author indicated to the City staff that "moderate" impacts should be considered as impact below the level of significance. However, the Planning Commission incorporated the Findings of Overriding

Consideration, as stated in the attached memorandum from the City Attorney, Mr. James Anderson, dated July 12, 1984, Items 1, 2, 3, and 4 .

B. ANNEXATION: The Planning Commission recommended that the City Council approve the annexation of the project area to the City of Nevada City, subject to the approval of the Nevada County Local Agency Formation Commission (LAFCO).

C. GENERAL PLAN AMENDMENT: The Planning Commission recommended that the City Council amend the General Plan to show the project area as Industrial and Commercial, with the areas as defined by the project application. In making this recommendation, the Commission further recommended that the updated general plan designate the project area as Employment Center, and Office and Professional, with the areas as outlined in the application.

D. PREZONING: The Planning Commission recommended that the City Council prezone the project lands to LI-light industrial and LB-local business, with the areas as defined by the project application. The intent of the Commission is to limit the area represented as Office and Professional to those uses, without retail sales, and the Commission further recognized that development of this area would be subject to future site plan and environmental review.

E. DEVELOPMENT AGREEMENT: The Planning Commission recommended that the City Council enter into a development agreement with Grass Valley Group, Inc., with the agreement to be in a form approved by the City Attorney.

F. SITE PLAN: The Planning Commission approved the site plan submitted by Grass Valley Group, Inc., subject to the following conditions of approval (numbers in parenthesis refer to the applicable mitigation measure(s) outlined in the Final EIR):

*_____1.____—The site plan approval is subject to approval of the annexation, general plan amendment, and rezoning by the City Council.

*_____2.____—As required by City ordinance 82-1, the applicant shall pay \$660.00 in park and recreation fees, prior to final City Council acceptance of the Annexation (following LAFCO action).

*_____3.____—Prior to site disturbance or the issuance of a grading or building permit for any phase of the project, the developer shall submit geotechnical (soils engineering) information as required by the City Engineer, which should provide the following information: The location of mine shafts or tunnels, soil stability limitations, methods of construction in the vicinity of mine shafts or tunnels, and cut/fill slope recommendations. (1, 2, 3, 4, 11)

4. All construction shall be in accordance with the geotechnical recommendations and shall be subject to the approval of the City Engineer with respect to grading, location of improvements, and cut/fill slopes. (3, 8, 9)

5. Prior to site disturbance or the issuance of a grading or building permit for any phase of the project, the developer shall prepare, submit, and obtain approval from the City Engineer of an engineered grading, drainage, and utility plan, showing the extent of clearing and grading, limits of cut/fill slopes, drainage improvements, and erosion control. Any construction beyond the areas indicated on the site plan, which encroaches into areas exceeding 20% cross-slope, shall be planned and implemented in accordance with techniques and specifications required and approved by the City Engineer. Road grades shall be between 0.25% and 15%. Trail systems shall be designed to avoid any geologic hazards. These plans may be submitted in phases. (6, 7, 9, 10, 29)

6. Prior to the issuance of a building permit, the Nevada County Building Department shall approve the foundation and pad design based on the geotechnical study, and shall approve the structural design of the buildings based on applicable earthquake standards. (12, 13, 14, 31)

7. The property owner shall conduct an ongoing maintenance program to fill holes or ground subsidence if and when it should occur. (5)

8. Prior to any site disturbance or the issuance of a grading or building permit, the developer shall prepare an Erosion and Sediment Control Plan, and shall obtain approval of the plan from the City Engineer or the Nevada County Resource Conservation District. The Plan should consider the following features: Temporary and permanent erosion control methods, the possible assignment of an Erosion Control/Water Quality supervisor to the construction team, limiting construction to the dry season (March-October), immediate revegetation of disturbed soils with drought-resistant vegetation, protection of existing vegetation through temporary fencing

during construction, removal or stabilization of excavated material before the rainy season, paving of roads and parking areas, washing equipment tires before leaving the site if possible, the use of interceptor ditches to divert water from cut slopes, and the possible use of a sediment ponds or natural marsh to filter runoff. (15 through 28, 30, 36, 51)

9. The engineered drainage plan required by condition number 5 above, shall consider the following objectives: direction of existing and new storm flows away from erosion prone areas, correction of existing drainage runoff, temporary correction of construction related flow increases, incorporation of collection, filtration, and detention facilities, a study of Peck Ravine's capacity and role in controlling surface water flows, and if recommended by the soils study, on-site construction monitoring by an Erosion Control/Water Quality specialist. (32 through 35, 37)

10. To minimize water quality impacts, the developer shall implement a regular street sweeping program and shall implement a regular maintenance schedule of drainage facilities. There shall be no on-site disposal of oil, oil filters, or other contaminants, nor shall salt be used to control frost and ice. If deemed necessary by the City Engineer, oil and grease traps and/or sedimentation settlement areas shall be incorporated into the drainage design of the roads and parking areas. (38 through 42, 52, 54 55)

11. There shall be no development in the riparian area of the property, and any drainage into the riparian area shall be controlled and filtered. (43, 44)

12. A tree removal permit shall be required from the City of Nevada City by separate application for any tree removal that exceeds 20% the on-site resource. (45)

13. Prior to any site disturbance, the developer shall prepare and submit to the City, a Timber Management Plan that establishes long range management techniques and goals, and emphasizes management for a healthy forest, provides for minimizing insect and disease infestations, provides for wildlife and fire protection, and presents criteria for the use of herbicides for thinning. (46, 47)

14. Flammable brush understory shall be cleared in the vicinity of buildings and parking areas to reduce fire hazard. (48)

15. The use of natural, drought-resistant, non-invasive species for landscaping is encouraged to minimize water consumption for irrigation, and to maximize food, forage, nesting, and shelter habitat for wildlife (49, 50)

16. Chemical toilets shall be provided for construction crews. (53)

*17. Prior to site disturbance, the developer shall prepare and submit engineered improvement plans for reconstruction of Lone Pine Road and the project access road, to the City Engineer for approval. Plan check and inspection fees shall be paid to the City for this review. Improvement plans for improvements to Zion Street, the Ridge/Zion intersection, and the encroachment of Lone Pine Road shall be prepared by the City Engineer at the expense of the developer. No plan check fee will be required for this design work, but inspection fees shall be assessed. The developer shall dedicate any needed right-of-way on Zion Street, and shall offer for dedication the right-of-way along Lone Pine Road. Unless and until this offer is accepted by the City, the maintenance and snow removal on Lone Pine Road shall remain the responsibility of the benefitting property owners.

*_____18. Prior to issuance of a certificate of occupancy, the developer shall complete the following road improvements:

a. Widen Zion Street with channelization and striping as required by the City Engineer. (57)

b. Improve Lone Pine Road to a width of 24' with encroachment reconstruction to the specifications required by the City Engineer, in condition number 17 above. The City Engineer may require construction of a temporary turn-around and gate beyond the project access, to prevent casual traffic over private lands, to Deer Creek. (56)

c. The value of the construction of road way improvements on Zion Street and the Zion/Ridge intersection beyond the direct needs of the Grass Valley Group project shall be credited toward any future mitigation fee programs adopted by the City, as outlined in Condition Number 22 below.

19. Interior parking areas shall be constructed in phases and shall contain 55% regular stalls of 9'x 18' and no more than 45% compact stalls of 8'x14' (dimensions for 90 parking spaces). Travel aisles shall be 24' wide where two way traffic is planned. The City Engineer may approve parking area dimensions where one-way and/or angled parking spaces are provided, during the review of the grading plan as required by Condition 5, above.

20. The project shall operate using flex-time for employee work hours, as represented by the applicant. (60, 67)

21. As represented by the applicant, the project operation shall encourage the use of car and van pools. The developer will initiate a dialogue with the Gold Country Stage, in an effort to maximize the use of bus service for employee commuting. Bicycle parking facilities and pedestrian access ways shall be provided as a part of the project. (58, 59, 67, 69, 70, 72)

*—22. To offset the impacts of the project on traffic in the area of the Gold Flat interchange and Ridge/Zion intersection, the applicant shall comply with then-current mitigation fee schedules or programs, as may be adopted by the City Council, applicable to similar development. Mitigation fees may be paid in proportion to phase development, prior to the issuance of a building permit. (61 through 66)

23. Dust shall be controlled during construction, by the application of water as needed, immediate revegetation, and minimal site clearance. (68)

24. All permanent noise generating equipment shall be muffled or silenced to limit noise levels to 60 dBA or lower, at the project property line. (71)

25. Development of the project shall substantially comply with the representations of the applicant, incorporating vegetation buffers, entrance treatment, landscaping, and low profile building design. Prior to issuance of a building permit, the developer shall obtain final architectural approval from the Planning Commission under a separate application. (73)

26. All known or newly discovered archaeological or historical resources shall be fenced and protected from construction activity. Permanent treatment and interpretive signing to preserve the features is encouraged. (74, 75)
27. To protect unidentified archaeological features, the plans and contract specifications for site development shall contain a brief summary of identification criteria for construction personnel and a notification procedure to initiate the review of suspected resources by a qualified person. (76, 77, 78)
28. Prior to the issuance of each building permit for phased construction, the developer shall obtain a commitment for water service, and submit evidence of the service to the City. (79)
29. Extension of water service to the site shall be subject to the review and approval of Nevada Irrigation District (NID) unless service areas are adjusted to allow City service. If NID water is used, annexation of the lands outside the District will be required prior to service, unless waived by NID. The developer is encouraged to initiate long term planning discussions and evaluation for the provision of total project water service. (82, 83, 84)
30. Engineered grading plans shall include a landscaping plan using native, drought-resistant species, drip irrigation, and possible use of grey water. (80)
31. Low water flow fixtures shall be used throughout the construction. (81)
32. In order to assure adequate fire protection, the developer shall provide a hydraulic analysis to estimate on-site fire flows, and shall obtain City clearance of on-site hydrants and fire protection measures, prior to the issuance of a building permit or any site disturbance. Unless waived by the City, all buildings shall include an engineered sprinkler system with central alarm. Roofing material shall be fire resistant. Other building materials are encouraged to be fire retardant materials. Flammable understory brush shall be cleared within 30' of buildings. (85, 86, 91, 92, 93, 94, 95)
33. Prior to the issuance of each phase building permit, the applicant shall verify that there is sufficient sewage treatment plant capacity and that wastewater discharge standards would not be violated. (87)
34. On-site sewage collection improvements and sewer trunks to the treatment plant shall be reviewed and approved by the City Engineer along with the grading and utility plan required by Condition 5, above. (89)
35. The project sponsor is encouraged to participate in solid waste recycling programs. Site development should be coordinated with the solid waste hauler, if those services are utilized, to provide for adequate dumpster facilities and access. (96)
36. The use, storage, handling, and disposal of any hazardous or toxic materials shall be in strict compliance with Federal, State, and local requirements. Storage facilities shall be properly maintained at all times. (96a, 96d)
37. The applicant shall advise the City Fire Department and California Division of Forestry of the location and type of materials being stored, shall provide those agencies with an emergency spill contingency plan outlining

equipment and procedures needed to clean up any spill, and shall provide a list of agencies to be contacted in the event of a spill. (96b,96c)

38. The project shall be developed in phases, as represented by the applicant.

39. Any development beyond the site plan proposed on the project area, including any future office and professional use, shall be processed under then-current City procedures, including new environmental review. (101)

* 40. The areas adjacent to Deer Creek, and other areas represented by the applicant to remain as open space, shall remain as open space.

* 41. The developer shall dedicate access and utility easements to the City along existing improvements serving the Nevada City Wastewater Treatment Plant. The developer shall also dedicate utility easements as may be required by other utilities providers.

* 42. To offset cumulative impacts on public services, the developer shall comply with then-current mitigation fees or programs, as may be adopted by the City Council, for mitigating the impacts on sewer treatment and collection, fire protection, and water service (if water is provided by the City) .

As indicated herein, City Council action is required on the environmental impact report and project, in order for you to obtain final City approval. The site plan action by the Planning Commission is final, subject to the City Council's approval of the annexation, general plan amendment, and rezoning. There is a fifteen day appeal period for site plan conditions. All other components of the application will go to the Council automatically.

Originally signed by:
NEVADA COUNTY PLANNING COMMISSION
/S/W. Lon Cooper, Chairman

PROPOSED ADDITIONAL FINDING
Originally Dated July 12, 1984

RE: GRASS VALLEY GROUP

Because of the large size of this project and because it will not be completed for another 15 years, it is difficult to accurately predict the environmental impacts caused by the project. Because of this, it is possible that reasonable minds could differ as to whether the project, even after adoption of the mitigation measures, may cause a significant environmental impact. In reviewing the final EIR I note that Kate Burdick points to traffic, sewer, water and air quality as having possible moderate impacts even after mitigation. In talking with her it does appear that she feels that there will be no significant impact in these areas as long as the mitigation measures are vigorously enforced. However, in view of the potential economic benefit to the City, and in fairness to the applicant, I believe the Commission should deal with the issue of whether it would approve the project even if it were to be determined that the project would have a significant environmental impact on the traffic, water, sewer or air quality.

I recommend that the Commission find that even if the project should be determined to have significant environmental impacts even after mitigation that it approve the site plan and make the following findings:

1. The Planning Commission finds that in view of the size of the project, the fact that it would be a phased development over a 14-year period and that it is extremely difficult to determine how many other projects would be approved in this project's vicinity, that it may be possible that this project and others that may be approved in the future may contribute to a cumulative decrease in air quality in the future in the project vicinity which is significant. Even if this should occur, the Planning Commission finds that the economic benefit to the City of Nevada City and its citizens from this project more than outweighs any significant environmental impact that may be caused by the decrease in air quality due to the cumulative impact of this project and others in the vicinity.

2. The Planning Commission finds that in view of the size of the project, the fact that it would be a phased development over a 14-year period, and the uncertainty in projecting local government revenue over the next 14 years, it may be possible that in the future this project may have a significant impact on local governments' ability to provide adequate water and sewer treatment in spite of the implementation of the suggested mitigating measures. Even if this should occur, the Planning Commission finds that the economic benefit to the City of Nevada City and its citizens from this project more than outweighs any significant environmental impact on sewer and water treatment systems.

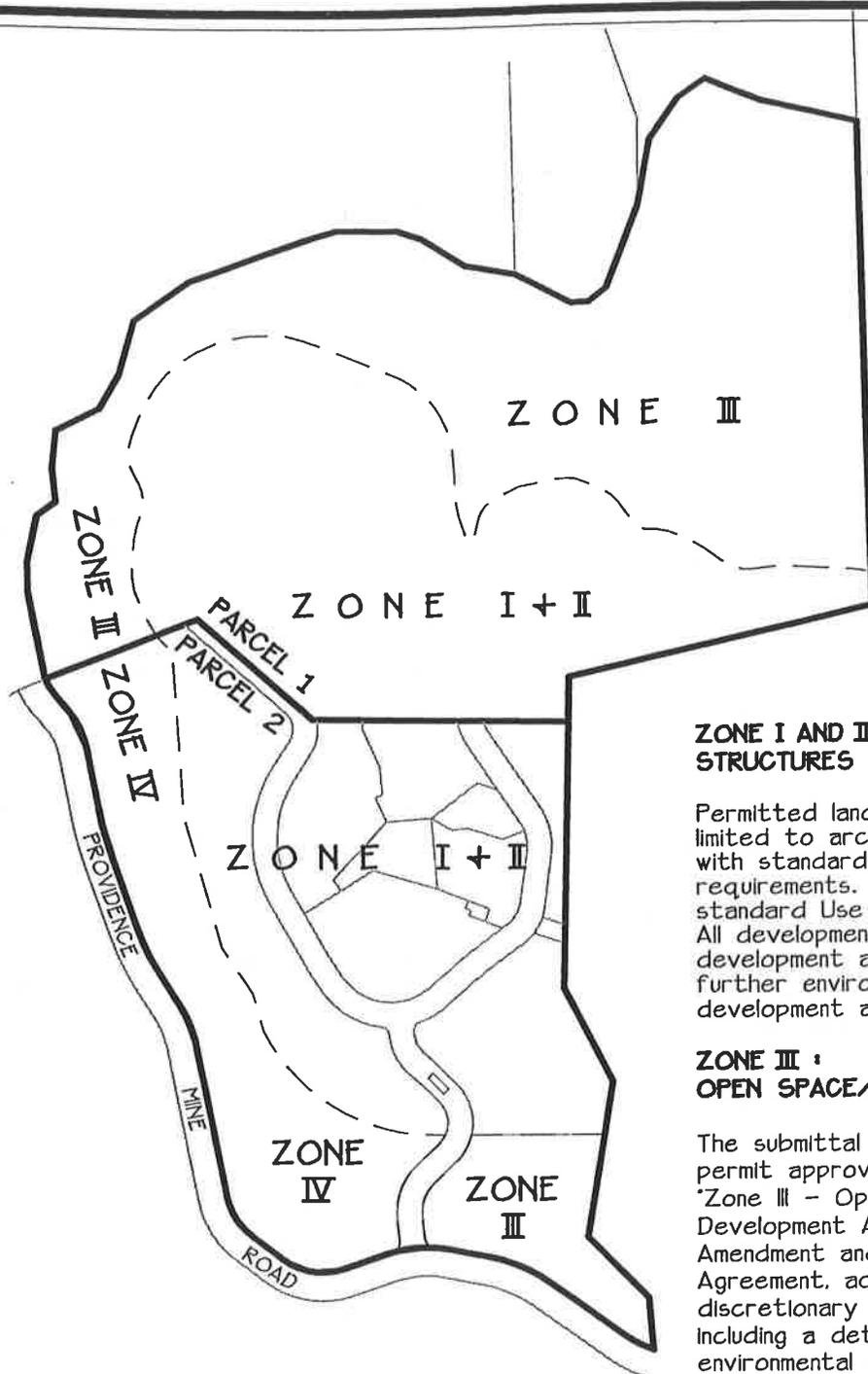
3. The Planning Commission finds that in view of the size of the project, and the fact that it would be a phased development over a 14-year period, that it may be possible that the increased traffic volumes generated by the project, including its contribution to the cumulative traffic volumes in the project area, may cause in the future a significant environmental impact in spite of the implementation of the suggested mitigation measures. Even if this should occur, the Planning Commission finds that the economic benefit to the City of Nevada City and its citizens from this project more than outweighs any significant environmental impact that may be caused by the increased traffic generated by the project.

4. The Planning Commission finds that the economic benefit to the City of Nevada City from the project is as follows:

A. The City of Nevada City and its surrounding area have a chronic high unemployment rate and this project will create approximately 2,000 new jobs.

B. The City of Nevada City is currently facing financial difficulty, and the project will generate net revenue to the City of Nevada City in the approximate sum of \$200,000 annually at build-out.

Originally signed by
/S/ James R. Anderson City Attorney



SCALE: 1"=500'

**ZONE I AND II :
STRUCTURES + PARKING DEVELOPMENT AREA**

Permitted land uses allowed with City review limited to architectural review and compliance with standard parking and landscaping requirements. Conditional uses require a standard Use Permit application and process. All development consistent with this development agreement is exempt from further environmental review. See overall development agreement for additional details.

**ZONE III :
OPEN SPACE/RESERVED DEVELOPMENT AREA**

The submittal of plans by Owner for building permit approval proposing development in "Zone III - Open Space/Reserved Development Area" shall require Site Plan Amendment and amendment of the herein Agreement, actions subject to the discretionary approval authority of the City, including a determination of whether existing environmental documents are adequate to address the impact of any said amendment.

**ZONE IV :
RESIDENTIAL AREA**

The development plans by Owner for residential use are in process with the City at the time of this Development Agreement extension. The development proposal shall be subject to the ordinary review and approval process applied to other properties in the City, except for reliance on prior environmental reviews, the General Plan Housing Element, and zoning ordinances.

**EXHIBIT "C"
LAND USE MAP**

EXHIBIT D

GRASS VALLEY GROUP

NEVADA CITY SITE DEVELOPMENT (ORIGINAL EXHIBIT-

THE PARTIES HERETO ACKNOWLEDGE THAT THE HEREIN ROAD IMPROVEMENTS HAVE BEEN COMPLETED)

Road Improvements:

- a. Required road improvements consist of improvements to Zion Street, Nevada City Highway, Gold Fl at Road, Ridge Road, and Providence Mine Road, as defined by the Improvement Plans for Grass Valley Group and Providence Park prepared by Nevada City Engineering, Inc., in April, 1985, as Job Number 85-20.
- b. The portion of the road improvements that primarily benefit the general public and therefore are eligible for a credit towards the payment of traffic mitigation fees includes all improvement on the Nevada City Highway, Gold Flat Road, and Ridge Road; and all improvements on Zion Street with the exception of one left-turn lane consisting of aggregate base and paving 10 feet wide x 300 feet long.

EXHIBIT E

(ANDY: IS THIS REALLY NEEDED? I do not think so? Robert)

ASSIGNMENT AND ASSUMPTION AGREEMENT RELATIVE TO THAT CERTAIN DEVELOPMENT
AGREEMENT

ENTERED INTO BETWEEN

THE CITY OF NEVADA CITY AND _____ RELATIVE TO PROVIDENCE MINE
ROAD SITE DEVELOPMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (hereinafter "this Agreement") is entered into this
day of _____, 19____, by and between
, a _____ (hereinafter called "Owner") and
, a _____ (hereinafter called "Assignee")

RECITALS

A. On _____, 20____, Owner and the City of Nevada City entered into that certain agreement entitled
"Development Agreement", relative to the development known as Providence Mine Road Site Development
(hereinafter "Agreement"). This Agreement concerns the property located within the City of Nevada City and
more particularly described in Exhibit "A" of the Agreement and incorporated herein by this reference,
hereinafter called the "Subject Property."

B. Owner entered into a purchase and sale agreement whereby a portion (or all) of the Subject Property will
be sold to Assignee, which portion of the Subject Property is identified and described in Exhibit "A",
attached hereto and incorporated herein by this reference (hereinafter the "Assigned Parcel(s)").

C. Owner desires to assign all of its interests, rights, obligations and other terms and conditions under the
Agreement with respect to the Assigned Parcel(s).

D. Assignee desires to assume all Owner's rights and obligations and other terms and conditions under the
Agreement with respect to the Assigned Parcel(s).

NOW, THEREFORE, Owner and Assignee hereby agree as follows:

1. Owner hereby assigns effective as of Owner's conveyance of the Assigned Parcel(s) to Assignee, all of the
rights, interest, burdens and obligations of Owner under the Agreement with respect to the Assigned Parcel(s).
Owner retains all the rights, interest, burdens and obligations under the Agreement with respect to all other
property within the Subject Property owned thereby.

2. Assignee hereby assumes all of the burdens and obligations of Owner under the Agreement, and agrees to
observe and fully perform all of the duties and obligations of Owner under the Agreement, and to be subject to
all the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of
both Owner and Assignee that, upon the execution of this Agreement and conveyance of the Assigned Parcel(s)
to Assignee, Assignee
shall become substituted for Owner as the "Owner" under the Agreement with respect to the Assigned
Parcel(s).

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2015

TITLE: Public Hearing to Consider Adoption of Proposed Amendments to the Existing Nevada City Design Guidelines, Relative to Architectural Review

RECOMMENDATION: Hold the Public Hearing and after consideration, the Council can adopt the proposed amendments to the Nevada City Design Guidelines as recommended by the Planning Commission as submitted or with any modifications.

CONTACT: Cindy Siegfried, City Planner

BACKGROUND / DISCUSSION:

The Zoning Regulations in Chapter 17 of the Nevada City Municipal Code, including Chapter 17.68 (Historical District), contain mandatory requirements and development standards applicable to development in Nevada City (exterior additions, remodels, new construction). However, some portions of those Codes require compliance with certain wording such as "...substantially conforming with the Mother Lode type of architecture..." and "...context of the neighborhood..." making it up to the discretionary judgment of the Planning Commission/Council in reviewing project proposals.

It is important to let property owners, architects, design professionals and contractors know what is expected of them up front as they begin the City's architectural review process by providing suggestions and a helpful "guide" to assist them in designing projects more likely to be approved as being compatible with the unique architectural and cultural qualities of Nevada City. That is the purpose of adopting Design Guidelines. Such Guidelines also provide guidance to City staff, the Architectural Review Committee, the Planning Commission, and the City Council to ensure consistent review of projects.

Recognizing the need for such design guidelines to supplement Code requirements and standards, a committee was formed some 20 years ago that drafted design guidelines which were reviewed and approved at a City Council meeting on September 27, 1995 (copy attached). These guidelines contained only text, were incomplete in certain regards, and have become dated with the passage of time. In using the guidelines, it was determined that making them complete, adding photographs and additional guidelines would assist with uniform review.

To that end and since at least 2013, the Planning Commission began the task of diligently amending the guidelines by holding several workshops which resulted in recommending changes and additions to the guidelines as well as paying special attention to inclusion of illustrations and photographs to provide visual examples of desired design features.

The Planning Commission first directed its attention to the Signage portion of the Design Guidelines as that seemed to be an area of immediate concern, especially in the Historical Area. That portion was approved by the Planning Commission (April 19, 2012) and ultimately the City Council on May 9, 2012.

Thereafter, staff directed its attention to reformatting, updating and supplementing the balance of the Design Guidelines (adding several sections relative to site design, historical district discussion, and restoration/renovation/demolition of buildings), again giving special attention to adding illustrations and historical and current photographs to help the user visualize the points being addressed in the text of the guidelines.

The Planning Commission completed their review and revisions at their meeting of July 16, 2015, where, after holding a Public Hearing, it considered and unanimously recommended approval of the updated Design Guidelines being presented in this report. The Commission understood and assumed that this would be a living document, subject to modifications, revisions and updates in the future as the need arises, but an extremely useful guide that would be desirable to adopt and useful to the public and applicants.

UPDATED DESIGN GUIDELINES:

The amended guidelines include the following headings/discussion:

1. Introduction
2. Design Review Process
3. Neighborhood Context
4. Architectural Design Within Historical District
5. Architectural Design Outside Historical District
6. Design / Site Development Standards in all Residential Neighborhoods
7. Commercial, Office of Industrial Uses Adjacent to Residential Areas
8. Commercial, Industrial Office/Professional Areas Outside the Historical District
9. Restorations / Renovations / Demolitions
10. SIGNAGE (Already adopted and to be inserted later)
11. Appendices

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: None

ATTACHMENTS:

- ✓ 1995 Design Guidelines
- ✓ 2015 Draft Amended Design Guidelines

Current

Nevada City
Design Guidelines

September 18, 1995

1995 GUIDELINES.

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Nevada City's Philosophy

An Introduction to Our Design Guidelines

Throughout the world there are unique, picturesque, one-of-a-kind places, but few fit that description better than Nevada City. It is a compatible mix of residential, recreational, commercial and industrial development, representing both the best and worst examples of 19th and 20th century architectural styles.

If we might, for a moment, paraphrase John Steinbeck's opening lines in his novel, "Cannery Row":

Nevada City, in the Sierra foothills in California, is a poem... a quality of light... a tone... a habit... a nostalgia... a dream.

Nevada City is an accumulation of well-preserved, 19th century gold rush architectural treasures...and a few that are not. It is a state of being. A paradox. It is many things to many people, and nothing to some.

Its survival is determined by the attitude of those people who are willing to care.

Located on the western slope of the Sierra, Nevada City enjoyed several decades of a healthy mining- and logging-based economy. In recent years, this historic foundation has been complemented by a comfortable mix of recreation, creative arts and tourism, along with county, state and federal agencies. Also, we are home to several high-tech firms that are helping prepare us for the 21st century. As we look toward the next century, however, we do so with a perspective founded upon a rich 19th century tradition unmatched by any other community this size in the state.

In the first year of the gold rush nearly a quarter million people immigrated to California, and nearly ten thousand explored the banks of Deer Creek. Poor men wanting to become rich; rich men wanting to become even richer. All colors, nationalities, religions, philosophies. There were few women at first, but soon this became a complete community, with children, families, schools, churches, merchants...and visionaries who knew this town was being built for the future. Not a boom town, headed for certain ruin, but a real community, built to last.

The early tent town -- the product of a wild rush for riches -- soon became the most prominent city anywhere in the mother lode; for a time the third largest city in the state.

Among the early pioneers of Nevada City were four future United States senators...a justice of the

U.S. Supreme Court...a chief justice of the California State Supreme Court...two California attorney generals...members of the State Assembly, State Senate, the House of Representatives in Washington, D.C. and houses of commerce throughout the nation. They were authors of important state and federal legislation, including two amendments to the U.S. Constitution. People who not only helped shape the birth of a new town, but also helped shape the future of a young state and a relatively young country.

The homes and commercial buildings -- of different shapes and sizes -- were built by people who traveled from all corners of the globe to join in the search for gold nuggets. People with backgrounds as diverse as the buildings they occupied. It's that historic diversity that we respect whenever we consider the present and future. But while we are frequently guided by the past, we are also guided by reality; guided by common sense.

Over the years Nevada City has maintained a special look among mother lode towns. It has also maintained a special spirit. Local citizens and city officials have struggled to retain much of the tradition and architecture, while balancing the community's priceless history with the need for a thriving contemporary economy.

Look around and you'll see neighborhoods that have mansions and cabins -- equally preserved and equally important to the community -- occupying the same hillside. Wood-frame buildings stand beside impressive brick structures throughout the historic downtown core.

It is a continuing struggle to balance the needs of the present and future against the heritage of the past, but we believe it is a struggle worth pursuing, because we have a town worth protecting. We believe it is important to continue the philosophy that Nevada city will grow without being overly commercialized, overly modernized or overly developed. This community will prosper indefinitely if we remain concerned, caring and cautious to react. By the same token, the community recognizes and accepts positive changes that will enhance what is already here; changes that will enhance both the spirit and character of a truly special place.

There is great pride in having a Nevada City address and we must endeavor to maintain a reason for such pride. In fact, the city is pledged to that goal. And we are confident we can achieve our goal without jeopardizing the town's essential fabric.

We hope that these guidelines and the accompanying video will help you better understand how the City views itself, and how we apply our ordinances and policies to balance ownership rights against ownership responsibilities. To balance a historic past against an unlimited future.

We try very hard to be fair. We try very hard to be consistent. Our residents and merchants deserve nothing less.

If, after reading these guidelines and watching the video, you have any questions about how our ordinances and policies might be applied in your particular case, please contact City Hall. In the meantime, enjoy what you are about to see and hear.....

Design Guidelines

Architecture/ Design (Existing Neighborhoods)

New projects, additions, and renovations must be generally compatible with Nevada City's style of architecture which includes:

Features typical of Mother Lode era architecture such as:

-Roofs steeply peaked (6:12 to 12:12) with overhangs and gable ends. Hipped roofs in the appropriate architectural context are allowed. (Victorian homes were often very vertical in appearance and the relationship of the size of the house to the roof should be considered.)

-Siding for Existing Homes. Painted horizontal siding. Hardboard, T-111 type siding, vinyl, and other synthetic siding are not allowed in older neighborhoods particularly when the neighborhood is in close proximity to pre-1942 homes or if the home itself is pre - 1942 or exhibits a style which is not complemented by these types of siding.

-Materials, New Homes. Materials on new homes will be reviewed against the context of the neighborhood.

-Materials, Older Homes. Alterations to older homes should match existing, historic materials. Synthetic materials with no historic basis are not allowed on both existing older home additions and renovations.

-Covered porches and entries.

-Windows. Multipane, vertical, and bay windows. Wood windows and true divided lights are generally required of additions, renovations and newly constructed homes in older neighborhoods though existing window types may be duplicated.

-Trim, railings, and details should have a historic basis and fit the style of the existing home or new structure.

-Roofing material can be approved by the City Planner. Treated wood shingles, asphalt

shingles, and metal roofing in muted non-glare colors such as tans blacks, browns, and greys do not need to go the Planning Commission for review. The City Planner may refer other roofing types and colors to the Commission.

-Exterior colors. The City Planner can approve colors within the Historic District. Outside the Historic District there is no color review required.

-Deck additions are not reviewed outside the Historic District.

-Like for like replacements are not reviewed outside the Historic District.

-Historic Building Code. The City allows use of this code which enables renovators to utilize past building standards. Modern building standards are often not appropriate to older buildings, particularly aesthetically.

Volume, scale, massing, height, site coverage

Our Architectural Review Ordinance gives the Planning Commission wide latitude in this area. Projects are reviewed on a case by case basis. However, in general, the following criteria are followed:

General

-New homes should not overwhelm other homes and buildings in the neighborhood in terms of height, scale, mass, site coverage, floor area, and volume. They should also not interfere with views from or sunlight to surrounding homes. The following heights are recommended:

| <u>Roof Pitch</u> | <u>Stories</u> | <u>Height Limit</u> |
|-------------------|----------------|---------------------|
| 12:12 | 1 | 28' |
| 12:12 | 2 | 35' |
| 6:12 | 1 | 20' |
| 6:12 | 2 | 28' |

Front, rear, and side elevations should be similar in height and size to surrounding homes.

-Additions. Nevada City is concerned about retaining a mix of housing sizes for affordable housing and historic preservation. As a result, major additions should not overwhelm the original structure. The integrity of the original structure should be retained.

-Garages. The garage patterns in the existing neighborhood should be respected. For

example, if rear detached garages are the norm, it is a good idea for any new garages to follow that form. Where single garage doors are common, new two car garages should use two smaller doors instead of one larger double door. Regardless, the garage should not be the dominant feature of a front elevation.

Site Planning

The position of buildings on the site and overall site coverage must also fit in with the neighborhood and particularly adjacent structures. City setback requirements apply though front yard setbacks are more variable through the minor variance review process because of the variation in front yard setbacks from neighborhood to neighborhood. For example, homes on lower Boulder Street have virtually no front setback. Constraints and site features should be respected. Building orientation and alignment should be in context with the neighborhood. Our Zoning Ordinance does not allow development on 30% + slopes without a variance.

Mass/ Scale

The mass and scale of new structures and additions should be reviewed within the context of the neighborhood. Prominence of new structures and additions within older neighborhoods is not desirable. Mass and scale of new structures and additions which would detract from important architecture is also not desirable. To determine if this is the case, the following questions should be asked:

- Is the proposed structure taller than those surrounding it and in close proximity to it?
- Is the proposed structure closer to the street than others in the surrounding neighborhood?
- Is the mass of the structure proposed greater than those surrounding it or greater in lot coverage and volume ratio and in close proximity?
- Will it block views from existing homes or businesses?

Site constraints must also be considered. The mass and scale of a new building should be minimized so as not to eliminate or negatively impact site constraints including:

- Existing trees and important vegetation
- Streams and drainages

-Important natural features such as rock outcroppings

-Steep slopes

Models of proposed new structures and additions are encouraged and the Planning Commission may request a model of any project. Models should include surrounding terrain and buildings. They should not be miniatures but rather mass and scale studies.

Building Orientation

Building orientation should respect traditional site plans in the neighborhood. If appropriate, solar orientation is encouraged.

Accessory Buildings

Accessory buildings such as guest houses, garages, barns, and workshops should be designed to fit the character of the neighborhood and with adherence to all of the appropriate guidelines in this section. They should be placed in the rear of lots where possible and complement the main building's architecture.

Architecture/ Design - New Neighborhoods

New homes in new subdivisions or previously undeveloped neighborhoods must exhibit high quality design which is compatible and sympathetic to Nevada City's Mother Lode architecture incorporating traditional materials, building lines, features, and landscaping wherever possible. For example:

Features typical of Mother Lode era architecture:

-Roofs may vary in their design and detailing which is more flexible than the review standard in older neighborhoods, but they should be steeply pitched (6:12 to 12:12).

-Wall material - Siding on new homes in new neighborhoods should be high quality and at least reminiscent of traditional materials. Painted siding, hardboard siding, shingles, and traditionally surfaced stucco are examples of preferred materials though it must be

reviewed for furthering the intent of achieving a continuation of Mother Lode architecture. T-111 type siding, vinyl, and other synthetic siding are strongly discouraged.

-Covered porches and entries should be used wherever possible to continue a Nevada City architectural tradition.

-Windows should match the style of the house. Multipane, vertical, and bay windows are encouraged with variations to fit the style of the house.

-Trim, railing, and details should fit the style of the new house. The intent should be to add texture, shadowing, contrast, and interest which are reminiscent of the City's older homes.

-Roofing material can be approved by the City Planner. Treated wood shingles, asphalt shingles, and metal roofing in muted non-glare colors such as tans, blacks, browns, and grays do not need to go to the Planning Commission for review. The City Planner may refer other roofing types and colors to the Commission even in new neighborhoods.

-Colors. Colors are not reviewed outside the Historic District.

Volume, scale, massing, height, site coverage

Criteria relative to these concerns are more flexible for new homes in new neighborhoods if they are not highly visible from older neighborhoods. In general, the Zoning Ordinance requirements provide key criteria:

- List Zoning Ordinance standards.....

Site constraints must also be considered. The mass and scale of a new building should be minimized so as not to eliminate or negatively impact site constraints including:

-Existing trees and important vegetation

-Streams and drainages

-Important natural features such as rock outcroppings

-Steep slopes

Models of proposed new structures and additions are encouraged and the Planning Commission may request a model of any project. Models should include surrounding terrain and buildings. They should not be miniatures but rather mass and scale studies.

Garages

Garages as the dominant element of a front elevation are strongly discouraged. This can be accomplished through placement of the garage on the lot or design of the doors.

Accessory Buildings

Accessory buildings should complement the main structure in design, materials, and color.

Minimum lot size

See Guidelines under "All Neighborhoods". In addition, PD Zoning can also be used to achieve a variety of lot sizes.

Architecture/ Design - All Neighborhoods

Fencing

The City zoning ordinance allows for 3 1/2 foot fences within front yard setbacks and 6 feet in side and back yards. The City encourages applicants to work with their neighbors in deciding on a fence design and to explore the many examples of traditional fence design in Nevada City. We discourage use of chain link fencing where visible from the street.

Street/ Sidewalk Design

New streets or street sections should be sized to reflect widths and design in the existing neighborhood. No standard road section exists for this reason. The minimum width of a street should be that required for access by the Fire Department and should be determined by working with the City Engineer. Streets which are as narrow as possible given safety concerns and which respect constraints such as topography and existing vegetation are encouraged. Streets as narrow as 16 feet may be approved subject to Fire Department review. In addition:

-Creative street designs are encouraged which incorporate topography, trees, and which reflect the traditional, organically developed nature of many Nevada City streets.

-Planted islands within proposed cul-de-sacs are encouraged recognizing that Fire

Department turnarounds are maintained.

-Sidewalks are encouraged only as extensions of existing sidewalks where they would not detract from the character of a neighborhood. In lieu fees may be required for contribution to the city sidewalk system overall.

-Creative pedestrian ways such as meandering paths are encouraged.

Grading/ Slope Adaptation

Slope limits. City ordinances prohibit building and grading on slopes over 30% without a variance.

Site adaptive structures. Construction of buildings and roads and other development features shall be site adaptive. For instance:

-Structures should step down slopes as illustrated below:

illustration to be included

-A combination of retaining walls and manufactured slopes should be used when possible to reduce the extent of cut and fill. Retaining walls should be limited to six feet in height. If greater height is needed, slope stepping should be used with additional walls. In highly visible locations within existing neighborhoods, rock facing of retaining walls is encouraged. Planning Commission approval is required for manufactured slopes/ walls over 10 feet in height.

-Cut and fill slopes of over 10 feet in height are discouraged. All cut and fill slopes should be revegetated to ensure 100% coverage. Cut and fill slopes should be designed to simulate existing natural contours through use of variable gradients, softening of the toe and crest of slopes, and horizontal undulation.

-Natural drainage features should be retained.

Design to Ensure Privacy

-Lighting. Outdoor lighting shall not be directed toward existing residences and shall not increase the lighting intensity on surrounding residential properties such that a nuisance is created. For example, parking lot lighting is discouraged as is amber lighting or a level of lighting which is not normally expected in a residential area.

-Windows. Windows should be placed to minimize privacy impacts to existing residences.

-Balconies. Balconies, decks, and other outdoor activity areas should be designed to maximize the privacy of existing residences or should be screened by vegetation for the same purpose.

Minimum Lot Size

Nevada City's zoning ordinance establishes minimum lot sizes for the various zones. However, because this is a minimum lot size, larger lots may be required when constraints dictate, including:

-The character of the surrounding neighborhood

-Steep slopes

-Existing trees or important vegetation

-Streams, swales, or other water or drainage features

-Other important natural features

In this way, a variety of lot sizes results which is considered desirable.

Commercial, Office, or Industrial Use Interface with Residential Areas

When a non-residential use is proposed in close proximity to existing residences or residentially zoned areas, the design should be accomplished to minimize impacts on existing or future residences. The intent should be to ensure that design aspects which would not normally be expected in a residential neighborhood are not visible from residences. For instance:

-Signs should not be visible from existing or future residences unless the business is located directly across a street from the residence.

-Internally lit signs should not be allowed in mixed use areas and sign lighting shall be turned off after business hours.

- Parking areas should not be visible from residences through proper placement or screening.
- Residences converted to businesses should continue to appear essentially as residences in mixed use areas. For instance, front lawns should be retained and parking should be placed in the rear or fully screened. Signage should be unobtrusive. Landscaping design should appear residential.
- Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels.
- Design review of all proposals involving interface between residential and non-residential uses shall be publicly noticed and surrounding residences shall be noticed per standard City procedures.

Non-Residential Projects

Architecture

Architecture must exhibit high quality design which is compatible and sympathetic to Nevada City's Mother Lode architecture incorporating traditional materials, building lines, features, and landscaping wherever possible. For instance:

- Roofs may vary in their design and detailing, but they should be steeply pitched (6:12 to 12:12).
- Wall material - Siding should be high quality and at least reminiscent of traditional materials. Painted siding, hardboard siding, shingles, brick, and traditionally surfaced stucco are examples of preferred materials though it must be reviewed for furthering the intent of achieving a continuation of Mother Lode architecture. T-111 type siding, vinyl, and other synthetic siding are strongly discouraged.
- Covered porches and entries should be used wherever possible to continue a Nevada City architectural tradition.
- Windows should be reminiscent of traditional forms. True multipane, vertical, and bay

windows are encouraged.

-Trim, railing, and details should fit the style of the building. The intent should be to add texture, shadowing, contrast, and interest which are reminiscent of Nevada City architecture.

-Roofing material can be approved by the City Planner. Treated wood shingles, asphalt shingles, and metal roofing in muted non-glare colors such as tans, blacks, browns, and grays do not need to go to the Planning Commission for review. The City Planner may refer other roofing types and colors to the Commission .

-Colors. Colors are not reviewed outside the Historic District,

Volume, scale, massing, height, site coverage

Repeat City height standards

The mass and scale of new commercial establishments should be reviewed within the context of the neighborhood. In newly developed areas which are not visible from existing neighborhoods, mass and scale should be kept to historically traditional sizes to fit into the urban design of the City as a whole. In general, single structures under 8000 square feet are encouraged in infill areas in proximity to older neighborhoods. Rather, a series of structures are encouraged if additional square footage is needed. (For instance, the Gold Flat Industrial Park is not a concern in this area since it is not in proximity to an older neighborhood.)

Site Planning

Site planning should respect site constraints and surrounding developed sites.

The City zoning ordinance requires ----- % landscaped or open space area.

Signs

Repeat standard City requirements for in and out of Scenic Corridor

Signs should not be visible from existing or future residences

Internally lit signs should not be allowed in mixed use areas and sign lighting should be turned off after business hours.

Internally lit signs should not be allowed within the Scenic Corridor.

Signs should not be placed within the roofline of structures.

Parking Lot Design

Parking lots should be placed with attention to the surrounding neighborhood. Parking areas should not be visible from residences through proper placement or screening. In other areas, the majority of parking should be placed to the rear or side of structures to limit visual impact. Landscaping buffers should separate all paved areas from structures where visible from the street or surrounding public use areas. 50% tree canopy coverage at maturity is required.

Lighting

Site lighting should be kept to the minimum amount necessary for safety purposes. Outdoor lighting shall not be directed toward existing residences and shall not increase the lighting intensity on surrounding residential properties such that a nuisance is created. For example, parking lot lighting is discouraged as is amber lighting or a level of lighting which is not normally expected in a residential area. Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels.

Landscaping

To be reviewed within the context of the neighborhood.

Demolitions

To be submitted shortly.....

Historic District Architectural Design Review/ Sign Review

Introduction

deleted - see updated version adopted May 9 2012

Buildings in downtown Nevada City in the 19th century slowly evolved from canvas tents to logs to wood-frame to brick. Each time there was a major fire in town -- and there were several in the 1850s and 60s -- the architecture and building materials would change. As a result, the downtown business area -- now the core of our designated historical district -- developed a mixed use of materials and styles, and with it a unique architectural mix that we strive to respect and protect.

Before proceeding with a look at our current regulations, however, let's take a moment to consider how the town appeared a few short decades ago -- before creation of the historical district and the resulting downtown betterment project of the 1970s and early-80s.

During the 1950s and 60s, mining and lumbering became less significant as factors in local commerce. In addition, interstate 80 was constructed over the sierra. With fewer jobs for local residents, and a reduction in tourist-related automobile traffic resulting from the all-weather interstate to the south, Nevada City faced some difficult economic times. If the city was to survive as a municipality, and preserve an incorporation that dated back to the gold rush, it was necessary to make some significant changes.

Recognizing that Nevada City's greatest assets were its historic past, unique setting and impressive inventory of 19th century buildings, community leaders decided to plan for the future with an eye on the past.

In 1968, the City Council and Planning Commission created and approved ordinance 338 - now known as the Nevada City Historical Ordinance. The document served as the nexus to lead the town through a decade of major renovation and restoration. Utilities were undergrounded, gaslights were installed, neon signs were removed, new signs went up and Nevada city became the envy of every other gold rush community in the mother lode. The City proved that a well-planned face-lift was not only possible, but also necessary.

While the historical ordinance has undergone some minor adjustments since its adoption in 1968, the essence of the original plan remains intact. From the beginning, the City recognized that the historic character and distinctive architecture of many buildings -- and the historic district as a whole -- warranted special protection.

Beginning in 1972, the downtown betterment project began to take shape within the Historical District. Although it meant a temporary inconvenience for many merchants and residents, the

long-term positive effects would eventually outweigh the temporary disruption.

Soon, Broad Street began to look different. Dramatic changes were about to take place and the community's willingness to accept the changes played an important role in helping everyone get through a difficult period. (Will show several photos from the City album of the 1972-73 construction period).

By implementing the Historical Ordinance, and proceeding with a downtown betterment project that eventually brought over ten-million dollars in grant funds to the City, community leaders were affirming their belief that downtown was of great historical significance and was worth preserving. In fact, such preservation was essential to the town's economic and cultural stability.

The City Council and Planning Commission noted that to permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the historical district, or to permit the uncontrolled use of advertising signs, would be detrimental and would tend to depreciate the value of all property within the district.

The special character or special historical or aesthetic value of downtown buildings required protective measures to ensure that future generations would be able to enjoy the unique design features that make up what we now refer to as mother lode type of architecture.

Several buildings were designated by the City Council as having features reflecting typical architectural styles of the 1849-to-1900 period. Those buildings served as the foundation for renovation of the downtown area. (Will show buildings listed in the historical ordinance as having "mother-lode" style. Will also show many before-and-after photos).

Once the ordinance was in place, alterations or new construction within the historical district had to conform to a mother lode style of architecture as detailed in our Zoning Ordinance. Examples of such architecture are demonstrated in a video presentation which can be obtained in City Hall.

In conjunction with establishing specific architectural guidelines, the City implemented sign regulations to ensure compatibility with the goals of the Historical Ordinance. The following regulations and guidelines apply specifically to the Historic District:

Signage

City staff will be happy to work with you to explain sign regulations. The City believes that by insisting on historically accurate colors, graphics and lettering style, the buildings are better able to reflect an appearance consistent with their age.

The intent of sign regulations is to allow people to clearly identify their business in a manner

consistent with the stated purpose of the historical ordinance. As a result, certain restrictions have been placed on size, color, lettering styles, placement on the building, graphic design and logos:

-Size. No sign inside the historical district shall project more than six feet from the face or vertical surface of the building, nor shall it project above the eave or parapet line. No sign shall exceed twenty-four square feet in area, recognizing that two-sided signs are limited to twelve square feet per side and businesses with more than one public entrance are entitled to twenty-four square feet of signage for each entrance.

When determining sign size for individually raised letters on a building surface, or when the sign includes some irregular design, the square footage is determined by creating the smallest imaginary rectangle which can fully contain the letters and design. (Will show Cornerstone realty as an example of individually mounted letters comprising an area less than twenty-four square feet).

-Materials. Affixed or hanging signs must be wood, without carved features.

-Lighting. While outline tubing or neon is prohibited, indirect lighting of a sign is allowed. Small Christmas tree lights, outlining signs, windows and other exterior features, are encouraged during the holiday season, but for safety purposes must be disconnected by mid-January.

The dependence on gaslights as the primary downtown illumination, combined with indirect lighting for business signs, creates a look and feel that separates Nevada City from other communities. A walk down Broad Street in the evening will confirm the reasonableness and need for sign regulations. The intent is to create signage and lighting that will complement the historic district's architecture.

-Graphics/ logos. Signage in the 19th century was very basic, and often included easily understood symbols. Attorneys, pharmacists, barbers and others included objects on their signs and on the side of their buildings that reflected their professions. Such graphics are now referred to as historic business symbols; a catalogue of which is available at City Hall for your review. Beyond the accepted historic business symbols, however, graphics and foliage are strongly discouraged on any new sign, as well as brilliant colors and contemporary lettering styles. Business logos are not permitted on historical district signs, nor are sand-blasted wooden signs allowed.

Exterior Building Alterations

It is important to keep in mind that all exterior alterations within the historical district are subject

to planning commission approval. In addition to signage, alterations that require prior approval include paint color, window replacement, changes in building materials, roof replacement and any other exterior change from that which currently exists.

Since we are a small community, we don't have our own building department. Accordingly, all interior alterations or repairs must be processed by the Nevada County Building Department, located in the Eric Rood Government Center on Maidu Avenue in Nevada City.

Exterior alterations, however, are administered by City staff, the Planning Commission and City Council. In addition, the city employs a planner, engineer and code enforcement officer. Together, staff, commission and council work toward the common goal of applying ordinances within the historical district in a fair and consistent manner.

Before you begin any project inside the designated historical district, it is important to first meet with City staff. City Hall functions as a link between yourself and our appointed and elected officials. Application forms for a new sign, a color change, tree removal, architectural alterations and other matters may be obtained at the front counter in City Hall. Also, business licenses, water bills and parking citations may be paid for at the front counter.

How We Can Help

While many questions can be answered at the counter, it may be necessary to schedule an appointment with our city planner or city engineer. By sharing your ideas with our professional staff, your proposed design concepts, signs, landscaping, parking, exterior alterations or other items can be examined and modified preliminarily, saving you considerable time and expense if you are subsequently required to receive approval from either the Planning Commission or City Council.

In addition to our administrative and planning staff, Nevada City has a Public Works Department, police and fire protection, and its own sewer and water treatment plants. While a small number of fire department members are paid city employees, nearly forty volunteer firefighters respond to emergency situations whenever the need arises. (Will show each department at work, including both exterior and interior shots).

Helping to complement the work of City Hall and City officials is the Nevada City Chamber of Commerce. Established in 1910, the Chamber of Commerce serves an important role in providing information to merchants and visitors alike. The Chamber Board of Directors meets monthly to discuss issues important to business owners both in the historical district and the surrounding retail and commercial areas.

In addition to the books and pamphlets available at City Hall, you will find several relevant publications at the Chamber offices at the foot of Main Street. (Will show someone at Chamber

office perusing the book and publication rack).

Economic and cultural stability is a focus of the Chamber of Commerce, as well as City Hall. The City recognizes that it is through the tireless promotional efforts of the Chamber that many people first become aware of the unique architecture and history that we so proudly preserve.

The restoration of downtown Nevada City was not an easy undertaking. It took great leadership from city officials and it required cooperation from the residents and merchants who were affected by the ten-million dollar downtown betterment project. It also took tremendous vision and belief.

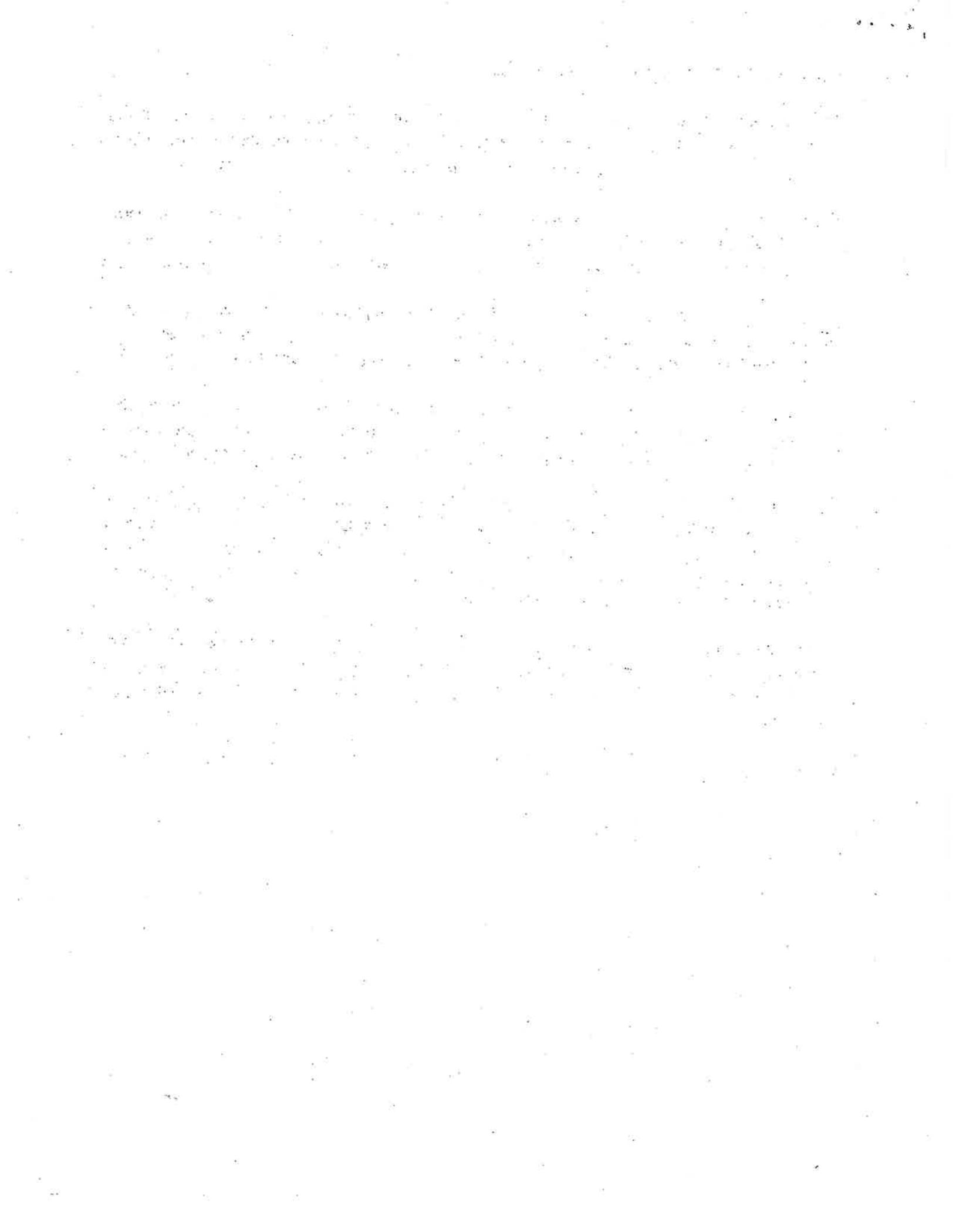
To transform a small town from a maze of utility wires, blinking neon signs and unregulated exterior alterations, to what has become the best preserved and best restored gold rush town anywhere in the mother lode, is an accomplishment that the entire community is justifiably proud of.

It is no wonder, then, that the city continues to use the 1968 historical ordinance as the blueprint for current and future growth. It is a well-written, thoughtfully-considered document. It wasn't written quickly, and it isn't modified quickly. It is a document that deserves our continuing respect.

Our homes and businesses were built and occupied by men and women who played important roles in the growth of California and the United States. The architecture evolved, in large measure, because of devastating 19th century fires. Today's Nevada City, therefore, is a reflection of all the people who lived here and all the changes that took place as the town took shape and a rowdy mining camp became a viable and stable community.

As you walk around Nevada City exploring the shops and visiting the surrounding neighborhoods, please remember that our past is the single most important component of our present and future. Reasonable control of the city's appearance is, therefore, an appropriate function of city government.

With your support and cooperation, our historic past will continue to be protected.



**DESIGN GUIDELINES
FOR
NEVADA CITY, CALIFORNIA**

ADOPTED SEPTEMBER, 1995

REVISED ____, 2015



NEVADA CITY, 1920

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Duane Strawser
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Terry Andersen

Nevada City City Staff

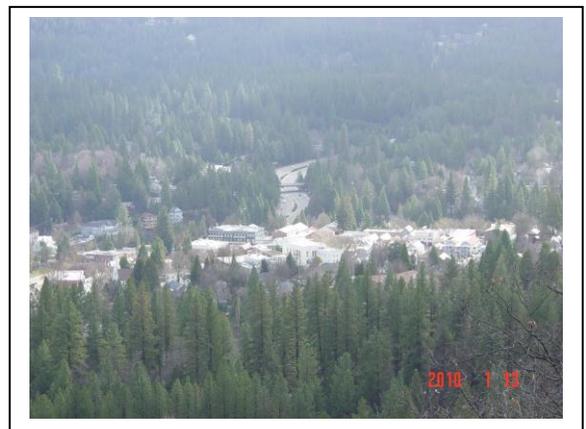
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William J. Falconi, City Engineer
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Photographs and Credits

Searls Library (historical photos)
Nevada County Memories, Presented by *The Union*
City Staff



1910



2010

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1.0 INTRODUCTION



Broad Street – 1920



Broad Street - 2014

1.1 Historic Background of Nevada City

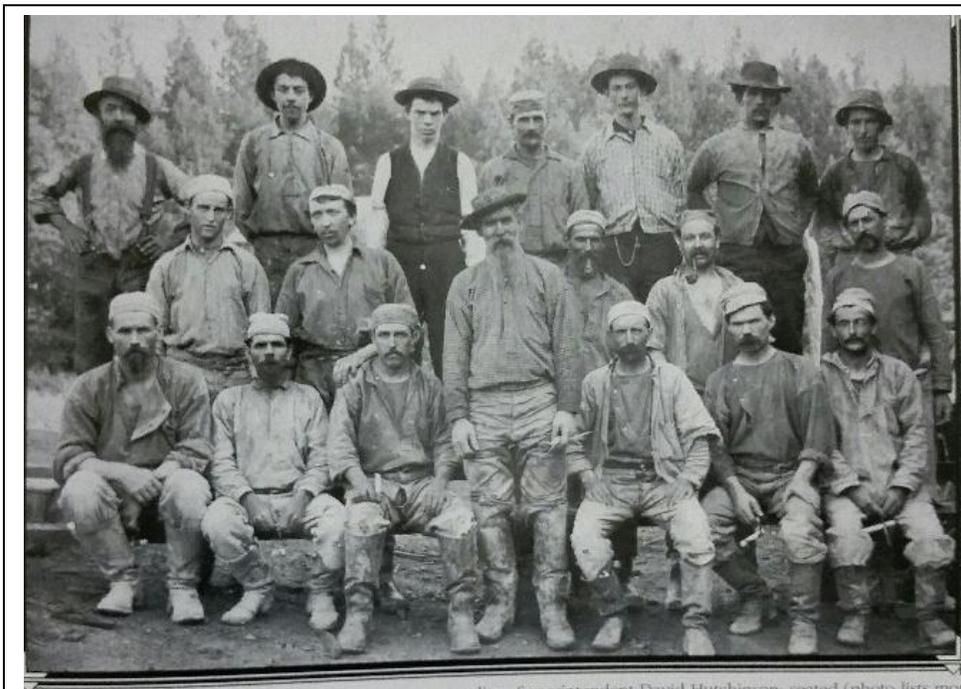
In 1849, the first year of the gold rush, nearly a quarter million people immigrated to California, and nearly ten thousand explored the banks of Deer Creek that ran through Nevada City. Poor men wanted to become rich; rich men wanted to become even richer. There were few women at first, but soon Nevada City became a complete community, with children, families, schools, churches, merchants...and visionaries who knew this town was being built for the future. Not a boom town headed for certain ruin, but a real community, built to last.

The early tent town known as Nevada City, the product of a wild rush for riches, soon became the most prominent city anywhere in the Mother Lode; for a time it was the third largest city in the state.

Among the early pioneers of Nevada City were the four future United States senators...a justice of the U.S. Supreme Court...a chief justice of the California State Supreme Court...two California attorney generals...members of the State Assembly, State Senate, the House of Representatives in Washington, D.C. and houses of commerce throughout the nation. They were the authors of important state and federal legislation, including two amendments to the U.S. Constitution. People who helped shape the birth of a new town also helped shape the future of a young state and relatively young country.

Nevada City enjoyed several decades of a healthy mining and logging based economy.

The homes and commercial buildings- of different architectural shapes and sizes--were built by people who traveled from all corners of the globe to join in the search for gold. People's backgrounds were as diverse as the buildings they occupied. This historic diversity is relied upon when considering the present and future.



**Hard Rock
Miners,
Nevada City,
1888**

1.2 Nevada City's Philosophy

In July of 2008 the City Council adopted the City's Mission Statement:

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

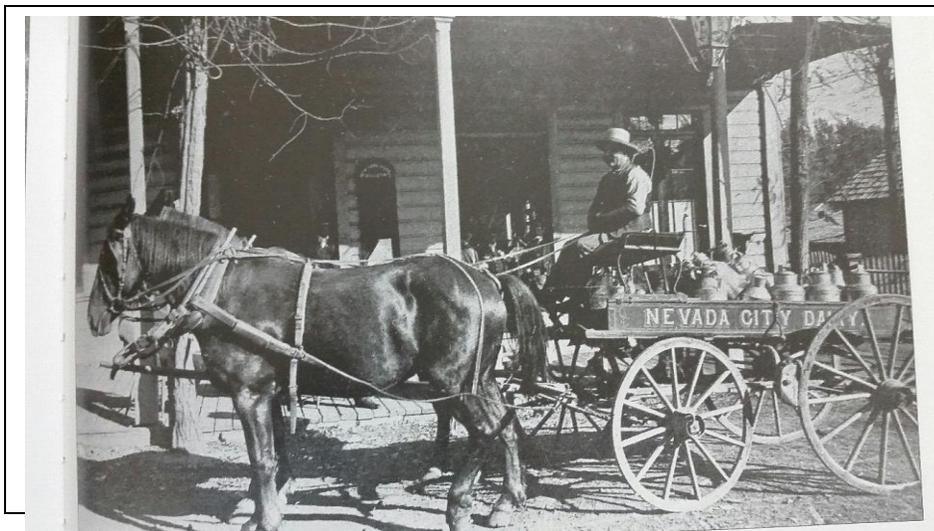
Nevada City's neighborhoods are diverse, with a mixture of Victorian homes and miner's cabins equally preserved and equally important to the community-often in close proximity-occupying the same hillside. Wood-frame buildings stand beside impressive brick structures throughout the historic downtown core.

In recent years, this historic foundation has been complemented by a comfortable mix of recreation, creative arts and tourism, along with county, state and federal agencies and several high-tech firms.

Over the years Nevada City has maintained a special look among Mother Lode towns. It has also maintained a special spirit. Local citizens and city officials have implemented ordinances and standards that assist in retaining much of the tradition and architecture, while balancing the community's priceless history with the need for a thriving contemporary economy.

It is the City's desire to balance the needs of the present and future against the heritage of the past, which results in protecting the character of the town. It is important to continue the philosophy that Nevada City will grow without being overly commercialized, overly modernized or overly developed. By the same token, the community recognizes and accepts positive changes that will enhance what is already here; changes that will continue both the spirit and character of a truly special place.

The Planning Commission and staff hope these guidelines illustrate how the City views itself and how ordinances and policies are applied to balance ownership rights with historic preservation responsibilities; to balance a historic past with an unlimited future.



Nevada City Dairy wagon in front of the New York Hotel on Broad Street, about 1900.

These Guidelines are intended to provide guidance in determining suitability and architectural compatibility of proposed projects with preservation and promotion of the historic character of Nevada City. They are not intended to be used as a technical manual for rehabilitating or building structures in the City nor are they intended to dictate mandatory design features. They are intended as a “guide” for property owners, design professionals, and contractors in proposing projects, and for the City officials to consistently evaluate projects assuring that they are sympathetic to and compatible with the unique architectural and cultural qualities of Nevada City. All projects must conform to the development standards contained in the Nevada City General Plan and Zoning Regulations. These Guidelines are intended to implement General Plan policies adopted by Council Resolutions and to supplement Zoning Regulations and the Development Performance Standards therein adopted by Ordinance, which shall prevail in the event of any conflict.

These Design Guidelines will be used during the review of land use permit applications, namely the Architectural Review Application process. The City Council, Planning Commission, Advisory Review Committee, and City staff will refer to the Guidelines for direction and evaluation of project design. The Guidelines implement the City’s General Plan and Zoning Ordinance and encourage the preservation of neighborhoods, as well as historical buildings and features. The Guidelines will provide guidance to the Planning Commission to ensure consistent review of projects.

These Guidelines are applicable to the City’s Architectural Review Application Process. This process is utilized with new construction, exterior alterations to existing buildings, restorations, renovations and demolitions, and any other discretionary projects (public, commercial, industrial and multi-family). A section is also devoted to projects within the City’s Historical District.

The Zoning Ordinance (Chapter 17 of the City’s Municipal Codes) contains several ordinances relative to these Guidelines as listed below and available at City Hall or on the City’s website at www.nevadacityca.gov

1. Historical District Ordinance (Section 17.68.020)
2. Architectural Review Standards (Section 17.88.040)
3. Residential Development (Section 17.72.010)
4. Development Standards (Section 17.80)
5. Building Alteration and Renovation Standards (Municipal Code Chapter 15.12); these standards are applicable to any exterior alteration of buildings in the Historical District or pre-World War II buildings located outside the Historical District (buildings constructed before 1942).
6. Worksheet prepared by the City Attorney which outlines the various standards associated with exterior alterations, demolitions or building within the City. This worksheet is used by the Planning Commission and is a helpful tool in determining the standards applicable to projects inside or outside the Historical District, if a home was built prior to WWII (before 1942), etc.

**Main Street
2015**



**Broad
Street
2010**



2.0 DESIGN REVIEW PROCESS

2.1 Planning Commission Approvals

The Planning Commission sits as the Architectural Review Committee for exterior alterations within the Historical District by the submittal of an Architectural Review Application. The Planning Commission reviews applications proposing signage, alterations or additions to buildings and new buildings, window replacement, color changes, and roof replacement.

For Architectural Review Applications requiring Planning Commission action, staff first reviews the submitted applications for completeness. Once deemed complete, staff will distribute the application to staff (City Engineer, Director of Public Works, Fire Chief, City Attorney and City Manager) for comments and any conditions of approval. Staff then schedules the matter for a Planning Commission hearing and a staff report is prepared and the matter is heard by the Commission.

For larger projects which require environmental review, staff prepares or arranges for the appropriate environmental document pursuant to CEQA (California Environmental Quality Act) and schedules the matter before the Advisory Review Committee (ARC) which is comprised of two Planning Commission members and staff. The ARC reviews the proposed environmental document and the project (layout and design) and provides recommendations to the Planning Commission.

Nevada City does not have a building inspector or department and therefore contracts with the Nevada County Building Department for issuance of building permits (located at 950 Maidu Avenue, Nevada City CA 95959). Before the County Building Department can issue a permit, two City staff members (either City Planner, City Engineer or Director of Public Works) need to provide sign-off approval on the plans to ensure compliance with any project approval conditions. When required, the plans may need sign-off by the Fire Department staff.

City staff is available to meet to review the application process and welcomes the opportunity to assist in processing applications efficiently. Applications are available at City Hall and online at the City's website at www.nevadacityca.gov (Planning Department)

**City Hall
317 Broad Street
Nevada City CA
(Built 1937 and
remodeled in
2000)**



2.2 Staff Approvals

The following provides a list of projects that can usually be approved at staff level (most applications require two staff signatures). **The City Planner has the ability to forward any application to the Planning Commission if it is determined the project may result in a significant change to the architecture of the property or generates significant public interest.**

- Roof replacement: Staff can approve like-for-like roof replacements with a Minor Architectural Review Application (inside and outside the Historical District). The Planning Commission is the body to review roof changes (not like-for-like) within the Historical District.
- Minor Additions. Staff can approve minor additions to homes (outside the Historical District) if the materials match and the addition is less than 25% of the existing conditioned living area of the residence.
- Interior Remodel. Staff can sign off on interior remodels (inside or outside the Historical District) that do not affect major changes to the exterior of the home/building such as window or door treatments.
- Deck additions outside the Historical District can be approved by staff. Standard decks are usually on the rear of homes; however ornate or larger decks can be referred by the City Planner to the Planning Commission for review and approval. The Commission approves decks within the Historical District.
- Historic Building Code. The City can recommend implementation of the State Historic Building Code to the Nevada County Building Official (with issuance of building permits) which enables utilization of past building standards.

2.3 Appeals

Appeals of decisions can be made as follows:

1. Appeals of Advisory Review Committee or City Staff decisions may be made to the Planning Commission.
2. Appeals of Planning Commission decisions may be appealed to the City Council.

Appeals shall be made in writing and submitted to the City Clerk within 15 days of the decisions and include information and reasoning as to why the appeal is necessary.

2.4 Permit Time Limits

Project permits approved outside the Historical District must be utilized within two years of City approval. The Planning Commission may grant an extension of time of the permit for one year at a time but not to exceed five years total from the original approval date. Projects approved within the Historical District shall expire one year after issuance (See Section 17.68.160)

3.0 NEIGHBORHOOD CONTEXT

Because Nevada City’s neighborhoods are diverse with a mixture of styles and vintages, design compatibility must take into account the context of the neighborhood to determine whether the new project will “fit in.”

The Zoning Ordinance states *“the Planning Commission shall review each application on its own merit and in the context of the neighborhood of the project. For example, plywood siding might be acceptable in an area of modern, similar homes, but not in a neighborhood of old Victorian homes. In new projects, where no existing neighborhood sets the tone of the architectural style, the architecture shall be reviewed for general compatibility with Nevada City’s style of architecture.”*

“Context of the neighborhood” may be defined as those elements such as age and size of homes, lot size and setbacks, which in aggregate create a particular personality, or character of a neighborhood.

Along with the setbacks and architectural style, the following are all features to be analyzed when considering the context of the neighborhood:

- | | |
|---------------|--------------------------|
| 1. Materials | 7. Orientation |
| 2. Proportion | 8. Views |
| 3. Height | 9. Usage |
| 4. Mass | 10. Landscaping |
| 5. Scale | 11. Solar opportunities |
| 6. Topography | 12. Location of the site |

The square footage of the project should conform to the square footage of the majority of houses in the area and care should be taken that the view of adjacent properties not be restricted. The dominant residences in the neighborhood should be noted with the purpose of ensuring that a new structure will not be so imposing, either due to its size or obtrusive lot position (top of hill or corner) as to diminish the stature of historic homes.

When evaluating a neighborhood, it is useful to consider its history. The natural flora as well as trees and vegetation imported by the miners during the Gold Rush era is as distinctive as the homes and should be considered as part of the feel or ambiance of a neighborhood.

Over the years, as the City expanded, more “modern” neighborhoods developed. The Steger Tract (Clay Street, Turpentine) was built in the 1970’s and is an example of a uniform subdivision characterized by ranch style homes on lots of mostly equal size. The multiple family unit project, call Co-Housing, located on West Broad Street was built in early 2000. Scattered throughout the city limits are “mixed” neighborhoods with homes that range from Victorian to ranch to stucco cottage.

New applications are reviewed with the question “will the project appear as though it’s it was always a part of the neighborhood?” Below are photos of the varying neighborhoods in Nevada City:



Co-Housing, West Broad Street, 2015



Main Street, 2015

4.0 ARCHITECTURAL DESIGN WITHIN HISTORICAL DISTRICT

4.1 History of Historical District

Buildings in downtown Nevada City in the 19th century slowly evolved from canvas tents to logs to wood-frame to stone and brick. Each time there was a major fire in town - and there were several in the 1850's and 60's - the architecture and building materials would change. As a result, the downtown business area - now the core of the designated Historical District - developed a mixed use of materials and styles, and with it a unique architectural mix that we strive to respect and protect.

A pioneer sawmill near Nevada City (Circa 1880)



During the 1950's and 60's, mining and lumbering became less significant as factors in local commerce. In addition, Interstate 80 was constructed over the Sierra. With fewer jobs for local residents, and a reduction in tourist-related automobile traffic resulting from the all-weather interstate to the south, Nevada City faced some difficult economic times. If the city was to survive as a municipality, and preserve an incorporation that dated back to the gold rush, it was necessary to make some significant changes.

Broad Street 1857



Recognizing that Nevada City's greatest assets were its historic past, unique setting, and impressive inventory of 19th century buildings, community leaders decided to plan for the future with an eye on the past.



Broad Street, 1890

In 1968, the City Council and Planning Commission created and approved Ordinance 338 -- now known as the Nevada City Historical Ordinance. The document served as the nexus to lead the town through a decade of major renovation and restoration. In 1972, utilities were undergrounded, gaslights were installed, neon signs were removed, new signs went up and Nevada City became the envy of every other gold rush community in the Mother Lode region. The City proved that a well-planned face-lift was not only possible, but also necessary.

Below is a photograph of Broad Street, Nevada City in 1960 and one taken in 2010.



Broad St., 1960



Broad St., 2010

While the historical ordinance has undergone some minor adjustments since its adoption in 1968, the essence of the original plan remains intact. From the beginning, the City recognized that the historic character and distinctive architecture of many buildings - and the historic district as a whole - warranted special protection.



Looking up Broad Street, approx. 1965



Looking up Broad Street, 2015

By implementing the Historical Ordinance, and proceeding with a downtown betterment project that eventually brought over \$10 million in grant funds to the City, community leaders were affirming their belief that downtown was of great historic significance and was worth preserving. In fact, such preservation was essential to the town's economic and cultural stability.

The City Council and Planning Commission noted that to permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the Historical District, or to permit the uncontrolled use of advertising signs, would be detrimental and would tend to depreciate the value of all property within the district.

The special character or special historical or aesthetic value of downtown buildings required protective measures to ensure that future generations would be able to enjoy the unique design features that make up what is referred to as Mother Lode type architecture.

Several buildings were designated by the City Council as having features reflecting typical architectural styles of the 1849-to-1900 period. Those buildings served as the foundation for renovation of the downtown area.

In stating the purpose of the Historical Ordinance enacted in 1968 (codified in the City Zoning Regulations as Section 17.68.020) the city council declared that the historic downtown area designated was ‘...one of great historical interest and aesthetic value [containing] many places and buildings which are important historical exhibits and unique architectural specimens...’, listing 19 examples of places and buildings that ‘...are symbolic of the city’s historical past as a mining town during the days of the California gold rush and thereafter.’ Below are photographs of those buildings (larger photographs of designated buildings are available for review at City Hall).



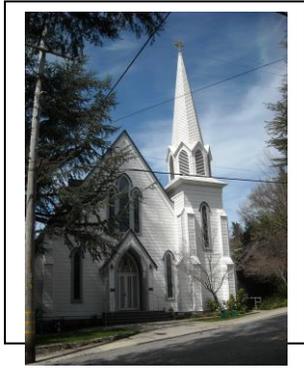
1. The Plaza
101 Broad St



2. Ott's Assay Office
132 Main St



3. Methodist Church
433Broad St



4. Trinity Episcopal
226 Nevada St



5. St Canice Catholic Church
317 Washington St



6. Baptist Church
300 Main St



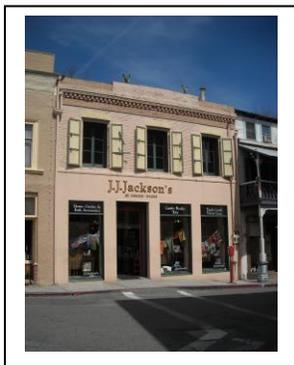
7. New York Hotel
408/410 Broad St



8. 314 Broad Street



9. 301 Broad St



10. 244 Commercial St



11. Old Chinese Laundry
312 Commercial St



12. National Hotel
211 Broad St



13. Firehouse No. 1
214 Main St



14. Firehouse No. 2
422 Broad



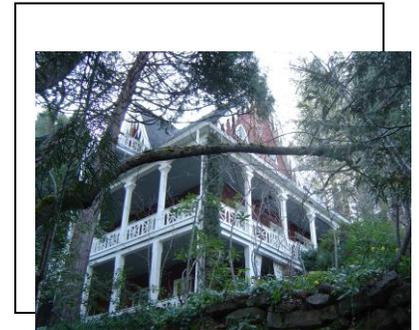
15. Nevada Theatre
401 Broad St



16. Masonic Bldg
110 No. Pine St



17. Searls Bldg
214 Church St



18. The Red Castle
107 Prospect St



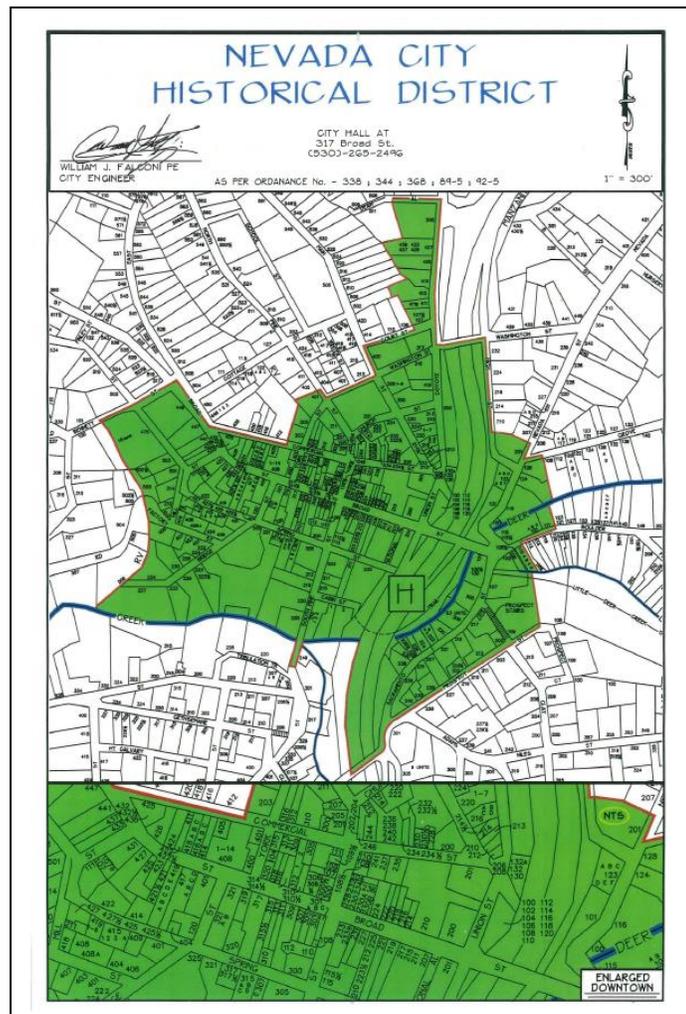
19. The Old Brewery, 107 Sacramento St

In explaining the need for the Historical Ordinance, after designating the exemplary places and buildings, the ordinance continues: *'The historic character and distinctive architecture of such places and buildings, and of the historic district as a whole, have attracted tourists and visitors to the city in great numbers, thereby augmenting the economy and general welfare of the city and its inhabitants. The preservation of such places and buildings, and of the architectural appearance of the surrounding properties within the district, is essential to the economic and cultural life of the city. To permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the district, and to permit the uncontrolled use of advertising signs therein, would be detrimental to the historical places and buildings and would tend to depreciate the values of all properties within the district. In order to promote the public health, safety and general welfare, it is necessary pursuant to Section 37361 of the California Government Code, to provide for such places and buildings having a special character or special historical or aesthetic interest or value, special conditions and regulations for their protection, enhancement and perpetuation, and to provide appropriate and reasonable control of the appearance of neighboring property within public view.'*

It is a mixture of different but compatible architecture and signage that has evolved over the years that contributes to the historic character and distinctive architecture within the historic district of Nevada City. Once the ordinance was in place, alterations or new construction within the Historical District had to conform to Mother Lode style architecture as detailed in the Zoning Ordinance.

**Nevada City
Historical
District Map
(reduced and
not to scale)**

**Copy of
this map can
be found in
the appendix)**



A. Residential Projects within Historical District

City zoning regulations require a permit for construction or alteration of the exterior appearance of any building, including residences, within the Historical District (or contiguous to the streets and alleys of the Historical District, even when across the street), be processed with submittal of an Architectural Review application to be considered and acted upon by the Advisory Review Committee and/or the Planning Commission to assure that the proposed work will be in strict keeping with the Mother Lode era. The ‘Mother Lode’ type of architecture within the Historical District that gives Nevada City its unique character is defined as ‘...that type of architecture generally used in the Mother Lode region of the state of California during the period from 1849 and 1900 and which are exemplified in Nevada City [by the buildings depicted on pages 17, 18 and 19 of these guidelines.]’ The goal of architectural review for the permit is to preserve the character of Nevada City architecture in terms of historical value, site coverage and planning, volume and massing, general design and materials. These Guidelines include many historic and current photos illustrating the Mother Lode type of architecture Nevada City wants to preserve and protect. The City Planner can also assist in providing guidance and oversight of the permit application.

Materials – General Guidelines

The historic exterior features of a building should be retained and preserved. Distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved. Owners are encouraged to reproduce missing historic elements that were original to the building, but have been removed. Physical or photographic evidence should be used to substantiate the reproduction of missing features.

Deteriorated or damaged historic features and elements shall be repaired rather than replaced, wherever possible. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in composition, design, color, dimension, texture, material, and finish, and other visual qualities

Each site should be recognized as a physical record of its time, place and use. Owners are discouraged from introducing architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists.

New additions, exterior alterations, or related new construction shall not destroy historic materials or features that characterize the site or building.

Applicants are encouraged to submit samples of building materials (windows, siding, roofing, etc. when possible) for the Planning Commission’s review.

State Historical Building Code

The State Historical Building Code, established in 1975, and part of the California Building Code helps to “facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities.” Nevada City’s Historical District, being listed on a qualified National Register of Historic Places, qualifies for recommendation to utilize such Code.

The Planning Commission, when reviewing projects within the Historical District, can recommend to the Nevada County Building Official that certain architectural features that do not meet current building code be permitted under the Historical Building Code. For example, railing heights are currently 42” but were 36” or lower in the past. The Commission’s recommendation to retain that historic railing height can be reviewed by the Building Official for compliance with safety issues. Another example of using the Historical Building Code involves retention of window design and dimensions on older buildings

Features typical of Mother Lode era architecture such as:

- Roof Pitches. Main roofs steeply peaked (6:12 to 12:12 pitch) with overhangs and gable ends are typical. Hipped roofs in the appropriate architectural context are allowed. (Victorian homes were often very vertical in appearance and the relationship of the size of the house to the roof should be considered).



6:12



8:12



8:12 with gabled dormer

- Siding for Existing Home and other Structures. Painted wood horizontal siding, board and batten are encouraged. Cement fiber board, vinyl siding, and other synthetic siding (such as T-111 siding) is discouraged in older neighborhoods particularly when the neighborhood is in close proximity to pre-1942 homes or if the home itself is pre-1942 or exhibits a style which is not complemented by these types of siding.
- Materials, New Homes. Materials on new homes and other structures will be reviewed against the context of the neighborhood. If modern materials are used, they should match historic materials in appearance.
- Materials, Older Homes. Alterations to older homes should match existing, historic materials. Synthetic materials with no historic basis are discouraged on both existing older home additions and renovations.

**Broad Street
Home restored
in 2011/12**

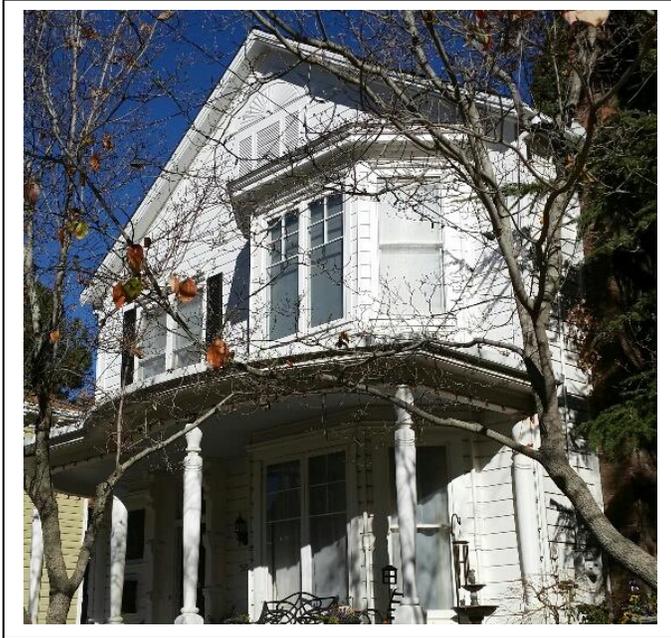


- Trim, railings, and details should have a historic basis and fit the style of the existing home or new structure.
- Roofing material. Asphalt shingles and metal roofing in muted non-glare colors such as tans, blacks, browns, and greens have historically been approved on new homes and additions. The use of corrugated metal has also been approved.
- Solar Panels/Skylights. New roof features should be visually minimized when viewed from the primary public right-of-way
- Exterior Colors. Historical colors are encouraged for commercial and residential buildings in the Historical District. Samples of such colors are available at City Hall. City staff can approve like-for-like color repainting; however changes in colors require Commission approval.
- Covered porches and entries. Such entries and porches usually have lower roof pitches than the main roof.



Covered Porch, Sacramento Street

- Windows. Typical windows include multi-pane, vertical, and bay windows. Wood windows and true divided lights are generally required of additions, renovations and newly constructed homes in older neighborhoods though existing window types may be duplicated.



Bay Window, Broad Street



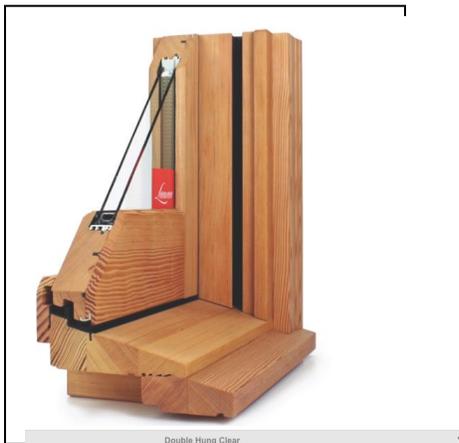
Multi-paned windows, Broad Street

Discussion on Wood Windows

The Design Guidelines have, in the past, preferred the use of historically correct wood windows. The design of windows is continuously evolving as they become more efficient and maintenance free. Wood windows require maintenance throughout their life time, mainly painting. Because of these maintenance issues, the wood window is not as popular as the same window with “cladding” on the wood exposed to the weather. The cladding replaces the layers of paint on the wood window. The cladding can be several materials with aluminum and vinyl being the most popular. The cladding protects the wood and usually never needs painting. This is good for the homeowner and the environment.

There are two important points to be made. First, this discussion is not relative to a vinyl or aluminum window but is for discussion of a clad wood window. It is difficult to make a solid vinyl or aluminum window match the proportions of the true wood window. Secondly, referring to the two images below of an actual wood window and the same window with white colored cladding, it is easy to see that the proportions and dimensions as basically identical.

There also are windows made from fiberglass for strength and low maintenance. The Planning Commission will consider the fact that if the windows have the same proportions of a wood window, they can possibly be considered as meeting the City’s requirements.



Wood Clad Window



Vinyl Clad Window

B. Commercial Projects within the Historical District

City zoning regulations also require a permit with architectural review for erection or exterior alteration of any commercial building or structure and no structure within or adjacent to the Historical District may be removed, demolished or razed without prior approval of a permit for such work as compatible with the architecture within the downtown Historical District. Generally, that architecture involves the use of wood and brick as primary materials, and is generally characterized by such design features as gabled or shed roofs, tall and narrow windows and doors, dormer windows, iron or wooden shutters, balconies, wooden awning and ornamental scroll work. The determination of whether a building conforms with the Mother Lode type of architecture shall include all factors which affect the external appearance of the building including architectural elevations, building materials, colors, finish, lighting, ornamental devices, and signs. Below are examples of these materials.

Applicants are encouraged to submit samples of building materials (windows, siding, roofing, etc. when possible) for the Planning Commission's review

Siding:



Wood (Spring St)



Wood, Brick (Spring St)

Roofs:



Broad Street

| | |
|-----------------|--|
| Parapet: | Wall to protect roof |
| Eave: | Lower border of roof that overhangs the wall |
| Canopy: | Roof-like ornamental architectural structure |

Metal Roofing (Miners Foundry)



Brick / Stone Accents:



North Pine & Commercial Streets



Commercial Street

Details: Awnings/Shutters/ Balconies



Commercial Street



Main Street



Commercial Street Boardwalk

State Historical Building Code

The State Historical Building Code, established in 1975, and part of the California Building Code helps to “facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities.” Nevada City’s Historical District, being listed on a qualified National Register of Historic Places, qualifies for recommendation to utilize such Code.

The Planning Commission, when reviewing projects within the Historical District, can recommend to the Nevada County Building Official that certain architectural features that do not meet current building code be permitted under the Historical Building Code. For example, railing heights are currently 42” but were 36” or lower in the past. The Commission’s recommendation to retain that historic railing height can be reviewed by the Building Official for compliance with safety issues. Another example of using the Historical Building Code involves retention of window design and dimensions on older buildings.

The City’s Zoning Ordinance, Historical District, acknowledges the following buildings as referenced in the definition of Mother Lode type of architecture (Section 17.68.030).



218 Broad Street



310 Broad Street

Two Examples of Remodels within Historical District

1. This project involves the remodel of a 1960's metal building and incorporated materials and design of Mother Lode era materials, being wood, brick and metal.



201 Commercial Street - 1960



Remodel in 2014

2. Likewise, the following pictures are of a remodel of a historical building, known as the Powell House. This building was constructed in about 1865 used as a soda works bottling company, was a Baptist church and used for residential units by E. T. R. Powell. In 2012 the owner remodeled the building by converting the basement to conditioned living area containing three 500-square foot apartments; the main floor is commercial use and the upper floor has two 800-square foot apartments.



1965



2015

C. Exterior Lighting within Historical District

The dependence on gaslights as the primary downtown illumination, combined with indirect lighting for business signs, creates a look and feel that separates Nevada City from other communities. Good lighting uses only the amount of light needed for the intended task, whether illuminating a parking area, pedestrian walkway, signage, security or to highlight specific architectural features.



Gas lights installed in 1972

If lighting is desired in addition to that provided by the gaslights, the proposed lighting and fixtures should be included in the permit application for the building construction or exterior alteration or in the sign application, noting that the proposed fixtures and illumination level should be compatible with the Mother Lode era, complementing and not detracting from that appearance.

Exterior light fixtures should strengthen the character of the downtown and provide safety for the public. Fixtures should be compatible with the building's style, period and materials

Neon lighting is not permitted (other than that located within a business and not designed to be visible from the exterior). Internal lighting that is visible from the street and would detract from the character of the Historical District is discouraged.

Temporary holiday lighting on buildings is permitted from November 15 to January 15 (City Council Resolution 2014-44) which in part states: *"To enhance the architecture of the buildings, outlining of buildings shall be permitted in straight lines. The permitted exterior architectural features of a building to be outlined by lights shall be the roofline edge and any shed roof edges."*

Examples of lighting on commercial buildings in the downtown area are below:

EXAMPLES OF LIGHTING IN THE HISTORICAL DISTRICT



Union Street building lighting



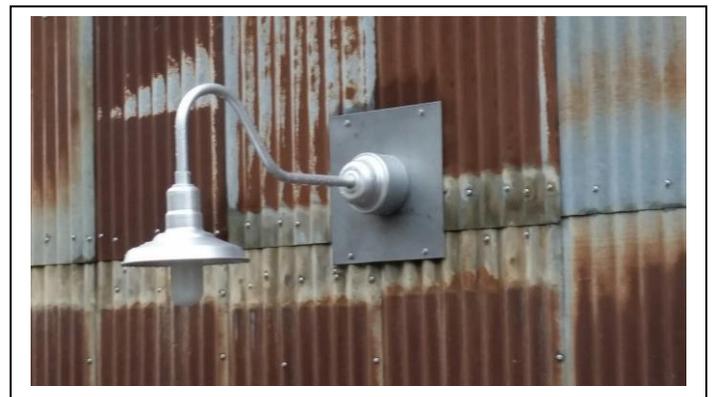
Union St. Enlargement



Commercial Street Building



Commercial St Enlargement



120 Bridge Street, KVMR/Theatre Bldg

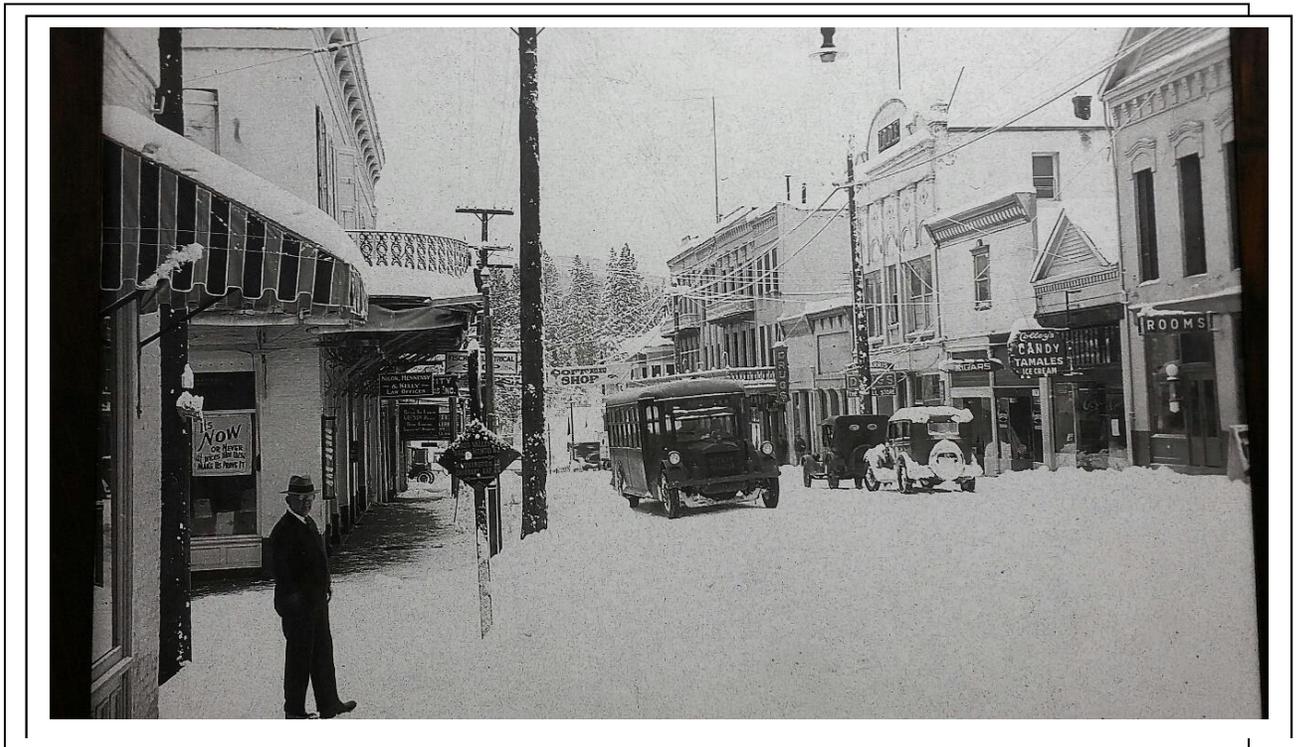


KVMR Lighting Enlargement



300 Broad Street

Broad St. Enlargement

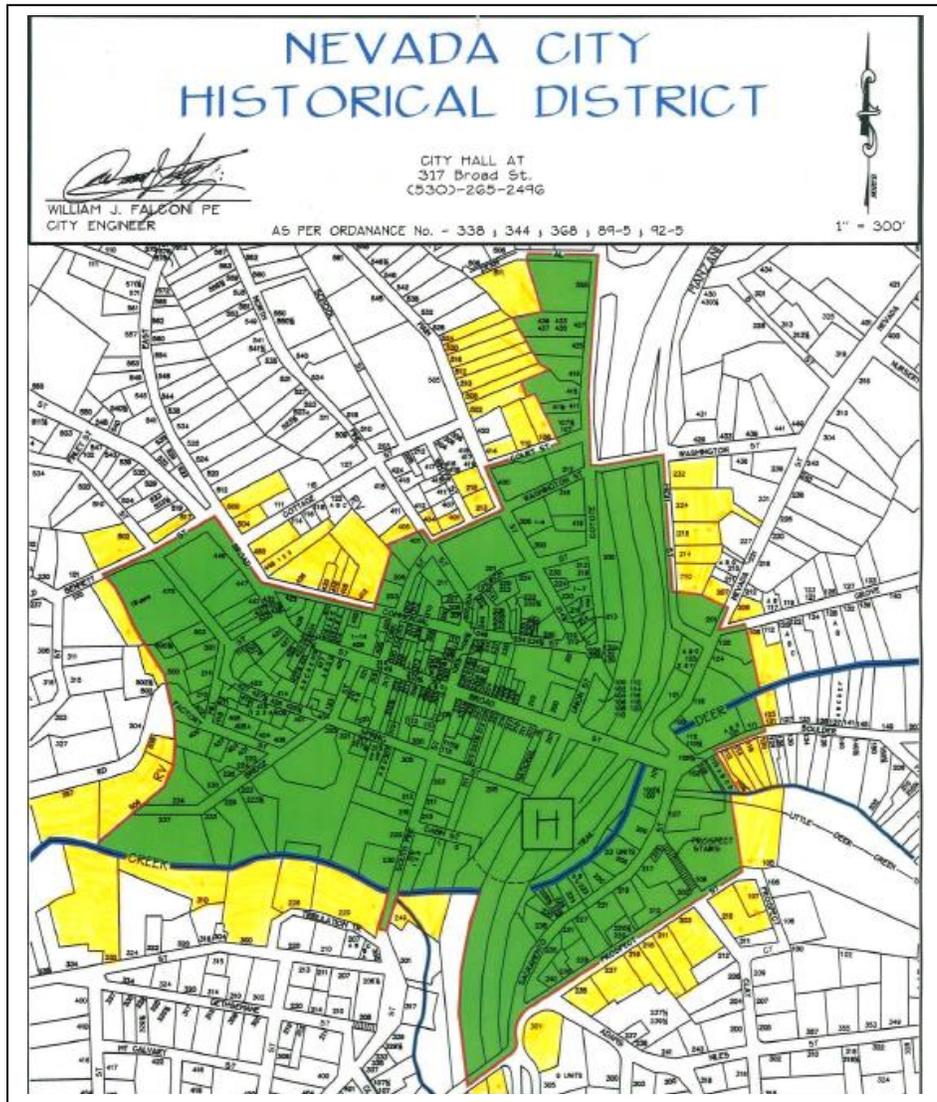


Broad Street -1920

D. MAP OF HISTORICAL DISTRICT INDICATING LOTS THAT BORDER/BOUND HISTORICAL DISTRICT (subject to same standards)

The map below is an excerpt from the City Official Map indicating the boundaries of the Historical District. The Zoning Ordinance Section 17.68.060 states that no buildings of special historical interest or value, or of the Mother Lode type of architecture, situated within the Historical District and **“fronting upon bay of the streets or alleys within or bounding said district,”** shall be torn down, demolished or removed, unless such building is or becomes so dilapidated...”. Further, Section 17.68.070 states that all buildings which are constructed or altered as to their experience appearance, situated within the Historical District and **“fronting upon the streets or alleys within or bounding said district,** shall as to their exterior appearance within public view substantially conform with the Mother Lode type of architecture.

The map has been highlighted in yellow which delineate those properties that **border or bound** the Historical District and therefore would need to conform to the above referenced sections.



5.0 ARCHITECTURAL REVIEW OUTSIDE THE HISTORICAL DISTRICT

5.1 Existing Residential Neighborhoods

Outside the Historical District, in recognition of the diversity of architectural styles that developed in Nevada City and contribute to its character, the City zoning regulations also define as being important to Nevada City and require permits to protect those homes and neighborhoods that are known as being of the pre-World War II era, i.e. pre-1942. Architectural review permits are required for construction or renovation of all buildings and structures in existing neighborhoods – including new construction of or additions to residences or outbuildings; alteration of the exterior appearance; and any removal, demolition or razing and replacing of any part of any such building or structure – to make sure that such projects conform to the ‘context of the neighborhood’ and are generally compatible with the style of architecture therein respecting changes that over time may have acquired significance in their own right.

Distinctive stylistic features and examples of skilled craftsmanship of both Mother Lode and pre-WW II buildings and structures should be treated with sensitivity. Removal or alteration of historical material or distinctive features should be avoided wherever possible and distinguishing original qualities or character of the building, structure or site and environment should not be destroyed. Alterations to older homes should match the existing style, materials and details. Synthetic materials are discouraged. Like-for-like replacements and repairs are recommended.

New projects, additions to homes and renovations, as well as construction of new outbuildings, must be generally compatible with Nevada City’s style of architecture. Such projects should conform to the “context of the neighborhood” previously discussed in these Guidelines

Nevada City Architecture or Mother Lode type of architecture is defined as “that type of architecture generally used in the Mother Lode region of the state of California during the period from 1849 and 1900. Such type of architecture involves the use of wood and brick as primary materials, and is generally characterized by such design features, among others, as gabled or shed roofs, tall and narrow windows and doors, dormer windows, iron or wooden shutters, balconies, wooden awnings and ornamental scroll work.

The determination of whether a building conforms with the Mother Lode type of architecture shall include all factors which affect the external appearance of the building, including, without limitation, architectural elevations, building materials, colors, finish, lighting, ornamental devices and signs.

Features typical of Mother Lode era architecture such as:

- **Roof Pitches.** Main roofs steeply peaked (6:12 to 12:12) with overhangs and gable ends.
Hipped roofs in the appropriate architectural context are allowed. (Victorian homes were often very vertical in appearance and the relationship of the size of the house to the roof should be considered).



6:12 pitch



8:12 pitch



8:12 with gabled dormer

Roof Pitch and Height Limit

The Zoning Ordinance provides the height limit for the various zoning districts, with the residential zones having a height limit of 35 feet. The following heights are recommended:

| Roof Pitch | Stories | Height Limit |
|------------|---------|--------------|
| 12:12 | 1 | 28' |
| 12:12 | 2 | 35' |
| 6:12 | 1 | 20' |
| 6:12 | 2 | 28' |

Front, rear and side elevations should be similar in height and size to surrounding homes

- Siding for Existing Homes. Painted wood horizontal siding, board and batten. Cement fiber board, vinyl siding, and other synthetic siding (such as T-111 siding) is discouraged in older neighborhoods particularly when the neighborhood is in close proximity to pre-1942 homes or if the home itself is pre-1942 or exhibits a style which is not complemented by these types of siding.
- Materials, New Homes. Materials on new homes will be reviewed against the context of the neighborhood. If modern materials are used, they should match historic materials in appearance.

- Materials, Older Homes and Structures. Alterations to older homes and structures should match existing, historic materials. Synthetic materials with no historic basis are discouraged on both existing older home additions and renovations. Removal or alteration of any historic material or distinctive architectural features should be avoided when possible
- Covered porches and entries. Such entries and porches usually have shallower roof slopes.

**Zion Street
4-plex**



- Trim, railings, and details should have a historic basis and fit the style of the existing home or new structure.
- Roofing material. Asphalt shingles and metal roofing in muted non-glare colors such as tans, blacks, browns, and greens have historically been approved on new homes and additions. The use of corrugated metal has also been approved.
- Exterior Colors. There is no color review or approval required for change in colors of a home outside the Historical District. However, the following guidelines are recommended:
 - Select colors that are similar to the tones found in the area and on adjacent buildings
 - Muted, soft colors on large wall expanses are encouraged
 - The use of bright, modern colors and intense white color are discouraged.
 - Use subdued colors as the primary color and brighter, contrasting trim when appropriate
 - Incorporate the color from primary building materials, such as stone, brick and hardwood, as the base colors for new development



Alexander St

- Windows. Typical windows include multi-pane, vertical, and bay windows. Wood windows and true divided lights are generally required of additions, renovations and newly constructed homes in older neighborhoods though existing window types may be duplicated.

**Bay Window
Sacramento St**



Discussion on Wood Windows

The Design Guidelines have, in the past, preferred the use of historically correct wood windows. The design of windows is continuously evolving as they become more efficient and maintenance free. Wood windows require maintenance throughout their life time, mainly painting. Because of these maintenance issues, the wood window is not as popular as the same window with “cladding” on the wood exposed to the weather. The cladding replaces the layers of paint on the wood window. The cladding can be several materials with aluminum and vinyl being the most popular. The cladding protects the wood and usually never needs painting. This is good for the homeowner and the environment.

There are two important points to be made. First, this discussion is not relative to a vinyl or aluminum window but is for discussion of a clad wood window. It is difficult to make a solid vinyl or aluminum window match the proportions of the true wood window. Secondly, referring to the two images below of an actual wood window and the same window with white colored cladding, it is easy to see that the proportions and dimensions as basically identical.

There also are windows made from fiberglass for strength and low maintenance. The Planning Commission will consider the fact that if the windows have the same proportions of a wood window, they can possibly be considered as meeting the City’s requirements.



Wood Clad Window



Vinyl Clad Window

Below are photograph of homes that meet the definition of “Mother Lode Architecture” (Classic 19th Century)



Miner’s Cabin on Cabin Street

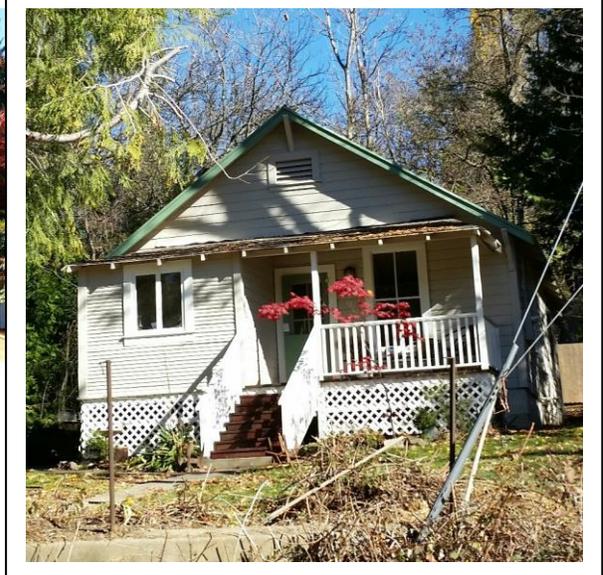
Victorian on Prospect Street



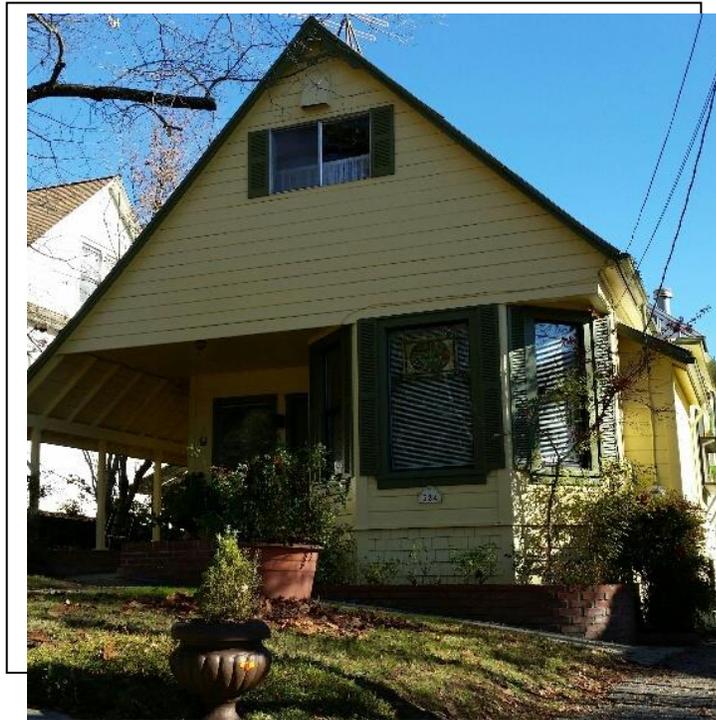
Below are examples of pre-WW II homes 20th Century to 1942



North Pine Street, about 1935



Adams Street, about 1930



Coyote Street, about 1938

Below are examples of 1940's to 1970's homes



**Brock Road, about
1948**



Gold Tunnel Road, 1950's

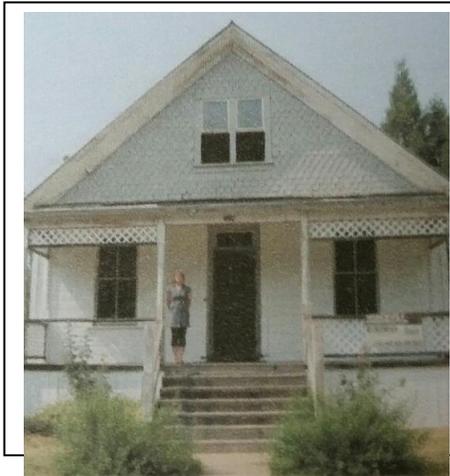


Lindley Avenue, about 1960

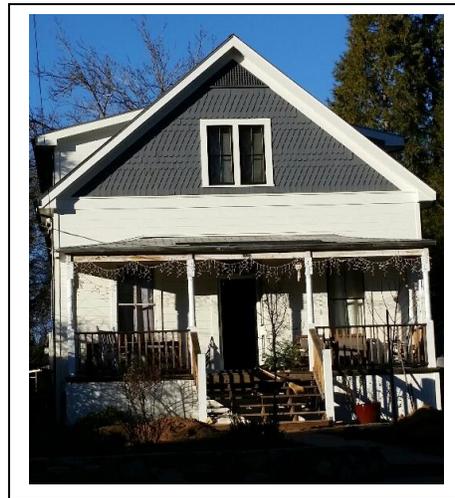


Turpentine Drive, 1970 (part of Steger Tract Subdivision)

Below are a 'before and after' photograph of a renovation consistent with Mother Lode Architecture.



Before (2000)



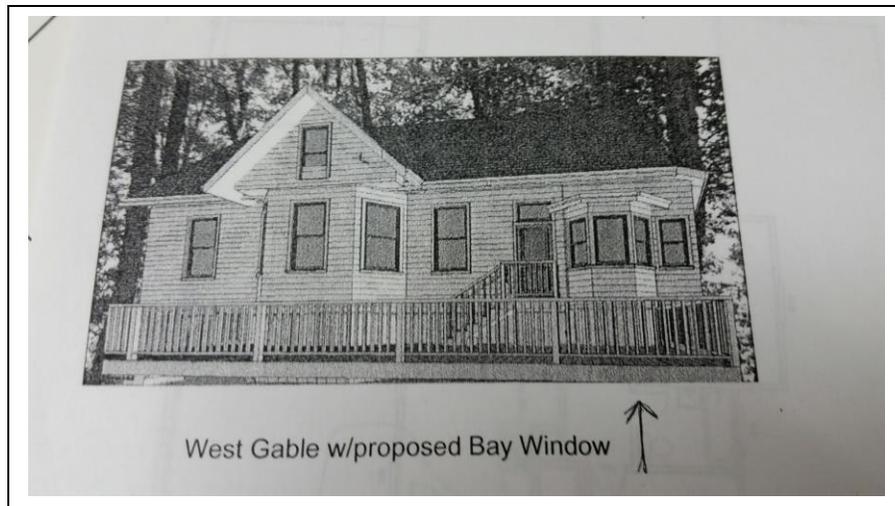
After (2014)

This home on Sacramento Street, built in 1891, was granted approval to remodel the home by adding conditioned living space to the attic area of the home. The home contains 1,348 sq ft and the project added 1,082 sq ft of conditioned area. Interior work to the home was done and like-for-like windows were replaced. The new conditioned area became living space and the roof was raised by 4 feet. New dormers and windows were added to this area and materials matched those of the existing home and those in the immediate area. Railings and steps were replaced.



Winter Street, new home built in 1990 (replacing original due to fire)

Additions. Nevada City is concerned about retaining a mix of housing sizes for affordable housing and historic preservation. As a result, major additions should not overwhelm the original structure. The integrity of the original structure should be retained. Additions to homes that are greater than 25% of the floor area are considered by the Planning Commission. Additions less than 25% with materials matching the home can be approved by staff; however the City Planner always has the ability to send an application to the Planning Commission for approval.



436 Washington Street – 25% addition to west side of home by extending kitchen and adding bay window (2013)

Garages and Accessory Structures, Second Dwelling Units

Accessory building means a “detached subordinate building located on the same premises as the main building or buildings, the use of which is customarily incidental to that of the main building or to the use of the land. Said accessory building shall not be used as sleeping or housekeeping quarters.” However, the City’s second dwelling unit ordinance does encourage second dwelling units above new garages.

Accessory buildings such as guest houses, garages, barns, and workshops should be designed to fit the character of the neighborhood and with adherence to all of the appropriate guidelines in this section. Accessory structures should complement the main building’s architecture (design, materials, color, etc.).

Existing accessory structures often contribute to the significance of the property and should be retained. Repair and restoration of such structures is desired rather than removal. If the structure is pre-WWII or of special historic or architectural value, it will not be permitted to be demolished without approval of a Demolition Permit which requires a finding by the Planning Commission that the building cannot be reasonably repaired or restored. (See Attach #11.2)

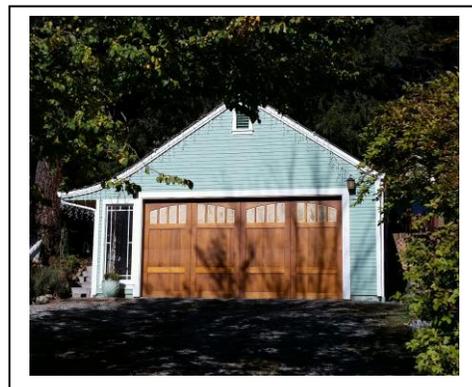
Accessory buildings can be detached from the main residence or attached (or may be connected by a breezeway). Accessory buildings need to comply with all requirements as the main residence including setbacks and undergo architectural review by the Planning Commission.

Exceptions to setbacks and design review are small accessory structures (such as tool sheds) that are less than 160 square feet in size; such structures are placed in the rear half of the lot and cannot exceed 30% of the rear yard area. Staff can assist with the placement of such structures to ensure compliance with the zoning ordinance.

Garage patterns in the existing neighborhood should be respected. For example, if rear detached garages are the norm, it is a good idea for any new garages to follow that form. Where single garage doors are common, new two car garages should use two similar doors instead of one larger double door. Regardless, the garage should not be the dominant feature of a front elevation.



Garage behind home – Clay Street



Garage, Alexander Street

Second Dwelling Units

The City adopted Ordinance 2008-14, finding that such dwelling units are an important form of housing that contributes to the character and diversity of housing opportunities in Nevada City. Such a unit is defined as an attached (640 square feet maximum) or detached unit (800 square feet) that is smaller and secondary to the main residence. Second dwelling units can also be constructed above a new garage (640 square feet maximum). A use permit can be submitted by the owner to the Planning Commission for any deviation in unit size.

Second dwelling units are permitted in all zoning districts that allow single family dwellings as a permitted use. The City encourages residential second dwelling units and has imported standards that enable homeowners to create such units to be compatible, as much as possible, with the neighborhood.

Second dwelling units are approved at staff level by the City Planner with submittal of an application, site plan and any required fees. Units are subject to standards such as:

1. Must meet building and fire codes
2. Payment of public water and sewer fees, along with AB1600 Mitigation Fees (can be waived with a 30-year deed restriction ensuring affordable rent at “low” or “very low” income levels as established by the State of California.
3. Each unit shall have one space off street parking space (in addition to two spaces required for main residence).
4. One of the residences shall be occupied by the owner of the property.
5. Lot coverage of all buildings cannot exceed 50 percent.
6. Materials, colors and architecture shall be similar to the primary unit.
7. Lighting shall not spill onto neighboring lots.
8. Entrances shall be screened from neighboring properties.

:



American Hill Rd. - 2nd unit under construction



Chief Kelly Dr. - 2nd unit above garage

5.2 New Residential Neighborhoods

New homes in new subdivisions or previously undeveloped neighborhoods must exhibit high quality design which is compatible and sympathetic to Nevada City's Mother Lode architecture incorporating traditional materials, building lines, features, and landscaping wherever possible. For example:

Features typical of Mother Lode era architecture:

- Roofs may vary in their design and detailing which is more flexible than the review standard in older neighborhoods, but they should be steeply pitched (6:12 to 12:12).
- Wall material - Siding on new homes in new neighborhoods should be high quality and at least reminiscent of traditional materials. Painted siding, cement fiber siding, shingles, and traditionally surfaced stucco are examples or preferred materials though it must be reviewed for furthering the intent of achieving a continuation of Mother Lode architecture. T-111 type siding, vinyl, and other synthetic siding are strongly discouraged.
- Covered porches and entries should be used wherever possible to continue a Nevada City architectural tradition.
- Windows should match the style of the house. Multi-pane, vertical, and bay windows are encouraged with variations to fit the style of the house.
- Trim, railing, and details should fit the style of the new house. The intent should be to add texture, shadowing, contrast, and interest which are reminiscent of the City's older homes.
- Roofing material such as treated wood shingles, asphalt shingles, and metal roofing in muted non-glare colors such as tans, blacks, browns, greens and grays are desired.
- Colors. Colors are not reviewed outside the Historic District. However, the following guidelines are recommended:
 - Select colors that are similar to the tones found in the area and on adjacent buildings
 - Muted, soft colors on large wall expanses are encouraged
 - The use of bright, modern colors and intense white color are discouraged.
 - Use subdued colors as the primary color and brighter, contrasting trim when appropriate
 - Incorporate the color from primary building materials, such as stone, brick and hardwood, as the base colors for new development



Approved Elevations for varied housing styles within a subdivision off Gracie Road



**Lost Hill Drive
Residences
(subdivision approved
in 2000)**



**Canada City Cottages,
multi-family project
approved in 2005**

6.0 DESIGN / SITE DEVELOPMENT STANDARDS IN ALL RESIDENTIAL NEIGHBORHOODS

Development of properties, residential or commercial, inside or outside the Historical District, or with any land divisions, require compliance with site development standards included in the zoning ordinance (Chapter 17.80) such as driveway construction, avoidance of any constraints on the property such as water courses and steep slopes while ensuring natural areas are enhanced and preserved. Below are a list of the various topics that will be reviewed with project applications with the goal being development that minimizes the impact on the natural environment and the character of the area. Please consult with the City Planner for assistance and direction on all applicable development standards.

6.1 Site Planning / Site Constraints

The position of buildings on the site and overall site coverage must also fit in with the neighborhood and particularly adjacent structures. City front yard, side yard and rear yard setback requirements apply to all projects. Site constraints and natural features such as rock outcroppings, steep slopes, stream zones and drainages, as well as existing trees and important vegetation shall be delineated on site plans and often preserved. Building orientation and alignment should be in context with the neighborhood.

City staff will request plans be submitted with sufficient detail to determine any constraints of the lot, including a topographical survey.

6.2 Watercourses

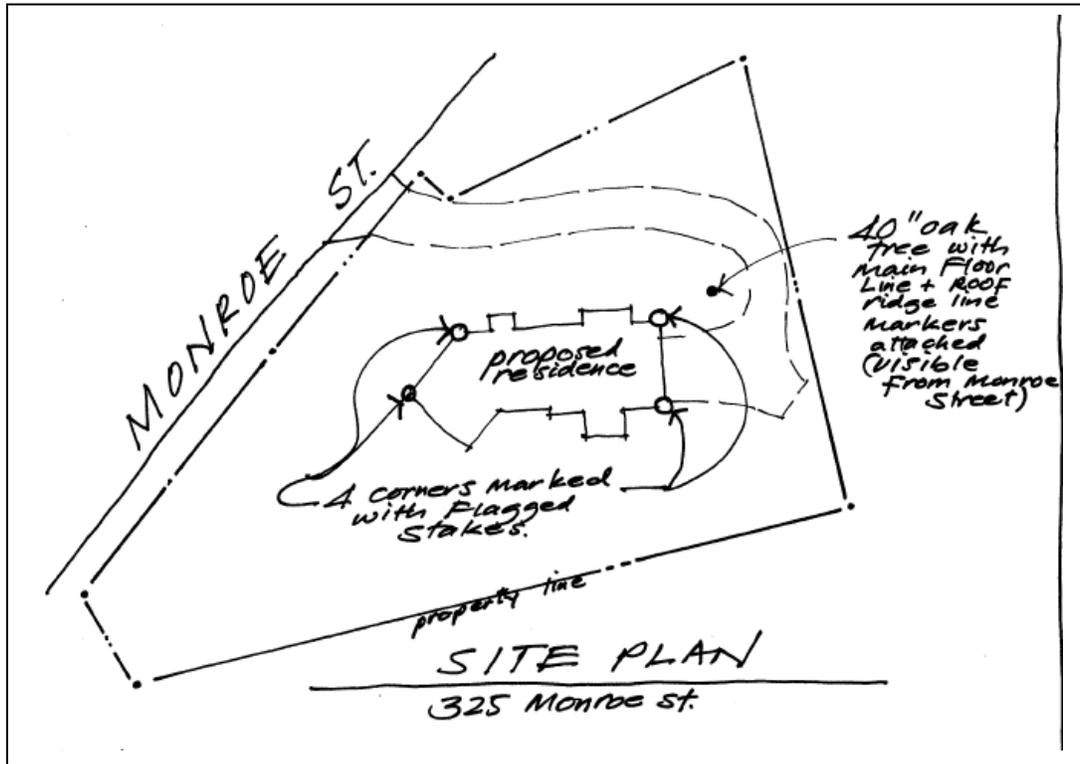
Watercourses on properties are environmental resources and are to be protected from development and setbacks are required as follows:

1. Seasonal Stream – no closer than 25 feet from the centerline of the swale
2. Perennial (year-round) stream – 100 feet from the centerline of the stream

6.3 Steep Slopes

The Zoning Ordinance does not permit any development of any type, including any dwelling, accessory building, roadway, or parking area, permitted on any land where the cross slope exceeds 30% (thirty percent), unless a variance is approved.

Site plan
Indicating
Marking of
Building
height



Note says: 40" oak tree with main floor line and roof ridge line markers attached (visible from Monroe Street)

6.5 Grading/Slope Adaptation

As City ordinances prohibit building and grading on any cross slopes over 30% without variances, construction of buildings and roads and other development features shall be site adaptive. For instance:

- Structures should step down slopes as **illustrated below**:

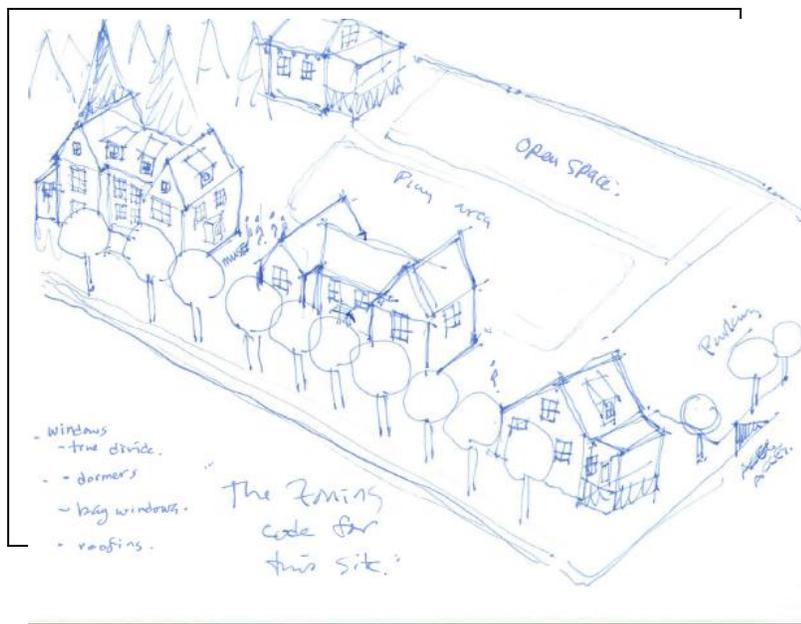


- A combination of retaining walls and manufactured slopes should be used when possible to reduce the extent of cut and fill. Retaining walls should blend with the environment and engineering may be required, based on the height. Retaining walls higher than 4 feet require engineering and plans approved by the Building Department. If greater height is needed, slope stepping should be used with additional walls. In highly visible locations within existing neighborhoods, the walls should include materials that are compatible with the area.
- Cut and fill slopes over 10 feet in height are discouraged. All cut and fill slopes should be revegetated to ensure 100% coverage. Cut and fill slopes should be designed to simulate existing natural contours through use of variable gradients.
- Natural drainage features should be retained and setbacks respected.
- Design of buildings and parking areas should conform to the natural terrain of the land to minimize grading and to ensure the least amount of site disturbance.

6.6 Lot Coverage

The Zoning Ordinance provides lot coverage standards for the various zoning districts. In residential zones, not more than 50% of a site can be covered with impervious surfacing. Lot coverage is defined as that “percentage of the gross lot area covered by structures, paving, walks, and any other impervious areas that prevent normal precipitation from directly reaching the ground.” Lot coverage standards are as follows:

| | |
|--------------------------------|---|
| GB – General Business Zone: | 100% |
| LB – Local Business Zone: | 85% |
| LI – Light Industrial Zone | 75% |
| EC – Employment Center Zone: | 75% except 50% when abutting a residential zone |
| Public/Recreation Zones: | 25% |
| Residential zones - R1, R2, RR | 50% |
| Residential –R3 | Per review by R3 standards |
| All other districts: | 50% |



Architect Chuck
Currett sketch
showing good layout
of a site

6.7 Street/Driveway/Sidewalk Design

The Nevada City General Plan recognizes that the City has many narrow, twisting and dead-end streets and these types of streets contribute to the unique character of the town and should be preserved. The Fire Department provides standards for City Streets, Fire Access Roads and Driveways, being defined as follows:

1. A City street is any street depicted on the City's Official Map, dated 2008.
2. A fire department access road is a road that leads from a City street and serves either a commercial building OR any group of homes in excess of two. Roads shall meet Fire Code requirements, including a minimum, unobstructed width of 20 feet along its entire length.
3. A driveway leads from a City street and shall serve no more than two, single family residences. Driveways shall provide an unobstructed width of 14 feet along its entire length and not be more than 300 feet in length.

Streets which are as narrow as possible given safety concerns and which respect constraints such as topography and existing vegetation are encouraged.

Creative road and driveway designs are encouraged which incorporate topography, trees, and which reflect the tradition, organically developed nature of many Nevada City streets. New construction of homes with roads are required to submit a landscaping plan for review and approval by the Planning Commission; such standards are included in the zoning ordinance and consideration should be given to incorporating the following:

- Sidewalks are encouraged only as extensions of existing sidewalks where they would not detract from the character of a neighborhood.
- Creative pedestrian ways such as meandering paths are encouraged.

New construction of a home with a driveway does not have to submit a landscaping plan. All new roads and driveways will require approval by the Fire Department and City Engineer/DPW.



Typical Driveway



Coyote Street Sidewalk (2014)

6.8 Design to Ensure Privacy

- **Lighting.** Outdoor lighting shall not be directed toward existing residences and shall not increase the lighting intensity on surrounding residential properties such that a nuisance is created. For example, parking lot lighting is discouraged, as is amber lighting or a level of lighting, which is not normally expected in a residential area. (The specific lighting standards can be found within the zoning ordinance in Section 17.80.215.)
- **Windows.** Windows should be placed to maximize privacy impacts for both homeowner and neighbors..
- **Balconies.** Balconies, decks, and other activity areas should be designed to maximize the privacy of existing residences or should be screened by vegetation for the same purpose



Balconies (East Broad Street)

6.9 Fencing

Materials. The city encourages applicants to work with their neighbors in deciding on a fence design and to explore the many examples of traditional fence design in Nevada City. The use of chain link fencing, where visible from the street, is discouraged. Historic materials such as iron, wood, brick, stone, etc. are encouraged.



Fencing Heights.

Fences in the front yard setback are limited in height to 3-1/2 feet for visibility and safety purposes. All fences on side and rear lines of properties cannot exceed 6 feet in height.

Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Fences are the actual height of the fence material, ~~not~~ including supporting walls, posts, pillars, or footings.

Tips on Measuring Fences:

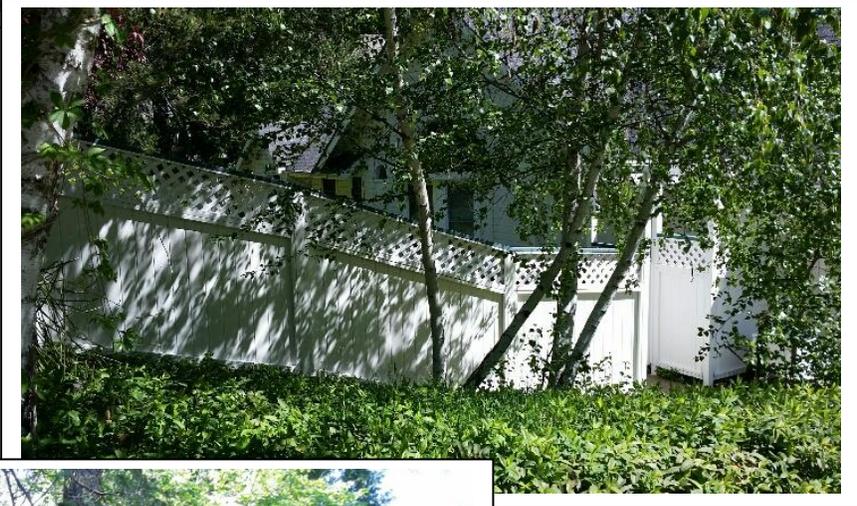
Level Ground or Curbs. The following white picket fence was constructed on top of a curb. The fence would be measured from the ground level, not the curb, not to exceed 3-1/2 feet in height.



Retaining Walls. When fences are on a retaining wall the fence is measured from the highest ground point. The fence shown below is measured from the ground behind the fence, supported by the retaining wall.



Fences on a sloped hillside may be sloped or stepped. When building a fence on a slope (as shown in pictures below), the entire panel is stepped up or down so it remains level. The posts are installed plumb, and each panel steps lower or higher as the grade changes. This allows the overall line of the fence to follow the slope in a stair-step fashion. Neither end of the panels may exceed 6 feet in height from ground level.



6.10 Solar/Energy Conservation

Building orientation should respect traditional site plans in the neighborhood. If appropriate, solar orientation is encouraged. Solar applications can be approved at staff level if the property is outside the Historical District. The Planning Commission reviews solar applications to ensure the panels are as obscure as possible.

Projects should include consideration of energy conservation and efficiently, including:

- Buildings should be oriented, when appropriate, to take advantage of solar access for passive lighting, heating, and cooling options.
- Utilize shade trees where appropriate.
- Insulate walls, roofs, floors, and foundations to optimum levels.
- Specify energy efficient mechanical systems and energy management control systems for heating, cooling, and ventilation.
- Encourage passive heating and cooling systems that utilize operable windows and take advantage of natural ventilation.

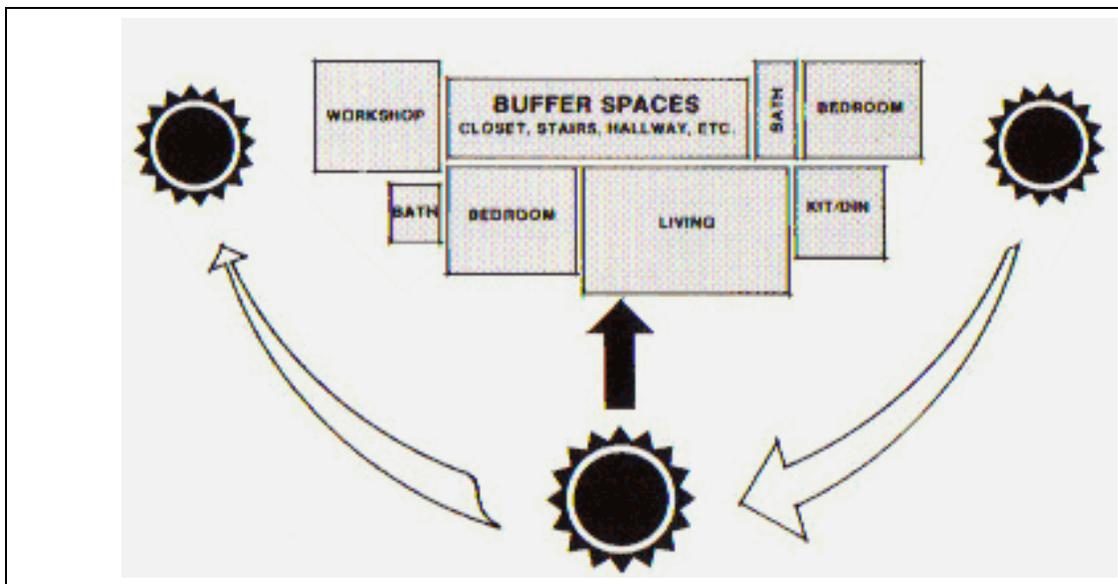


Illustration optimizing utilization of solar

6.11 Height Limits of Buildings

Height regulations are provided in the various zones and can be determined by checking the Zoning Ordinance or contacting the City Planner for assistance.

The basic height limit for principal buildings in the R1, RR and R2 zones is 35 feet with accessory buildings not exceeding 15 feet in height. The R3 zone provides for varying height limits to be determined with individual applications.

6.12 Tree Removal

The City Council finds that the quality of life and character of the city of Nevada City and the value of property in the city are directly related to the large number of native and ornamental trees presently situated within the city which contribute to many things including rural atmosphere and aesthetic appeal, establishment and protection of natural watershed areas, and the control of soil erosion and flooding.

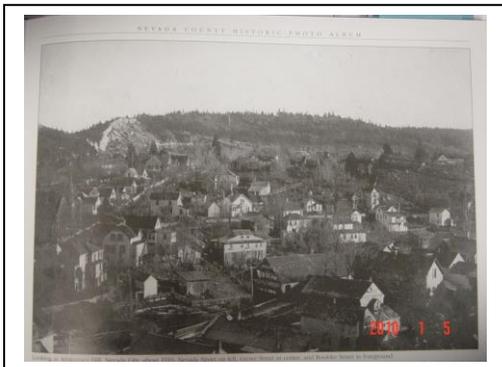
Nevada City is home to several species of protected trees brought to Nevada City by Felix Gillet, a pioneer nurseryman and writer born in 1835 in France. Gillet introduced and bred superior European stock deciduous fruit and nut trees to the United States and California. He owned property on Nursery Street in Nevada City in 1869 cultivating home-grown nursery stock.

The City's tree ordinance was updated in 2004 (Chapter 18.01). The ordinance lists protected trees and provides standards associated with tree removal of any tree with a diameter at breast height of 4" or great (Madrone, Manzanita, Oak) or 6" or great for all other trees.

A Tree Removal Application is required for removal of trees within Nevada City and is either reviewed by City staff or the Planning Commission. Staff can approve trees that are dead, diseased or hazardous. A tree application is submitted, along with photographs and often an arborist or professional report confirming the health of the tree. Such trees are required to be removed within 60 days of date of approval.

Requests to remove healthy trees are reviewed and approved by the Planning Commission. An arborist report is also often required and once all required information is submitted, the matter is scheduled for a hearing before the Commission.

With new construction or additions to homes that require tree removal, a Tree Removal Application is included with an Architectural Review Application for review and approval by the Planning Commission. The Commission will often require a replacement or mitigation planting plan to offset the removal of trees. Any tree removal associated with a construction project can be removed only after obtaining a building permit (Section 18.01.060(2a)). City Staff is available to answer any questions and provide assistance through the tree removal process.



Nevada City 1910



Nevada City 2010

7.0 COMMERCIAL, OFFICE OR INDUSTRIAL USES ADJACENT TO RESIDENTIAL AREAS

When a non-residential use is proposed in close proximity to existing residences or residentially zoned areas, the design should be accomplished to minimize impacts on existing or future residences. The intent should be to ensure that design aspects, which would not normally be expected in a residential neighborhood, are not visible from residences. For instance:

- Signs should be unobtrusive and not be visible from existing or future residences unless the business is located directly across a street from the residences.
- Signs shall be lighted only at such times as the premises are open for business and be turned off after business hours. All illumination shall be indirect.
- Parking areas should not be visible from residences through proper placement or screening.
- Residences converted to businesses should continue to appear essentially as residences in mixed areas. For instance, front lawns should be retained and parking should be placed in the rear or fully screened. Landscaping design should appear residential.
- Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels.

Design review of all proposals involving interface between residential and non-residential uses shall be publicly noticed and surrounding residences shall be noticed per standard City procedures.

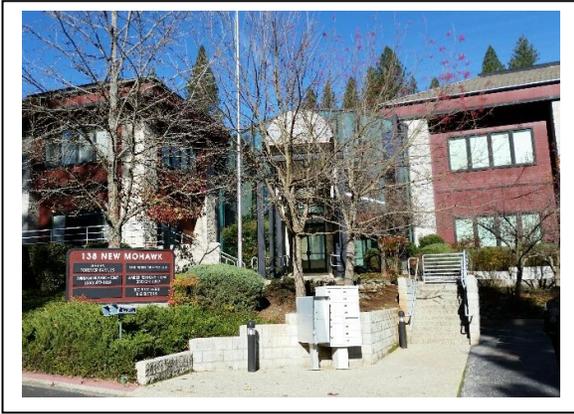


Zion Street businesses next to residential neighborhoods (Reward Street)

8.0 COMMERCIAL, INDUSTRIAL, OFFICE / PROFESSIONAL AREAS OUTSIDE THE HISTORICAL DISTRICT

Architecture must exhibit high quality design, which is compatible and sympathetic to Nevada City's Mother Lode architecture incorporating traditional materials, building lines, features, and landscaping wherever possible. For instance:

- Roofs may vary in their design and detailing, but they should reflect steeper pitches (6:12 to 12:12).



Gold Flat Industrial Park

**Tech Center,
Providence Mine Road**



- Wall material - Siding should be high quality and at least reminiscent of traditional materials. Painted siding, hardboard siding, shingles, brick, and traditionally surfaced stucco are examples of preferred materials though it must be reviewed for furthering the intent of achieving a continuation of Mother Lode architecture. T -111 type siding, vinyl and other synthetic siding are strongly discouraged.

- Covered porches and entries should be used wherever possible to continue a Nevada City architectural tradition.
- Windows should be reminiscent of traditional forms. True multi pane, vertical, and bay windows are encouraged.
- Trim, railing, and details should fit the style of the building. The intent should be to add texture, shadowing, contrast, and interest, which are reminiscent of Nevada City architecture.
- Roofing material such as treated wood shingles, asphalt shingles, and metal roofing in muted non-glare colors such as tans, blacks, browns, greens and grays are desired.
- Vary roof lines to preserve views.
- Colors that complement the area are desired and the following should be considered in designing a project:
 - Select colors that are similar to the tones found in the area and on adjacent buildings
 - Muted, soft colors on large wall expanses are encouraged
 - The use of bright, modern colors and intense white color are discouraged.
 - Use subdued colors as the primary color and brighter, contrasting trim when appropriate
 - Incorporate the color from primary building materials, such as stone, brick and hardwood, as the base colors for new development

**Tech
Center,
Providence
Mine Road**



Additional considerations in non-residential projects should include:

- Orient development to take advantage of view corridors and other scenic resources.
- Locate structures within previously disturbed areas when possible.
- Design building and parking areas to conform to the natural terrain of the land and to minimize grading.

Volume, Scale, Massing, Height, Site Coverage

The mass and scale of new commercial establishments should be reviewed within the context of the neighborhood. In newly developed areas, which are not visible from existing neighborhoods, mass and scale should be kept to historically traditional sizes to fit into the urban design of the City as a whole. In general, single structures under 8,000 square feet are encouraged in infill areas in proximity to older neighborhoods. A series of structures are encouraged if additional square footage is needed. (For instance, the Gold Flat Industrial Park is not a concern in this area since it is not in proximity to an older neighborhood.) Considerations include:

- Align roadways and driveways to follow the contours of the site.
- Incorporate and protect environmentally sensitive resources in the site design.
- Preserve significant natural features, particularly trees, water bodies and rock formations.
- Minimize the building footprints in order to relate to the scale and character of the existing development
- Massing should be stepped back from the street edge to avoid visual impact from the street

Signs

- Signs should be unobtrusive and not be visible from existing residences.
- Signs shall be lighted only at such times as the premises are open for business and turned off after business hours, all illumination shall be indirect.
- Signs should not be placed within the roofline of structures.
- Signage is addressed in a specific section of these Design Guidelines. The City Planner can assist with sign standards.

Parking Lot Design

Parking lots should be placed with attention to the surrounding neighborhood. Parking areas should not be visible from residences through proper placement or screening. In other areas, the majority of parking should be placed to the rear or side of structures where visible from the street or surrounding public use areas. 50% tree canopy coverage at maturity is required. Parking standards are contained within the Zoning Ordinance. Considerations include:

- Make pedestrian orientation a primary objective of all projects.
- Locate bicycle racks in a convenient and comfortable location and that do not interfere with pedestrian access.
- Provide parking to the rear of lots and behind buildings so that the buildings face the streets.
- Break larger parking lots into several smaller lots.



**505 Coyote Street
Side Parking Lot**



305 Railroad Avenue

Lighting

Site lighting should be kept to the minimum amount necessary for safety and security purposes. Outdoor light shall not be directed toward existing residences and shall not increase the lighting intensity on surrounding residential properties such that a nuisance is created. For example, parking lot lighting is discouraged, as is amber lighting or a level of lighting, which is not normally expected in a residential area. Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels. New lighting should be compatible with the level and style of lighting in the area

Landscaping

Projects are required to submit a preliminary and final landscaping plan for all projects that undergo environmental review (except for variances for expansions or alterations to single-family homes). Landscaping plans with projects shall include locations and dimensions of proposed planter areas, fences and general types of materials proposed. Natural vegetation is encouraged to be preserved and incorporated into the landscaping plan. Landscaping should encourage water conservation through retention of existing, on-site vegetation as well as the integration of native or drought tolerant species of plants.



KVMR /Theatre Landscaping Plan

The preliminary landscaping plan may be prepared by the applicant, however the final landscaping plan shall be prepared by a Licensed Landscape Architect or Licensed Landscape Contractor. The final plan shall include certification that a landscaping and irrigation system has been installed. The zoning ordinance provides minimum landscaping standards for new projects.



Landscaping at Nevada County Railroad Museum, Kidder Court



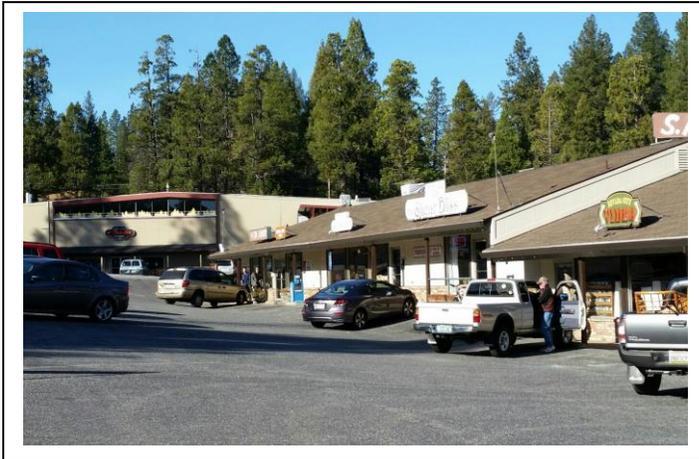
Landscaping at office Building at 505 Coyote Street

EXAMPLE OF EXISTING COMMERCIAL DEVELOPMENT

The Seven Hills Business District, bordered by Zion Street and Searls Avenue, provide shopping and services to the local neighborhoods. Established in the late 1950's, the area provides the City's major grocery store, being the anchor for the district, as well as several retail stores, office and industrial uses. The City adopted a Seven Hills Master Enhancement Plan in 1995; the plan provides several goals for enhancement strategies for the area.



**SPD Grocery Store,
Zion Street**



Argall Way Businesses (behind)

Searls Ave Business



9.0 RESTORATIONS / RENOVATIONS / DEMOLITIONS

The Nevada City General Plan contains a primary community goal as:

“The City aims to continue its efforts to preserve and enhance the architectural diversity of historic buildings in the central area, to maintain the remarkable collection of city-owned historic buildings, and to encourage private efforts of historic preservation and restoration.”

The City Council, in 1989, adopted Ordinance 89-06 on February 27, 1989 (Municipal Code Chapter 15.12), which adopted review standards applying to the exterior alterations of buildings, and finding it is important to preserve the exterior appearance and integrity of all buildings in the Historical District and all pre-World War II buildings outside of the Historical District, being those buildings constructed before 1942.

The Municipal Code also provides the following standards that will be held against any such major projects, be it demolition, alteration or renovation:

- Demolition of buildings undergo careful review as the Municipal Code states that every reasonable effort shall be made to provide compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- All buildings, structures and site shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
- Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.

Further standards are included in the appendix of these Guidelines, being a worksheet that will assist in knowing which standards of the City Codes are applicable to projects.

Demolition Permit Required

A demolition permit is required for projects meeting any of the following criteria:

1. Demolition inside the Historical District or property adjacent to the Historical District (refer to map referenced in these Guidelines, Page _____) and in Appendices.
2. Demolition or exterior alteration to any building inside the Historical District or any pre-World War II buildings located outside the Historical District (constructed before 1942)
3. **Major Projects** defined as:
 - a. Whenever 25% or more of the siding will be replaced or 25% of the doors and windows will be replaced
 - b. Whenever 25% of the foundation will be replaced

Planning Commission Process

The Planning Commission acts as the architectural review committee for all applications for the erection or exterior alteration of any buildings and structures, or the removal, demolition or razing of any structures. The Planning Commission implements many sections of the Municipal Code and Zoning Ordinance which contain the standards relative to the alteration or removal of buildings within the City's various zoning districts including inside and outside the City's Historical District.

Demolition Plan Requirements

The Planning Commission, in 2014, approved an update to the City's demolition application which requires the submittal of a "demolition plan" for the Commission's consideration when reviewing such applications. The demolition plan requires answers to the following questions:

1. What materials are being removed?
2. Explain the need for removal of materials, providing evidence that the building has become so damaged or dilapidated that it is unusable and cannot reasonably be repaired or restored
3. Are any of these materials being re-used in the project? Clearly list what materials will be re-used and indicate where in the project they will be utilized.
4. If no materials are being re-used please indicate reasons.
5. What replacement materials are being used? Do they match those being removed? If not, explain why.
6. Explain how the exterior appearance and materials will be preserved, to the extent of the alteration.
7. Indicate how the replacement structure will reflect the style or character of the building being demolished.

The demolition plan shall also include the following attachments:

1. Elevations – Provide elevations clearly indicating the areas to be demolished. This information will be used with any approval as an exhibit clearly designating areas to be demolished.
2. List percentages of walls, windows, and doors to be removed.
3. Evidence as to the condition of the materials (include photographs)
4. Evidence of the structural condition of the building (i.e., include structural analysis by professionals (such as a licensed engineer) and contractor bids, etc.)
5. A complete age and history of the building.

Worksheet to be used with Demolition Projects

The City Attorney, in 2013, prepared a worksheet for the public and the Planning Commission to use when reviewing demolition applications. The worksheet contains standards within the City's Municipal Code and the Zoning Ordinance relating to demolition. The worksheet is divided into the following categories:

1. All buildings and structures, whether inside or outside the Historical District.
2. All pre-WW II (1942) buildings outside the Historical District.
3. Buildings outside the Historical District of special historical or architectural interest or value or are an example of Mother Lode era architecture.
4. All buildings within the Historical District having no special historical or architectural interest, significance, or value.
5. Any buildings in the Historical District having special historical or architectural interest, significance, or value or Mother Lode era type of architecture.

The worksheet is valuable as the applicant can determine, with the assistance of staff if needed, which category suits the proposed project. The standards and Municipal Code sections are cited and the project can be held up to these standards and can be reviewed with the Planning Commission.

EXAMPLE OF RESIDENTIAL DEMOLITION PROJECT – Clay Street

The following pictures and elevations depict a small miner’s cabin built in the 1930’s. Several additions were constructed throughout the years and the materials varied with the different stages of construction. The original home contained 680 square feet. The property is 0.44 acre in size. A portion of the home was constructed in the side yard setback, making the home a ‘non-conforming use.’

In 2010, the new owners proposed a demolition and remodel of the home. The new construction removed the home out of the setback which made the home a conforming structure. The owners proposed increasing the main floor to total 1184 square feet with an 875 square foot unconditioned attic proposed for storage area. The home has an existing 297 square foot basement. Extensive repairs and changes to the damaged, and in some area, the non-existent foundation were approved by the City Engineer. The proposed materials included hardy-plank siding, and vinyl windows with wood trim.

The project application was approved by the Commission finding the architectural elements were very much in keeping with Mother Lode era architecture and the context of the neighborhood, the zoning ordinance and the Design Guidelines.

Below are ‘before’ photos of the home, the proposed elevations and the ‘after’ photos of the finished home.

**BEFORE
1930’s**





Proposed Front Elevation

**AFTER
2010**

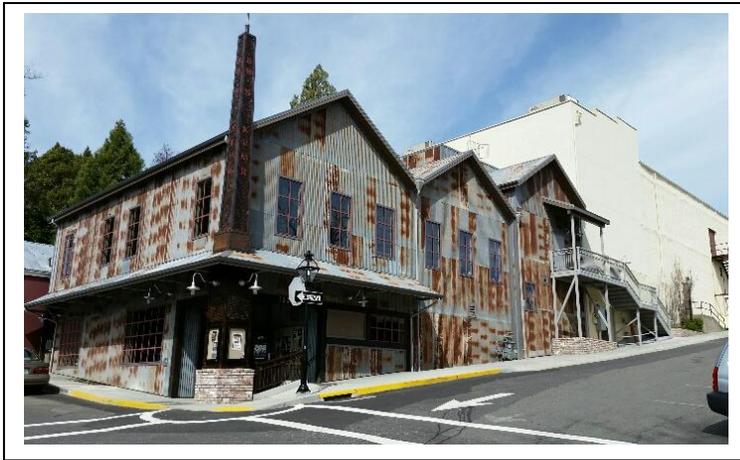


EXAMPLES OF COMMERCIAL DEMOLITION PROJECT

1. 120 BRIDGE STREET The KVMR / Theatre project underwent an extensive review project, ensuring that the project met all the standards of the Historical District. The project involved several applications, but the main project was to remove three tin sheds, built in 1900, 1920 and 1930 and replace them with a new 8,100 square foot radio station with access and connection to the back of the historic Nevada Theatre.



**KVMR /Theatre Sheds Before
1900, 1920, 1930**

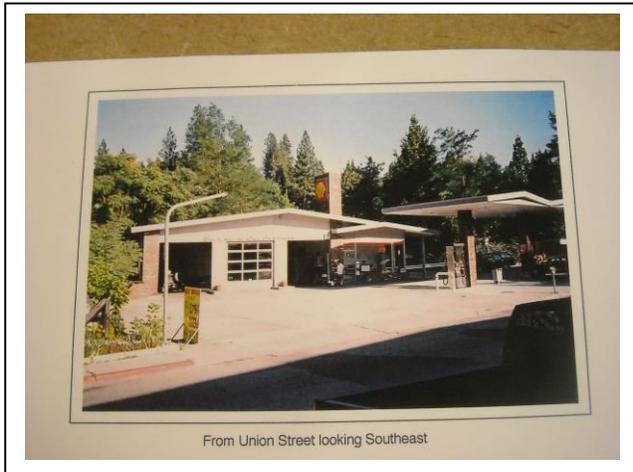


**KVMR / Theatre Project
After 2015**

The three existing tin sheds on the site were demolished but with a careful approach whereby the existing buildings were hand-disassembled, and all useable parts of the existing building being incorporated into the new replacement structure. All useable metal siding and roofing were reused. The structurally-sound wood timbers were incorporated into the new building and used in an exposed manner. Additionally, the design of the ‘replacement building’ was configured to evoke the form and nature of the existing building (the three gable roof-line facing Bridge Street) in order to reflect the importance of historic preservation in the downtown district. Due to this overall approach to the replacement structure, the ‘demolition’ process includes the spirit of ‘reconstruction.’

2. 100 UNION ALLEY

The buildings at 100 Union Street were previously the site of a gas station. In 2004 the gas station was demolished and replaced with a building offering mixed uses of retail, office and apartments.



1960's Service Station Before



2004 Project After

The 2004 application included a commercial site plan proposing to demolish a 1960's era service station (1596 sq ft) and to construct a 14,496 sq ft retail/residential/office space building. The building resulted in four different facades with four retail spaces on the ground level and spaces above providing combined residential/office space. An underground parking garage was provided for 11 vehicles. The materials incorporated design elements of the Mother Lode style, being brick, corrugated metal, stucco and wood, as well as wood windows, iron shutters and balconies.

10.0 SIGNAGE

Design Guidelines for Signage can be obtained from the City Planner and are available on the City website (nevadacityca.gov, Planning Dept. link). Signage guidelines are also attached to the sign application.

11.0 APPENDICES

- 1. Historical District Map**
- 2. Worksheet providing Municipal Code Sections used in Architectural Review, Demolitions, and Alterations to Homes**