





# City of Nevada City

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September 24, 2010

TO: Planning Commission

FROM: Cindy Siegfried, City Planner

RE: **Use Permit Application of Gary Tintle, owner of 108 Union Street, Nevada City, to permit occupancy of a ground-level office within the building.**

**Application:**

The proposed use permit of Gary Tintle (100 Union Street LLC), owner of the property, proposes to allow a ground level office in the building. Specifically, the request is to allow Coldwell Banker Real Estate office to relocate from their present office at 316 Broad Street to 108 Union Street.

The Nevada City Municipal Code, Section 17.40.040(J) requires approval of a Use Permit to establish a new, ground level office use. The property is zoned "GB-HD" General Business Historical District, and is known as Assessor's Parcel No. 05-396-29.

The project is exempt from environmental review pursuant to CEQA Guidelines, Section 15301.

**Ground Floor Ordinance / Use Permit Findings**

On January 9, 2006, the City Council adopted Ordinance 2006-01 which removed non-retail uses at ground level as a "Principal Permitted Use" and added non-retail uses at ground level as a "Conditional Use." This ordinance applies to certain areas of the downtown which include "Broad, Commercial, Spring and Bridge Streets and along Pine, York, Union Streets and main Street from the 100 block up to and including the Firehouse #1." Therefore, to permit an office use at 108 Union Street location, a Use Permit needs to be approved by the Planning Commission.

Section 17.40.040 of the Municipal Code provides findings that the Commission would need to adopt to allow the office use to continue. Those findings are listed below:

**Section 17.40.040 Conditional Uses:**

- J. Ground level offices performing services including, but not limited, to, mortgage lending, legal, insurance, real estate and bookkeeping upon written and adopted findings of the Planning Commission meeting the following criteria:

1. The proposed office:
  - a. Will not detract from the compact, integrated character of the retail area, and
  - b. Will no impair a generally continuous wall of building facades, and
  - c. Will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage, and
  - d. Will not interfere with the movement of people along an important pedestrian walkway, and
  - e. Will conform in all significant respects with any applicable specific plans and ordinances that have been adopted by the City Council pertaining to the historical district; and
  - f. Will not upset the balance of facilities and enterprises...or
  - g. The business demonstrates an overriding public benefit.

The ordinance has a sunset clause of February 9, 2011 unless extended by a vote of the City Council. To date, this is the second use permit application to be considered by the Planning Commission to allow a ground level office under this Ordinance. The first application considered was for an office at 206 Main Street – the Mackey Building – however, that application was withdrawn and the Nevada City T-Shirt business now occupies that space.

#### **FINDINGS/ CEQA DETERMINATION**

If the Planning Commission approves the use permit, the Commission should make the following findings as a part of the motion:

1. That the use is consistent with Section 14.40.040 of the Municipal Code and the findings therein regarding the office use on the ground level.
2. The proposed will not jeopardize, adversely effect, or be detrimental to the public health, safety, and welfare or to the surrounding property and residents
4. The application is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act Guidelines, Class 1 which allows for operation of existing facilities. 7

#### **CONDITONS OF APPROVAL:**

1. The use permit is to allow office use at 108 Union Street, on the ground level. Such uses are to be one of the following: An office performing services including, but not limited, to, mortgage lending, legal, insurance, real estate and bookkeeping services.
2. Any signage for the building shall be approved by the Planning Commission by submittal of a sign application.
3. Any businesses shall obtain a business license from the City of Nevada City.

Attachments





Penny Lane

Proposed Coldwell Banker Office  
108 Union St



Present  
Location  
316 Broad  
St.

LAND USE APPLICATION

CITY OF NEVADA CITY

PAID

SEP 02 2010

Please print or type in black ink

Type of application(s) for which you are applying:

- Tentative Map
- Ordinance Amendment
- Certificate of Compliance
- Use Permit
- Zone Change
- Voluntary Merger
- Development Permit
- General Plan Amendment
- Home Business
- Administrative Dev. Permit
- Variance
- Temporary Commercial Permit
- Boundary Line Adjustment
- Setback Easement
- Management Plan
- Other (specify): \_\_\_\_\_

RCPT. AMT #100 -  
 CE #246

**PROJECT DESCRIPTION:** CONVERSION OF GROUND FLOOR  
 RETAIL TO PROFESSIONAL OFFICE.  
 SPECIFICALLY - RELOCATE COLDWELL BANKER FROM BROAD ST  
 TO 108 UNION.

Assessor's Parcel No(s): 05-396-29  
 Applicant Name(s): GARY TINTLE -  
 Applicant Mailing Address: 650 GOLD FLAT ROAD N.C.  
 Telephone #: ( ) 265.6972 E-Mail: Gary@tintle.com FAX#: 265-5429  
 Property Owners Full Names: 100 UNION ST LLC

Property Owner Mailing Address: SAME  
 Telephone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_ FAX#: \_\_\_\_\_

Name of Representative (if applicable): SAME  
 Address of Representative: \_\_\_\_\_  
 Telephone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_ FAX#: \_\_\_\_\_

Site address(es): \_\_\_\_\_ Acreage(s): \_\_\_\_\_  
 Water Source: CITY Method of Sewage Disposal: CITY

I hereby acknowledge that I have read the instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of ( ) Property Owner(s) or ( ) Authorized Representative\*  
Gary M. Tittle Date: 9/2/10  
 \_\_\_\_\_ Date: \_\_\_\_\_

\*Representative may sign application if a Letter of Authorization from the owner(s) is provided.