




# City of Nevada City

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## ADVISORY REVIEW COMMITTEE STAFF REPORT

**TO:** Advisory Review Committee

**Date:** November 7, 2011

**FROM:** Cindy Siegfried, City Planner 

**ADDRESS:** 700 Zion Street, Nevada City

**PROJECT:** Use Permit to establish a school classroom in an accessory detached building, to convert an existing detached building into a Pancha Karma (clinical) use, and create a dormitory area within the main building to house up to 5 occupants. Architectural review includes the installation of a vinyl casement window on the back (west) side of the main building. The property contains 1.46 acres and is zoned "OP-SP" Office and Professional with Site Performance Standards.

**OWNER:** Dr. Marc Halpern, Calif College of Ayurveda  
Gregory J. Wolters, Architect, Representative

### BACKGROUND

The building at this site was constructed in 1941 as the Miners Hospital. Since then it has housed several different medical clinics and office uses. The site contains 1.46 acres and 11,700 square feet of building area. The property is zoned "OP-SP" Office and Professional District with attached Site Performance standards.

The property was rezoned from R1(Single-family Residential) to OP-SP in 1990 by Ordinance 90-07 (copy attached) along with a commercial site plan application of the Sierra Nevada Memorial-Miners' Hospital to convert the Miner's Hospital to allow a medical clinic and general office use. The ordinance provides the conditions of approval for the rezoning and site performance standards for development of the site. Conditions of that approval also addressed landscaping, signage and architectural approval for the buildings.

In 1994 the Council adopted Ordinance 94-05, approving an office and professional site plan application by Miner's Medical Group to construct new parking and acquiring adjacent property and building from the adjacent property known as 648 Zion Street.

In June of 2010 the California College of Ayurveda purchased the building and has offered ayurvedic medical services to the community. The following description of the use is taken from the College's website:

*Established in 1995, the California College of Ayurveda is the longest running, State-approved college offering professional training programs for the study of Ayurvedic Medicine in the West. CCA offers a comprehensive curriculum, with three levels of programs leading to certification as a Clinical Ayurvedic Specialist (C.A.S.). Our*

*Ayurveda school offers a variety of shorter length workshops and seminars, and trains students to become the healers of the future, Ayurvedic practitioners dedicated to understanding the whole person – physically, emotionally, spiritually*

### **COLLEGE OF AYURVEDA APPLICATION**

The current Use Permit application proposes three uses (with further discussion listed below):

1. To establish a school classroom in an existing detached building located behind the main building.
2. To convert an existing building on the northerly portion of the property to a clinical use (Pancha Karma).
3. To establish a dormitory use inside the main structure to house up to 5 occupants.

The main structure will continue to contain the clinical and administration areas for the California College of Ayurveda, including an ongoing yoga classroom area.

1. **Classroom use.** The proposed classroom building, immediately behind the main building, contains 816 square feet and is proposed to be converted to classroom usage for the ayurveda students. This building has continuously been utilized in the past as a blood drawing clinic and office uses.
2. **Pancha Karma building use.** The existing building on the site is proposed to be converted into a Pancha Karma building. The building contains 550 square feet and is located on the northern portion of the property (behind the “In the Kitchen Cooking School”). This building has also been continuously used in the past for office and administrative uses. Prior to 1994, the building was used as a garage for a residence which is now the cooking school.

The applicant’s website defines Pancha Karma as “The Ayurvedic art of detoxification, purification, and rejuvenation, and is a powerful way to address the root cause of disease and has been used for thousands of years as a method for staying healthy, young, and vital.” The building will be used by a therapist who will treat a patient who will reside in the building during the treatment.

The floor plans for the Pancha Karma building indicate a therapy room, a meditation room, living area and bathroom. The attached deck will be utilized by the overnight resident. The yard area next to the deck will be fenced off for both privacy of the patient and the neighbors.

The site plan indicates the building interior space will allow for up to 4 people as maximum occupancy; however the planned occupancy will be two people (one resident and a visiting therapist).

3. **Interior Dormitory Use** The main building will house a new dormitory area for not more than 5 occupants. Specifically, the dormitory will be located in the back portion of the main building, on the lower level. The dormitory floor plans indicate a 284 square foot area containing two double bunk beds and one single bunk, desk and closet area. Across the hall is a gathering area for the occupants with a shower and bathroom.

A small new laundry area (50 square feet) is proposed with the total square footage of the dormitory area being 858 square feet.

The main dormitory occupants will be students who are taking onsite classes, and occasionally a visiting teacher. Length of stays will vary; however will be short term in nature and less than 30 days. No long term leases will occur. When the dormitory is not fully occupied, an onsite caretaker will utilize the area. The dormitory will be used on a fulltime basis (Monday through Sunday) either by students, visiting teachers, or a caretaker. Specified parking spaces will be designated for the 5 occupants.

## STAFF ANALYSIS

### **1. GENERAL PLAN / ZONING CONSISTENCY**

Nevada City's General Plan defines this area of Nevada City as the "Piety Hill District" and states this district includes "both stable residential neighborhoods and the main service commercial concentration of the city. These uses can coexist and indeed complement each other, as long as commercial projects are required to be sensitive to possible harmful effects on adjacent residents."

The Land Use and Economic Development Section of the General Plan (Page 24) establishes land use classifications of adequate variety and specificity to guide further elaboration by means of zoning and other implementation methods." The policy within this section created land use categories which correspond to the zoning classifications. The definition of Office and Professional is as follows:

*Professional offices, general business offices, and research and development facilities not oriented toward general retail sales located in areas of transition between residential and more intensive land uses and/or where traffic access and circulation is good, but not sufficient for retail commercial.*

The City's Zoning Ordinance, Chapter 17.32 states the purpose of the "OP" Office and Professional zone was established to "accommodate the need for the development of office space and multiple-family residential with a use permit." The zoning ordinance further states "this zoning will serve as a transition between commercial areas and residential areas and it is intended that the development permitted by this zoning shall be designed and landscaped so as to be in harmony with adjacent residential uses." Permitted uses of this zone include medical and professional offices.

Within the "OP" zoning district, uses subject to a Conditional Use Permit include "Public and quasi-public **buildings** not including corporate yards, storage or repair yards, warehouses and similar uses."

The zoning ordinance does not provide a definition of public-quasi public buildings, however does provide a definition of "public and quasi-public **uses**" as follows:

*Public and quasi-public uses include such uses as cemeteries, churches, corporation yards, fire stations, hospitals, parks, public utility distribution substations, schools, communication equipment buildings, nursing homes, etc.*

The proposed use permit application would establish a classroom use and a dormitory use, with the dormitory providing up to 5 occupants overnight stays. The use permit also proposes to establish a medical/clinical use by converting an existing, detached building into a clinical use, allowing extended overnight stays.

In considering the use permit application and proposed uses, a finding would need to be made that the proposed uses are consistent with the City's General Plan and Zoning Ordinance.

## **2. ENVIRONMENTAL DETERMINATION**

Staff recommends the project to be exempt from environmental review pursuant to Section 15303(c) of the California Environmental Quality Act Guidelines, "New Construction or Conversion of Small Structures," where the basis of this determination is that the building is a legal, conforming building with the General Plan and the Zoning Ordinance; that the proposed use does not require any expansion of the footprint or grounds; that the uses can be accommodated by the City water and sewer services; and that the architectural change to the exterior of the building is minor in nature.

The Advisory Review Committee is required to make a finding as to the environmental determination for this project and provide a recommendation to the Planning Commission.

## **3. USE PERMIT FINDINGS**

The Zoning Ordinance, Section 17.88 requires that certain findings be met prior to approving a conditional use permit, and that the proposed use conforms to the requirements of the City's General Plan and Zoning Ordinance, and to ensure that the use will not jeopardize, adversely affect or be detrimental to the public health, safety and welfare, or to the surrounding property and residents. If these findings can be made, then a use permit can be issued.

Therefore, the ARC and Planning Commission must make findings that the proposed uses, including establishing a classroom and dormitory use, and the conversion of a building to clinical use, are consistent with Office and Professional Zoning District and the City's General Plan, that the property is adequate in size, shape and location to accommodate the proposed use, and that any conditions of approval attached to the use permit will protect the public health, safety and welfare. Recommended findings and conditions are included at the end of this staff report and following discussion of the project elements.

**4. PROJECT ISSUES AND CONDITIONS:** As a result of distributing the application to staff and their review, the following issues are discussed relative to the project:

**Open Space** City Council Ordinance 90-07, which approved the rezoning and general office use of the building, included a condition that "the landscaping plan shall include a buffer between the project site and the surrounding residential area." The approved landscaping plan, prepared by Landscape Architect Josephine McProud, designates an "open space" area in the northwestern portion of the property. Since the 1990 approval, this area has served as a buffer between the main use and buildings on the property and the adjacent single-family properties. The open space area has not been utilized for activities or events but rather a natural area to serve as a separation between the main uses of the site and the adjoining residential area.

Should the applicant ever desire to more intensely utilize the open space buffer area, the appropriate application to amend the site plan would need to be filed and processed by the staff and Planning Commission. In the meantime, the applicant and City staff agree that the open

space/buffer area is to continue to serve as a buffer between the project site and surrounding residential area, **and no changes to the area or intensification of use will occur as a result of this use permit application**, pursuant to the rezoning and commercial site plan approval of 1990. The condition of approval to retain the open space/buffer area is:

*The occupants of the premises, including the addition of the residents of the Pancha Karma building, the classroom, and the occupants of the dormitory, will not be permitted to utilize the open space/buffer area for any activities or events. Any modification to utilize this buffer area would require submittal of an application to amend the approved site plan to City staff for review and approval by the Planning Commission.*

**Permitting of Habitable Space** The Pancha Karma building will be converted into a living area for a patient to reside in during their treatment stay, and the resident patient will utilize the attached deck for their use. To become an area for living quarters, a building permit and/or change in occupancy permit will be required. *A condition of approval will require that, Prior to conversion and occupancy of the existing building into a clinical use (Pancha Karma use), a building permit and/or change in occupancy permit shall be issued, and the City Engineer, City Planner and Fire Chief shall review and approve the plans before submittal to and issuance by the Building Department.*

**Parking** The property contains 52 parking spaces and a parking plan has been submitted, indicating sufficient parking is available for the uses. Five specific parking spaces will be assigned for the dormitory use; these spaces are designated as Spaces 30 through 34 on the site plan. These spaces are specified as they are immediately adjacent to the building and any car lights and noise would be directed away from the adjacent residences. *A condition of approval will designate these parking spaces (30 through 34) for use of the students, and prohibit use of Spaces 37 through 40 for any overnight occupants. As the premises do not provide any bike racks to offset any additional transportation impacts of the overnight occupants, a condition of approval would be to provide a bike rack, to accommodate up to 5 bicycles, on the site.*

**Landscaping / Lighting / Fencing.** No new major landscaping is proposed with the application, however the applicant wishes to plant screening from the propane tank serving the Pancha Karma building from the open space area.

No new lighting is proposed with the application. However, Ordinance 90-07 contained a condition regarding lighting, which states: “Project lighting shall be designed and constructed to minimize light glare or spill to neighboring properties and public streets, by shading the filament from the surroundings.” *A condition of approval will ensure that, prior to building permit issuance, the existing lighting is in compliance with this condition.*

No new fencing is proposed and the existing fencing shall remain. The owner has constructed a 6-foot high, redwood fence around the deck area of the Pancha Karma building to provide screening from the open space area and to provide privacy for the occupants.

Ordinance 90-07 also contained a condition that all fencing be maintained and kept in good condition. With this application, *a condition of approval will ensure that, prior to building permit issuance, the existing fencing is in compliance with this condition.*

**Building Use / Occupancy:** The project includes a detailed parking plan indicating the site can accommodate the conversion of the buildings to a classroom and a dormitory.

Hours of Operation Classes are scheduled so there is not more than the maximum occupancy of the buildings at any one time, and parking can be accommodated. The site plan lists the following uses and hours of operation for the site:

1. Clinical and Administration wings of the main building - Monday – Friday – 8 a.m. to 6 p.m.
2. Classroom building behind main building – Monday – Friday – 8 a.m. to 6 p.m.
3. Yoga Classes in upper level of main building – Monday through Friday – daytime usage
4. Weekend classes – inside main building and in detached classroom - Friday evenings, Saturday and Sunday 8 a.m. to 6 p.m.
5. Dormitory use inside main building – 7 days per week – occupancy limited to 5 people (see note below)
6. Pancha Karma Building – one therapist and one resident

The dormitory occupants will be students and teachers of the classes offered by the College. The stays will vary in length but will be short term, being under 30 days. No long term leases are proposed, other than the possibility of a caretaker. *A condition of approval will state that the length of stay per dormitory occupant (students and teachers) will not exceed 30 days; however a caretaker is permitted to exceed this time limit. Another condition of approval would state that no second-party rental of the dormitory to outside parties shall be permitted.*

The occupants of the dormitory will utilize the designated lunch area for the students, located in the front lawn area near Zion Street, which contains approximately 300 square feet. To offset any potential noise impacts to the adjacent residents, *a condition of approval would require that the overnight occupants only utilize the designated front lawn/lunch area for any outdoor activities.*

A new vinyl casement window is proposed to be placed in an original window opening. The location of the window is on the back side (west elevation) of the building, on the lower level. In the past the window location was utilized by the medical building, but was removed during a 1996 remodel. The applicant proposes to reinstate the window opening to provide fire egress from the dormitory occupants.

## **ADVISORY REVIEW ACTIONS / MOTIONS**

### **1. CEQA REVIEW / Environmental Document**

That the Advisory Review Committee finds and recommends to the Planning Commission that the project is exempt from environmental review pursuant to Section 15303(c) of the California Environmental Quality Act Guidelines, “New Construction or Conversion of Small Structures.” The basis of this determination is that the building is a legal, conforming building with the General Plan and the Zoning Ordinance; that the proposed use does not require any expansion of the footprint or grounds; that the uses can be accommodated by the City water, sewer and other services; and that the architectural change to the exterior of the building is minor in nature.

### **2. USE PERMIT FINDINGS / MOTION**

That the Advisory Review Committee recommends the Planning Commission approve the proposed use permit, based on the following findings:

- a. That the use is consistent with the goals and policies of the Nevada City General Plan, adopted March 24, 1986, specifically with the Land use and Economic

Development Section, which describes the project area land uses of “both stable residential neighborhoods and the main service commercial concentration of the City,” further stating these uses can coexist and complement each other as long as commercial projects are required to be sensitive to possible harmful effects on adjacent residents.

- b. That the use is consistent with the City’s Zoning Ordinance standards, especially with Section 17.32 which defines and provides standards for the “OP” Office and Professional Zoning District, finding that the building is a legal, conforming public quasi-public building, and further finding that the proposed school, dormitory and clinical uses are consistent with the Public Quasi-Public Use definition found in Section 17.12.380 of the City’s Zoning Ordinance.
- c. The property is adequate in size and shape and location to accommodate the proposed use as it is 1.46 acres in size, containing an established medical building and accessory buildings, and a 52-space parking lot. The site is screened with existing landscaping, as to provide a buffer to adjacent and area residents.
- d. The project will not jeopardize, adversely effect, or be detrimental to the public health, safety, and welfare or to the surrounding property and residents, and conditions of approval have been attached to the project which limit the occupancy within the dormitory, the clinical building, and the classroom, and require the existing lighting and landscaping/fencing be maintained. Designated parking spaces shall be delineated for the dormitory occupants to avoid noise and lighting impacts on the adjacent residences and the dormitory occupants shall be restricted to the front lawn/lunch area for any outside activities. Additionally, a condition of approval will prohibit any users or overnight occupants of all buildings from encroaching into the designated open space/buffer area between the main building and the adjacent residential properties.
- e. The project will not result in any traffic impacts as a condition will require that the classes be scheduled such so as to ensure all parking can be accommodated onsite at any given time.
- f. The conditions placed on the project from the Nevada City Fire Department, the City Engineer and the City Planner are the minimum necessary to protect the public’s health, safety and general welfare.

### **3. CONDITIONS OF APPROVAL / MOTION**

The Advisory Review Committee recommends the Planning Commission approve the use permit, subject to the following conditions of approval: (Conditions shall be satisfied prior to building permit issuance, unless otherwise noted)

#### **CITY PLANNER**

1. The use permit is granted to establish a school classroom in an accessory detached building for a maximum of 33 occupants, to convert an existing building into a Pancha Karma (clinical) use for a maximum of two occupants, and to establish a dormitory area within the main building to house a maximum of 5 occupants, being users of the College services. Architectural review includes the installation of a vinyl casement window on the exterior

back (west) side of the main building. The use permit includes the project description and class hour of operations as provided by the applicant and as shown on the site plan. Any changes to the use shall require an amendment of the Use Permit and approval by the Planning Commission.

1. Prior to conversion and occupancy of the existing building into a clinical use (Pancha Karma use), a building permit and/or change in occupancy permit shall be issued, and the City Engineer, City Planner and Fire Chief shall review and approve the plans before submittal to and issuance by the Building Department.
2. All interior changes to the main building or the classroom building that may require a building permit shall be approved by the City Engineer, City Planner and Fire Chief before submittal to and issuance by the Building Department.
3. Prior to issuance of the Certificate of Occupancy, the City Engineer, City Planner, and Fire Chief shall inspect the site to determine compliance with all conditions of approval.
4. A Planning Commissioner(s) shall be appointed to act as liaison with the project applicant and to review and approve any minor modifications to the project. If the changes are beyond the scope of the liaison, the matter shall be referred to the Planning Commission for their approval. The Liaison will provide periodic status reports of the project to the Commission
5. The occupants of the premises, including the addition of the residents of the Pancha Karma building, the classroom, and the occupants of the dormitory, will not be permitted to utilize the open space/buffer area for any activities or events. Any modification to utilize this buffer area would require submittal of an application to amend the approved site plan to City staff for review and approval by the Planning
6. Classes shall be scheduled to ensure all parking can be accommodated onsite at any given time.
7. Parking spaces numbered 30 through 34, as shown on the site plan, will be designated for the dormitory occupants of students and teachers. Parking spaces numbered 37 through 40 shall not be used by overnight guests to avoid any lighting or noise impacts.
8. Bike racks to accommodate at least five bicycles shall be located on the site.
9. Project lighting shall either be placed on timers or shielded to minimize light glare or spill to neighboring properties and public streets. All existing lighting shall remain in compliance with this condition, and the City Planner and the appointed Commissioner/Liaison shall, prior to building permit issuance, inspect the site to ensure lighting does not spill onto adjacent properties
10. All existing fencing shall be repaired/replaced and maintained, and kept in good condition. The City Planner and Commissioner Liaison shall, prior to building permit issuance, inspect the site to ensure all fencing is in good condition.
11. The length of stay per dormitory occupant (students and teachers) will not exceed 30 days; however a caretaker is permitted to exceed this time limit.

12. No second-party rental of the dormitory or Pancha Karma building to outside parties shall be permitted.
13. To avoid any noise impacts on adjacent residences, any overnight occupants shall only utilize the designated front lawn/lunch area for any outdoor activities.
14. Any additional signage shall be approved by the Planning Commission.

#### **CITY ENGINEER / DIRECTOR OF PUBLIC WORKS**

1. A backflow prevention device shall be placed on the sewer line existing each building. The City Engineer or Director of Public Works shall be notified when this is installed for final inspection.

#### **FIRE DEPARTMENT**

1. Based on the submitted plans, Fire Sprinkler Systems alterations may be necessary. The fire sprinkler should be reviewed by a licensed Fire Sprinkler Contractor and certified or upgraded to maintain proper coverage. Any alterations to the Fire sprinkler system will require Fire Department approval prior to work being performed.
2. The maximum occupancy of the classroom cannot exceed 33 persons and must be clearly posted.
3. The maximum occupancy of the interior dormitory cannot exceed 5 persons and must be clearly posted.
4. Fire extinguishers must be required in the classroom and Pancha Karma building. Fire extinguishers must have a minimum rating at 2A:10BC and must be wall mounted with the top no higher than 5 feet from the floor.
5. A site inspection and final approval will be required prior to occupancy. The Fire Department requires a 48-hour notice for all inspections.

#### **FINANCE / ADMINISTRATION**

1. Prior to commencing operations, all contractors, vendors, and consultants providing services within the City limits of Nevada City must have a city business license.

ORDINANCE NO 90-07

AN ORDINANCE FOR  
Zone Change and Commercial Site Plan for  
Sierra Nevada Memorial-Miner's Hospital, Inc. to  
convert old Miner's Hospital to allow general office use.

THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES ORDAIN AS FOLLOWS:

SECTION 1-ACTION AND FINDINGS:

The property located at 700 Zion Street, described in Exhibit "A" attached hereto and made a part hereof is hereby rezoned from R1-Single Family to OP-SP-Office and Professional with a site performance combining district consistent with a corresponding General Plan amendment (from SF-Single Family to OP-Office Professional), adopted by separate resolution and based on the findings and actions outlined below, and subject to the conditions and performance standards outlined in Section 2 below.

1. Environmental Findings:

That the City Council adopt the findings recommended by the Advisory Review Committee: that although the project could have a significant impact on the environment, there will not be a significant effect in this case, because the project has been altered to include the measures attached as conditions of approval for the zoning and site plan, and that a Negative Declaration be prepared and that the City Clerk be directed to file the appropriate Notice of Determination.

2. Zone Change Action:

That the City Council approve the zoning change from the current R1 to OP-SP (Office and Professional with Site Performance Combining District), with the finding that the zone change is consistent with the Nevada City General Plan as amended above, with the site performance standards to be as outlined in the attached conditions of approval, including the requirement that the existing building be substantially retained. The Council finds that it is imperative that the existing building be substantially retained as a condition of the zone change.

3. Site Plan Approval Action:

That the City Council approve the commercial site plan, with the attached measures as conditions of approval of the project, with the finding that the site plan as approved meets the requirements of the City's zoning ordinance and is consistent with the goals, objectives, and policies of the City's General Plan, and that the property would be developed in a manner that will not substantially depreciate property values in the vicinity, or unreasonably interfere with the lawful use and enjoyment of other properties in the vicinity, or endanger the public health, safety and welfare.

SECTION 2-CONDITIONS OF PREZONING AND SITE PERFORMANCE:

The subject rezoning is intended to be approved for the purpose of allowing this project only, or such modified project as may be subsequently approved by the City Planning Commission and/or City Council. The following conditions apply to the development of the site and are incorporated into this zoning change and may be amended only through an advertised public hearing process:

CITY PLANNER:

1. Development of the site must be in strict compliance with approved plans. The approval will expire in two years, unless extended by the Planning Commission in one year increments, up to a total of five years. In order to obtain an extension, the applicant must apply in writing prior to the expiration date of the approval. (Zoning Art. 16).
2. The applicant is advised that the City of Nevada City has an ordinance governing noise generation. This ordinance must be adhered to as a condition of project occupancy and operation. A copy of the ordinance may be obtained from City Hall for the cost of reproduction. (Current Noise Ordinance).

All sheet metal surfaces, including heating and air conditioning components, shall be painted with a matt finish, or enclosed in wood framing. (Zoning Art. 16).

Project lighting shall be designed and constructed to minimize light glare or spill to neighboring properties and public streets, by shading the filament from the surroundings. (Zoning Art. 16).

Prior to occupancy under the new zoning, a final landscaping plan (prepared by a licensed landscape architect or licensed landscape contractor) shall be approved by the Planning Commission. Prior to the issuance of a Certificate of Occupancy, all landscaping must be installed along with an automatic irrigation system, as evidenced by a written certification from a licensed landscape architect or landscape contractor. (Zoning Art. 12).

The landscaping plan outlined above shall include a buffer between the project site and the surrounding residential area. (Zoning Art. 12).

Prior to occupancy under the new zoning, dedicate, or offer to dedicate, right-of-way for City street and general utility purposes over the following areas:

Any areas within 30' of the centerline of Reward or Zion Street. (Zoning Art. 16, Subd. Ordinance).

Prior to occupancy, provide off-street, paved parking in accordance with the approved site plan for 46 spaces. Parking shall include four disabled parking spaces 12' wide with proper posting unless additional spaces are required by the Uniform Building Code.

Prior to occupancy under the new zoning, the applicant shall coordinate with Nevada City Garbage Service, to make sure that proposed refuse areas are adequate for pickup service. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a memo from Nevada City Garbage Service, indicating that the refuse areas have been installed to their satisfaction. (Zoning Art. 12 and 16).

All refuse areas shall be screened from public view through the use of an approved enclosure, consisting of a masonry structure with solid wood gates, or other screening approved by the Planning Commission. The design of the enclosure shall be approved by the Planning Commission as a part of the final landscaping plan. Final screening shall be approved by the City prior to occupancy. (Zoning Art. 12 and 16).

The applicant is advised that, prior to any exterior alterations, the City requires architectural approval for all buildings within the City. Approval is also required for signs. (Zoning Art. 12, 16, Ord. 338).

The zoning change is subject to the requirement that the existing building be substantially retained as a part of the project. Any exterior alterations, especially those facing Zion or Reward Street, shall maintain the existing structural appearance. (Mitigation Measure).

#### CITY ENGINEER:

Fees for plan check and inspection of required project improvements will be required at the time of submitting improvement plans. Plan check fees are estimated at 1.2% and inspection is estimated at 4.5% percent of the estimated project cost, calculated using prevailing unit prices. (Current Fee Schedule Resolution).

Inspection fees are only collected on improvements that will be or may be accepted by the City upon completion. For private improvements, the developer must submit a certification from a registered civil engineer that the improvements have been installed in accordance with the approved plans, prior to occupancy. (City Policy).

Prior to occupancy under the new zoning, all required improvements must be installed meeting the City's standards. In the event that the work is delayed through a secured improvement agreement with the City, the final work must be approved by the City prior to the release of the security. (Zoning Art. 16 and Subd. Ord.).

Dust from construction shall be controlled at all times, through the regular application of water to exposed areas. City streets shall be kept free of mud and debris at all times. (Northern Sierra Air Quality Management District, Streets and Highways Code, UBC).

Prior to the issuance of a building permit or any site disturbance, a drainage plan shall be submitted and approved by the City Engineer. (Zoning Art. 16, Subdivision Ord.).

Construction hours shall be limited to weekdays, 7:00 AM to 6:00 PM, and Saturdays 8:00 AM to 1:00 PM. (Current Noise Ordinance and City Policy).

The water service to the project shall be equipped with a double check valve to provide backflow protection to the City's domestic water supply, in accordance with the City's current ordinance prior to occupancy under the new zoning. (Current City Connection Ordinance).

Prior to any work associated with the City's street, sewer system, or water system, a fee for encroachment permit must be paid under the then-current fee schedule, and the City Engineer or Public Works Foreman must approve any such work. The current encroachment permit fee is \$ 125.00. The City must be notified at least 24 hours before any work is commenced. (City policy).

At any time during the construction or occupancy of the project, any burning shall comply with current requirements for Burning Permits and no-burn-day limitations. Burning shall be limited to weekdays and Saturday mornings. (Northern Sierra Air Quality Management District regulations).

The perpendicular parking along Zion Street shall be redesigned to a 30-degree slant parking to discourage traffic from backing across the lanes on Zion Street. The final parking design shall be approved by the City Engineer prior to occupancy. (Zoning Art. 16).

#### FIRE DEPARTMENT:

All hazardous materials shall be reported, stored, and handled in accordance with the Nevada County hazardous waste ordinance and applicable State law. (Applicable Federal, State, and County law).

Prior to the issuance of a building permit, the applicant shall coordinate with the City Fire Department to ascertain all fire protection related requirements, including fire flow, hydrant locations, sprinkler system requirements, and so on. Prior to occupancy, the Fire Marshal shall inspect and approve all such requirements, before signing the occupancy permit. The Fire Department's inspection may require hydrant testing under the City's current fee schedule (Zoning Art. 16 and Uniform Fire Code).

#### CITY CLERK:

The applicant is advised that the City requires that all contractors, vendors, and consultants providing services within the City limits of Nevada City must have a city business license. Business licenses may be obtained at City Hall, 317 Broad Street, Nevada City. The applicant must provide a list of the businesses working on the project to City Hall prior to commencing work. (Current Business License Ord.).

#### SECTION 3-PUBLICATION:

Within 15 days of the passage of this ordinance, the City Clerk shall publish a summary of this Ordinance in The Union, a newspaper of general circulation. The City Attorney shall prepare said summary of this ordinance.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Nevada City on March 12, 1990, by the following vote:


AYES: MATSON, OBERHOLTZER, DOWNING, ZANONE, DYER

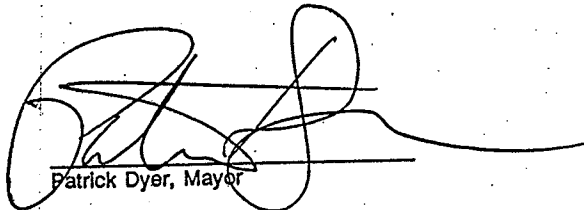
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ATTEST:

  
Cathy Wiley-Barnes  
City Clerk

  
Patrick Dyer, Mayor