

To: Nevada City Planning Commission
From: David Adams, Richard Cristdahl, Paula Orloff, Susan Pelican, and a Group of Concerned Citizens, Businesses, and Property Owners
Re: Proposed Mitigated Negative Declaration Comments and Use Permit Issues

The project can be denied by the Planning Commission without further environmental review. However, if the Commission decides to finalize the environmental review, a Mitigated Negative Declaration (MND) is not the appropriate tool. This is because there are impacts that we believe remain unmitigated requiring further discussion in a full or focused EIR, such as:

Aesthetics

1a-c, e.

The MND concluded that there would be no negative impacts on scenic vistas or views open to the public, yet it only generally discussed the fact that it would be “visible from several public vantage points...”. In fact, the modern antennas which will rise almost 10 feet above the parapet in some locations will be directly in the foreground of one of downtown Nevada City’s most important and iconic views – the historic courthouse as viewed from downtown’s main intersection.

The MND also concluded that the visual character of the site and its surroundings would not be degraded, with no discussion. Yet the visual clutter and stark contrast of these ultra-modern antennas will clearly degrade the 19th century feel of this sub-area of the Historic District, in contrast to a main objective of the City’s General Plan.

The proposed antennas must be considered visually incompatible structures, the only obvious ones of this type in the Historic District. This issue is also not discussed in the MND.

Finally, the fact that the Planning Commission approved architectural review for the project does not fully mitigate these visual impacts as concluded in the MND. The Commission did not know that its decision would be used as a mitigation conclusion, and it is clear in the record that there was some concern that the decision was considered an action that must be taken with no recourse. This makes it clear that architectural review should not have been conducted separate from the project as a whole. It could be more adequately covered in a full or focused EIR.

Cultural Resources

The relationship of the project to the historic preservation criteria in the Zoning Ordinance is not fully discussed in the MND. Zoning Ordinance Section 15.12 regarding Building Alterations applies to any exterior alterations in the Historic District, not just pre-World War II structures (A). Yet the MND concludes that an adverse change to a historic resource will not occur, apparently because the building was restored/replaced after the fire.

A critical standard in 15.12 is B1: “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....” Clearly, the addition of 8 ultra-modern antennas to one structure in a Historic District is not minimal alteration any less than an overly modern 2-foot-by-3-foot sign would be in the District. As an impact comparison, the MND notes that communications equipment has been placed on roofs throughout the years. Yet, many of these have never been reviewed or have been considered permissible as necessary to the daily lives of those living and working in the buildings. This is not the case with the proposed Verizon antennas, which have a relationship with the buildings only as a platform. Moreover, the proposed cluster of 8 antennas is a more intense and visible addition of non-historical technology.

Section 17.88.040 requires work in the Historic District to meet the general goal of preservation of the character of Nevada City architecture, including materials and details, and applies to work anywhere in the District, not just individual buildings (B). The MND fails to note that the historic resource of concern is also the entire District and, more specifically, the portion of the District on an important block in the view shed of the historic courthouse. This sub-area will be negatively affected by the protruding ultra-modern antennas, a detail departing significantly from views in photographs and the historic streetscape of the distant and even recent past. This meets the criteria of a “substantial adverse change” outlined in the checklist criteria.

Land Use/Planning

The MND concludes that the project would not result in structures and/or land uses incompatible with existing land uses by discussing aesthetic mitigation proposed. This will not adequately mitigate impacts as we have discussed above. A visually incompatible use must also be considered an incompatible use in a Historic District in which uses are defined by their visible historic authenticity.

Use Permit Issues

The use permit for this project should be denied for the following reasons:

General Plan Inconsistency. The General Plan text is our constitution, the basis for the Zoning Ordinance text and the architectural review guidelines. An overall objective of the General Plan is to preserve Nevada City’s nineteenth century historic appearance. Many aspects of this project begin to chip away at that objective, from interfering with the view of the courthouse to the modern appearance of the antenna to setting a precedent that could lead to increased modern visual clutter and an erosion of the historic authenticity of the Historic District.

Not needed. It appears that the project is not needed to provide for adequate public safety or communication in Nevada City, as its sponsor is one of many communication companies available in the area, which area includes a number of other functioning antennas, such as the multiple antennas at the Nevada County Office of Emergency Services.

Bad precedent. The project will set a bad precedent for further projects of this type in the Historic District. Other existing communication infrastructure on downtown roofs are needed to meet the basic needs of the inhabitants and may not have been reviewed by the Planning Commission. This project is a free-standing facility; the building users are not dependent on it.

Visual and Historic District impacts. Regardless of the conclusion in the Mitigated Negative Declaration, we conclude that there will be a level of visual impact that is unacceptable and unprecedented in our Historic District. The antennas would be the first free-standing project of this type in the Historic District and will not primarily serve the building residents and users.

Alternative Locations. Alternative locations which would not affect the Historic District are likely available. The applicant has not established that less sensitive or intrusive sites were considered.