

ITEM V-A: ADMINISTRATIVE PERMIT – 2289 SEBASTIAN WY. (AILEEN’S HAIR BY DESIGN SALON) - FILE # 2009PL-025 (AP-000289)

REQUEST

The applicant requests approval of an Administrative Permit to allow limited customer contact associated with an in-home hair salon business.

Applicant/Property Owner – George and Aileen Twaddell

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following action:

- A. Adopt the three (3) findings of fact; and
- B. Approve the Administrative Permit subject to seven (7) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

As a result of the notice of intent to approve this Administrative Permit Staff received a request for a public hearing from a nearby resident. The resident cites the following concerns: commercial business in a residential zone, traffic, on-street parking, and safety. Staff has included the email correspondence as Attachments 2 & 3.

BACKGROUND

The project site is a single-family residence located within the Stoneridge Specific Plan area of the City. Specifically, the site is located in the Stoneridge East Village 8 subdivision. The applicant requests approval of an Administrative Permit (AP) in order to have customer contact at the home in association with the hair salon business.

Figure 1: Location Map



A Home Occupation use is defined by Section 19.42.020 of the City's Zoning Ordinance as an "accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone."

A Home Occupation can be permitted administratively by the Planning Department in cases where the request meets all of the Zoning Ordinance requirements for Home Occupations. With respect to the current request, the applicant has indicated that customer contact is necessary to conduct the business. In accordance with Section 19.42.040 (B) of the City's Zoning Ordinance (see Attachment 1), the applicant is requesting approval of an AP to permit the in-home customer contact. The applicant is also requesting to alter the exterior of the home by installing a patio door. This request also requires the approval of an AP. The proposed home occupation otherwise meets the requirements of the City's Zoning Ordinance.

Staff has evaluated the proposed in-home hair studio against the applicable findings for an Administrative Permit and the Zoning Ordinance regulations for home occupations. We also evaluated the proposal's potential impacts on the neighborhood in the areas of increased traffic, noise, safety, exterior improvements, interior improvements, and operational characteristics. In this particular case, the proposed home occupation is not anticipated to adversely impact the neighborhood, but similar to other past requests for customer contact at the home, they can create concerns for nearby residents. Our evaluation of and a discussion of other similar requests that have come before the Planning Commission is outlined below. Also discussed are concerns raised by the resident who requested the public hearing.

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings are made to approve an Administrative Permit. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

1. The proposed use is consistent with the City of Roseville General Plan.

The project site has a General Plan land use designation of Low Density Residential (LDR 4). The LDR land use designation is intended to allow for the development of single-family residences and associated accessory uses. Home Occupations are permitted within residential neighborhoods provided they comply with the established performance criteria. The General Plan relies on the Zoning Ordinance to establish the performance criteria and to determine the appropriateness of a proposed home occupation at a particular location. Therefore, the proposed use, if approved, would be consistent with the General Plan.

2. The proposed use conforms with all applicable standards and requirements of the City of Roseville Zoning Ordinance.

The project site is zoned Single Family Residential (R1). The City's Zoning Ordinance establishes performance standards that Home Occupations are required to comply with. As seen in Attachment 1, the proposed hair studio complies with all performance standards of the Zoning Ordinance with the exception of criteria B and G, as noted below:

- B. **Customers.** Personal contact with customers at the residence is prohibited except when authorized by the Approving Authority through approval of an Administrative Permit. A maximum of one (1) student at a time is permitted for home occupations involving private instruction.

The Zoning Ordinance requires an Administrative Permit for customer contact at a home based business because customers coming to the home could create impacts on adjacent residents. The intent of the Home Occupation chapter of the Zoning Ordinance is that home based businesses be transparent to the neighbors and incidental to the use of the home as a residence. An AP allows the

Planning Director to evaluate the particular characteristics of a proposed business and, on a case by case basis, determine whether the business and the customer contact is consistent with the intent of the ordinance and whether it would adversely impact the neighborhood. An AP also allows the Director the ability to impose conditions and restrictions that are intended to keep the business from adversely impacting the neighborhood. Consistent with the Zoning Ordinance provisions for Administrative Permits, nearby property owners are given notice and may request a public hearing. Because a neighbor requested a public hearing, the Planning Commission becomes the approving authority and may also impose conditions and restrictions on the project.

In this particular case, because of the limited time that the business would operate, five days a week from 2 p.m. to 8 p.m., and the limited number of clients, an estimate of 10 per week and all personally known by the applicant, staff believes that the request is consistent with the intent of the Zoning Ordinance, is similar to other requests that have been approved and subsequently found not to be disruptive, and will not adversely impact the neighborhood.

G. Maximum Area.The Home Occupation shall not result in any addition to, alteration of, or exterior remodeling of, the dwelling, garage or accessory structures.

In order to minimize the visual impact of a Home Occupation business on the neighborhood, the Zoning Ordinance prohibits the exterior alteration of the existing home. In this case the applicant has stated that she is required to provide a separate entrance to her hair salon by the State Cosmetology Board. Attachment 4 shows a picture of the front of the home. In this picture you can see the home contains a large front porch area with two windows underneath the porch. The applicant plans to remove one of the windows and install a patio door. This would be similar to other single family homes where a side room or back room has a door that leads onto a patio. While it is not customary for a single family home to have two doors at the front of the residence, in this case staff does not believe the patio door will affect the residential character of the home. In addition, Planning and Building Staff has added condition #4 that will require the applicant to obtain a building permit for the installation of the door and any other work that is done to the home, such as the addition of a sink in the den. Given the facts that the applicant is required to have a separate entrance for the business and that the patio door will not be out of character for a residential area, Staff supports the request.

3. *The location, size, design and operating characteristics of the proposed use is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

As described in the applicant's description of the proposed use (Exhibit B), the hair salon is proposed to be open five days a week (Monday through Friday from 2 p.m. to 8 p.m.) with an estimate of 2 clients per day. The applicant has indicated that the residence is 2,650 square feet in size and that the business will be conducted within a converted den area of the home. The area proposed for operating the hair salon totals approximately 140 square feet (Exhibit C).

The resident who requested a public hearing has identified traffic from customers as a concern within the neighborhood and the potential impact on available on-street parking. Based upon the anticipated appointment schedule of two clients per day, the proposed use would generate approximately four additional trips through the neighborhood five days a week. The increase of four additional trips through the neighborhood during the days the proposed hair salon is open is not considered uncharacteristic of typical traffic in a residential neighborhood, particularly when spread out over the course of six hours. The Engineering Department has reviewed the request and the potential for traffic impacts. According to the Engineering Department, the resultant daily trips generated by the proposed use, when added to the existing daily trips, would be well within the acceptable limits for a local

residential street. In addition, the Engineering Department confirmed that existing traffic conditions are within anticipated roadway design. In an effort to ensure minimal traffic impacts on nearby residents, staff recommends Condition 2b that will ensure that the applicant is the only person who operates the business. This will serve to limit the number of clients that may be seen at any one time.

There is the potential that the applicant could have two clients at the residence at the same time. This could also be perceived as a potential impact to the number of on-street parking spaces that are now available to nearby residents and visitors. The site plan (Exhibit A) shows that there is 60 linear feet along the front of the residence, which is available to the general public for on-street parking. The City's Zoning Ordinance requires each parallel parking space to be, at minimum, 22 feet in length (providing on-street parking for approximately two vehicles along the site frontage). The existing residence includes a 2-car garage and driveway area. The applicant has indicated that parking for customers will be available within the driveway area. Based upon the lineal street frontage of the residence, and the anticipated number of clients at the site at one time, adequate parking in the driveway or in front of the residence is provided. To ensure that clients do not park along the street frontage of the adjacent residences, Staff recommends Condition 3a limiting client parking to the driveway area, and (if needed) along the street frontage of the residence only. The applicant has informed staff that she will instruct clients to only park in these areas.

Additional Factors to Consider

1. **Similar Requests** - The Planning Commission has reviewed nine requests over the last eleven years for in-home customer contact associated with a Home Occupation. These requests are listed in the table below along with the hours of operation and the Planning Commission's action. Many of the requests that have been considered by the Planning Commission have had residents who opposed the requests based on the traffic generated by the use, the CC & R's of the subdivision, and parking situation in the neighborhood. On four of the projects, compliance hearings were held one year after the business opened to verify that they were operating within the conditions of approval. In all cases they were. In each of the other cases staff only received one complaint regarding a sign that was promptly removed. No other complaints have been received.

File number	Project name	Request	Days and hours of operation	Planning Commission action	Appeal to City Council
CUP-00016	Brice Hair Salon	To operate an in home hair salon	6 days per week (Mon – Sat) 9am – 4 pm	Approved PC 1/26/06 Compliance review approved 10/11/07	
CUP 05-02	Steele Salon	To operate an in home hair salon	5 days per week (Mon + Thurs) 10am – 3 pm; (Tues + Wed) 6pm – 9pm; (Sat) 10am – 2 pm	Approved 5/12/05	
CUP 04-05	Baur Hair	To operate an in home hair salon	2 days per week (Fri + Sat) 9am – 5pm	Approved 10/28/04	
CUP 01-18	Czak's	To operate an in home hair salon	Tues.-Fri. 8am-6pm	Approved PC 7/26/01	

CUP 01-12	Barton Brown Photography	To operate an in-home photography business	Mon.-Fri. 4pm-9pm Sat. and Sun. 9am to 6pm	Approved PC 7/12/01	
CUP 99-18	Barb's Place	To operate an in-home hair studio	Mon.-Fri. 9am to 6pm Sat. 9am to 3pm	Approved PC 2/10/00 Compliance review approved 2/22/01	
CUP 99-13	Balboa Hair Co.	To operate an in-home hair studio	Tues.-Fri. 10am to 6pm	Approved PC 9/23/99 Compliance review approved 12/14/00	
CUP 99-10	Hair by Janet	To operate an in-home hair studio	Wed.-Sat. 9am-6pm	Approved PC 9/23/99 Compliance review approved 12/14/00	Appeal denied 11/3/99
CUPMOD 97-01	Marlena's Hand and Foot care	To perform manicure services at the home	Wed.-Thurs. 8am to 6pm Friday 4pm to 7pm	Approved PC 2/13/97	

Staff also researched active business licenses for these operations to get an idea of how many of these in-home businesses were still operating. City licensing information indicates that four out of the nine previously approved businesses are still operating today.

Another issue raised by the neighbor is that this request will change the zoning or open the door to future requests to locate a business within the Stoneridge East Village 8 subdivision. Given the fact that there have only been 10 requests (including the current application) in the past eleven years, Staff does not anticipate a significant increase in the number of requests for the Stoneridge East Village 8 neighborhood or within the City as a whole.

2. **Licenses/Permits** - If the Administrative Permit request is approved, the applicant will be required to obtain several additional licenses associated with operation of the business. The necessary licenses/permits include:
 - a) Roseville Business License
 - b) Roseville Home Occupation permit
 - c) State Establishment License - for owning a business
 - d) State Barbering and Cosmetology License - for hair stylists

OTHER

The project was routed for review and comment to various City Departments and to the East Roseville PW Neighborhood Association. Comments received from City Departments are included as conditions of approval (relating to compliance with applicable Codes/Ordinances). No comments have been received from the neighborhood association.

SUMMARY

The applicant is requesting to allow customer contact at her home in association with her hair studio business. In certain situations customer contact within a residential subdivision can have an impact on a neighborhood. However, in this particular case, given the limited days and hours of operation, the number of clients, and available parking, the proposed Home Occupation will not change the character of the neighborhood. Other than the provisions regarding in-home contact and exterior alterations to the home,

the business complies with all of the standards and limitations established for the operation of a home occupation. Staff believes that there is ample on-street parking, as well as parking available within the garage and driveway, for the residents of the home and the proposed number of daily customers. However, in an effort to ensure no parking impact, staff has included conditions of approval limiting the locations for client parking.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Section 302 of the City of Roseville CEQA Implementing Procedures as a project that clearly does not have the potential to have a significant effect on the environment.

RECOMMENDATIONS

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact, as listed in the staff report, for the **Administrative Permit – 2289 Sebastian Wy. – Aileen's Hair By Design – File #2009PL-025 (AP-000289)** and;
- B. Approve the **Administrative Permit – 2289 Sebastian Wy. – Aileen's Hair By Design – File #2009PL-025 (AP-000289)** subject to the following seven (7) conditions of approval:
 1. The applicant shall obtain all additional licenses and permits necessary to conduct the cosmetology business from the residence at 2289 Sebastian Way, including a Roseville Business License, a Roseville Home Occupation Permit; a State Establishment License, and a State Barbering and Cosmetology License. (Planning)
 2. Excluding provision 19.42.050(B) & (G), the applicant shall comply with all required Home Occupation Permit Conditions and Limitations as condition or modified below:
 - a) Client parking shall be restricted to the on-street property frontage, and the driveway at 2289 Sebastian Way. (Planning)
 - b) In home operation of the hair studio, Aileen's Hair by Design Salon, shall be permitted by one (1) resident of the dwelling only. (Planning)
 - c) Clients on-site at any one time shall be limited to a maximum of two (2), one receiving service and one waiting for service. (Planning)
 3. The approved hours of operation shall be as follows:
Monday through Friday - 2:00 p.m. - 8:00 p.m. (Planning)
 4. The Home Occupancy is classified as an R-3 Occupancy and requires residential building permits for any construction or building system alterations. The Planning Department shall review the plans submitted by the applicant for the exterior door installation to ensure that it is residential in character. (Building)
 5. Applicant to provide one (1) portable fire extinguisher and an adequate amount of listed electric outlets within the business. Said fire extinguisher and electrical outlets shall comply with the requirements of the City Fire Code. (Fire)
 6. The use of hazardous materials within the business shall comply with all applicable provisions of the City Fire Code. (Fire)

7. A final inspection by a member of the Roseville Fire Department shall be performed prior to Home Occupation Permit issuance for the project. Contact the Fire Department at (916) 774-5800 to request an inspection. (Fire)

ATTACHMENTS

1. Zoning Ordinance Chapter 19.42 – Home Occupations
2. Letter in Opposition of the Project
3. Letter in Opposition of the Project
4. Photo of the Residence

Exhibits

- A. Site Plan for Residence
- B. Applicant's Description of Use
- C. Floor Plan

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Design Committee meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Committee in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning & Redevelopment Director at, or prior to, the public hearing.