

CITY OF NEVADA CITY

STAFF MEMORANDUM

TO: Honorable City Council

FROM: Cindy Siegfried, City Planner 

DATE: June 20, 2011

SUBJECT: Setting public hearing date for the Council to consider an Appeal of the Planning Commission Approval of a Conditional Use Permit for Mountain Stream Meditation Center to operate at 710 Zion Street


Please find attached the staff report regarding the appeal of the Mountain Stream Meditation Center. This was inadvertently omitted from the June 22, 2011 City Council packet.

Attachment

CITY OF NEVADA CITY

STAFF MEMORANDUM

TO: Honorable City Council

FROM: Cindy Siegfried, City Planner 

DATE: June 14, 2011

SUBJECT: Setting public hearing date for the Council to consider an Appeal of the Planning Commission Approval of a Conditional Use Permit for Mountain Stream Meditation Center to operate at 710 Zion Street

RECOMMENDATION: After consideration, set hearing date and direct staff to proceed.

Discussion: The Planning Commission has approved a Use Permit and that action has been appealed to the City Council. Specifically, the matter is as follows:

1. Appeal of Greg Schiffner, Steve Dodge and other appellants of the Planning Commission's decision of May 19, 2011, approving a Conditional Use Permit application of Mountain Stream Meditation Center to conduct their classes and sessions in the existing residence at 710 Zion Street. The property is zoned "R1" Single-family Residential and the zoning ordinance requires a use permit for "religious, educational or cultural" type uses.

Attachment: Attached is a copy of the appeal of the Mountain Stream Meditation Center. Once the meeting date is set, staff will provide the Council with a complete staff report as soon as possible for review.

RECOMMENDED CITY COUNCIL ACTION:

Staff recommends the City Council schedule the public hearing to consider the appeal at their regular meeting of July 13, 2011.

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE CITY

COUNCIL: _____

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPLICANT: _____

VI. IDENTIFICATION OF THE APPELLANT

GREGG SCHIFFNER CEO TIONS 265-3638
(Name) (Occupation) (Mailing Address) (Telephone #)
Gregg Schiffner 3 JUNE 11
(Signature) (Date)

(Name - Representative) (Mailing Address) (Telephone #)

FOR OFFICE USE ONLY

Filing Fee Date Filed Received by

Appeal form to be returned to: Deputy City Clerk, CITY OF NEVADA CITY,
317 Broad Street, Nevada City, CA 95959

CITY OF NEVADA CITY
CITY COUNCIL

I. APPEAL:

I/We, the undersigned, hereby appeal the decision of the Planning Commission, regarding:

<u>CONDITIONAL USE PERMIT FOR 710 ZION STREET</u>	<u>May 19, 2011</u>
Name of Application	Date of Decision

List Planning Commission action taken:

1. APPROVAL OF THE NEGATIVE DECLARATION FOR THE CONDITIONAL USE PERMIT
2. APPROVAL OF THE CONDITIONAL USE PERMIT

II. STATEMENT OF REASONS FOR THE APPEAL:

1. The approved use is not compliant with the Nevada City General Plan approved in 1987.
2. The CEQA checklist lacked "due diligence" and full consideration of impacts. This project requires an EIR.
3. The approved use permit sets a precedent for further commercialization of our already impacted single-family residential neighborhood.
4. Lack of consideration given to the neighborhood that opposes the commercial-like use of the property. The majority of the surrounding neighborhood is opposed to the commercial-like use of this single-family residence.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

Nevada City General Plan, Page 5, 22, 1987

Nevada City Ordinance 87-2,4.03-01, 17.24.010, 1987 : " The purpose of the R1 zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The R1 zone is intended to be used only for single-family homes and service appurtenant thereto. This zoning district is consistent with the single-family and mixed residential General Plan designations."

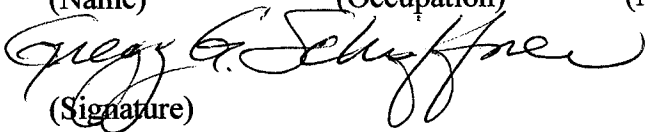
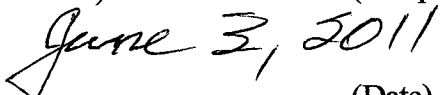
IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE CITY COUNCIL:

Uphold the submitted appeal for denial of the Conditional Use Permit for 710 Zion Street.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPLICANT:

- The Zion St./Seven Hills residential neighborhood is already heavily impacted by activity caused by business, schools, recreation fields and a church rec hall. We already tolerate a great deal of commotion, confusion and influx of outside traffic and we don't deserve more.
- Analysis of the CEQA checklist errors and oversights
- As the General Plan states, Residential Neighborhoods are the essence of Nevada City and all residential neighborhoods need to be protected, especially one that already sacrifices so much to the economic well-being of the city.
- The proposed use will have negative fiscal impacts on the neighborhood and the city.
- We believe this Conditional Use Permit does not meet the following State of California ruling: "To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the policies in terms of the zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare" (*O'Hagen v. Board of Zoning Adjustment* (1971) 19 Cal.App.3d 151).

VI. IDENTIFICATION OF THE APPELLANT:

GREGG SCHIFFNER	FILMMAKER	640 Zion St. NC 95959	530-265-3638
(Name)	(Occupation)	(Mailing Address)	(Telephone #)
			
(Signature)			(Date)
(Name - Representative)		(Mailing Address)	(Telephone #)

APPEAL OF CONDITIONAL USE PERMIT FOR 710 ZION STREET
FULL LIST OF APPELLANTS

MARC DYER	636 ZION STREET	NEVADA CITY
SHARON TOBIASSEN	514 NURSERY ST.	NEVADA CITY
STEVE DODGE	20 HEILMANN CT	NEVADA CITY
RICHARD HAMNER	401 BROCK RD.	NEVADA CITY
JEFF & DEBBIE HEILMANN	24 HEILMANN CT.	NEVADA CITY
JILL YOUNG	602 ZION ST.	NEVADA CITY
WILBUR LINDSEY	11 HEILMANN CT.	NEVADA CITY
STEPHANIE & THOMAS LUISETTI	19 HEILMANN CT.	NEVADA CITY
LINDA SCHIFFNER	640 ZION ST.	NEVADA CITY
RICHARD MANIFOR	105 GREAT OAK CT.	NEVADA CITY