

PLANNING & REDEVELOPMENT STAFF REPORT PLANNING COMMISSION MEETING January 26, 2006

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ITEM IV-C: CONDITIONAL USE PERMIT – 531 ELEFA STREET (BRICE HAIR SALON) - FILE# CUP- 000016

REQUEST

The applicant requests approval of a Conditional Use Permit to allow customer contact associated with a home occupation (hair salon) at a single-family residence.

Applicant – Angela Brice Property Owner – Linda A Dunne

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for approval of the Conditional Use Permit; and
- B. Approve the Conditional Use Permit subject to eight (8) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

One letter has been received from a neighbor expressing a concern over lack of on street parking in the neighborhood (Attachment 4). Staff visited the site during daytime hours on two occasions since receiving the letter. Staff noted that there was ample street parking available. However, staff has conditioned the project to require that only one client may be on site at a time and client parking is restricted to the driveway.

BACKGROUND

The project site is a single-family residence located within the Los Cerritos subdivision within the Infill area of the City (Attachment 1). A second unit is located towards the rear of the property and has a parking space available off of the alleyway. The applicant requests approval of a Conditional Use Permit (CUP) in order to have in-home customer contact in association with a Home Occupation permit for a hair salon business located in the primary dwelling.

A Home Occupation use is defined by Section 19.42.020 of the City's Zoning Ordinance as a "nonresidential business activity carried on within a dwelling by its inhabitants, which activity is incidental to the residential use of the dwelling and 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 2), the applicant is requesting approval of a CUP to permit the in-home customer contact. The proposed home occupation otherwise meets the requirements of the City's Zoning Ordinance.

EVALUATION

Staff has evaluated the proposed in-home hair salon against the applicable findings for a Conditional Use Permit and the Zoning Ordinance regulations for home occupations. Staff 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 and discussion of typical concerns is outlined below.

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings are made to approve a Conditional Use 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-5). 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 2, the proposed beauty salon complies with all performance standards of the Zoning Ordinance with the exception of requirement B, as noted below:

B. **Customers.** Personal contact with customers at the residence is prohibited except when authorized by the Approving Authority through a Conditional Use Permit approval.

The Zoning Ordinance requires a Conditional Use 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. A CUP allows the Planning Commission 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. A CUP also gives the Commission the ability to impose conditions and restrictions that are intended to keep the business from adversely impacting the neighborhood. Subject to seven (7) conditions, staff has found the project to be in compliance with the Zoning Ordinance.

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.

Staff has evaluated the CUP request for hours of operation, customer traffic, parking and similar requests. An evaluation is provided below.

Hours of Operation: The applicant is proposing to operate six days a week. A single operator (the owner) would book appointments so no more than one customer is on the premises at a time. Appointments would be available to customers Monday through Saturday, between 9:00 am to 4:00 pm and would be booked so that no more than one customer is on the premises at one time. The majority of the working hours would occur during typical business hours, when most neighbors are likely to be at work. The appointment hours that would overlap with times that most neighbors would typically be at home would be approximately seven hours on Saturday (9 am to 4 pm).

Customer Traffic: Based upon the anticipated maximum appointment schedule of zero to five (0-5) clients per day, the proposed use would generate approximately zero to ten (0 - 10) additional trips through the neighborhood six days a week. The increase of a potential 30 additional trips through the neighborhood over the course of a six (6) day week that the proposed hair salon would be open, remains characteristic of typical traffic in a residential neighborhood. 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 requires that the applicant is the only person who may operate the business.

Parking: The site plan (Exhibit A) shows that the residence is located on a typical residential east/west running street. All client parking would need to be provided off-street to avoid impacting the neighbors. The applicant has indicated that parking for customers will be available within the driveway area. The existing residence includes an 81.5-foot long driveway by 13 feet wide that will provide the required off-street parking for the residence (two spaces), and one customer (one space) all three spaces of which will be outside of the required 20-foot setback. According to the Zoning Ordinance, the proposed use located within the 247± square foot room, is required to provide one parking space (Ordinance requires 1 space per every 300 sq. ft.). Based upon the anticipated number of clients at the site at one time, adequate parking would be available in the driveway. To ensure that clients do not park along the street frontage of the adjacent residences, Staff recommends Condition 2a limiting client parking to the driveway of the residence only and Condition 2c that limits the number of clients to one on-site at any time. The applicant has informed staff that she will instruct clients to only park in the driveway and she will schedule her appointments so that only one client is on the premises at one time.

Additional Factors To Consider

Similar Requests - Similar CUP requests have been granted by the Planning Commission in the past. Staff has compared the current request with previous requests, related to hours of operation, customer traffic and parking, and has found that the current request is in line with previous CUP approvals. Below is a summary of eight CUP requests that have been approved in the past.

File number	Project name	Request	Days and hours of operation	Planning Commission Action
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 Salon	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	4 days per week (Tues - Fri) 8am - 6pm	Approved 7/26/01
CUP 01-12	Barton Brown Photography	To operate an in home photography business	7 days per week (Mon - Fri) 4pm - 9pm; (Sat + Sun) 9am - 6pm	Approved 7/12/01
CUP 99-18	Barb's Place	To operate an in home hair studio	6 days per week (Mon - Fri) 9am - 6pm; (Sat) 9am to 3pm	Approved 2/10/00 (1 yr compliance review required)
CUP 99-13	Balboa Hair Co.	To operate an in home hair salon	4 days per week (Tues – Fri) 10am to 6pm	Approved 9/23/99 (1 yr compliance review required)
CUP 99-10	Hair by Janet	To operate an in home hair salon	4 days per week (Wed – Sat) 9am-6pm	Approved 9/23/99 (1 yr compliance review required)
CUPMOD 97-01	Marlena's Hand and Foot Care	To perform manicure services at the home	3 days per week (Wed – Thurs) 8am - 6pm; (Fri) 4pm - 7pm	Approved 2/13/97

Licenses/Permits - If the Conditional Use 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

Twenty-days in advance of the public hearing, a notice was posted in the local newspaper and copies of the notice mailed to property owners within 300 feet of the property. Comments received from City Departments are included as conditions of approval (relating to compliance with applicable Codes/Ordinances). As of the preparation of this report no comments have been received from the neighborhood association or nearby residents.

SUMMARY

The applicant is requesting in-home contact with customers associated with a hair salon business. In certain situations customer contact within a residential subdivision can have an impact on a neighborhood. However, in this particular case, given the days and hours of operation, the number of clients, and available off-street parking, the proposed Home Occupation will not change the character of the neighborhood. Other than the provision regarding in-home contact, the business complies with all of the standards and limitations established for the operation of a home occupation.

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.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) 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 approval of the Conditional Use Permit CUP-000016 531 Elefa Street to permit customer contact associated with a Home Occupation.
- B. Approve the Conditional Use Permit CUP-000016 531 Elefa Street to permit customer contact associated with a Home Occupation at 531 Elefa Street subject to the following eight (8) conditions of approval:
 - 1. The in-home operation of a beauty salon and customer contact at the residence is permitted for a period of one (1) year from this date, January 26, 2006. At such time the permit will be reviewed by Planning Commission to re-evaluate any potential use impacts on the adjacent properties. (Planning)
 - 2. The applicant shall obtain all additional licenses and permits necessary to conduct the cosmetology business from the residence at 531 Elefa Street, including a Roseville Business License, a Roseville Home Occupation Permit; a State Establishment License, and a State Barbering and Cosmetology License. (Planning)
 - 3. Excluding provision 19.42.050(B), 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 driveway at 531 Elefa Street. (Planning)
 - b) In home operation of the hair salon, Brice Hair 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 one person receiving service. (Planning)
 - 4. The approved hours of operation shall be as follows: Monday Saturday 9:00 a.m. 4:00 p.m. (Planning)
 - 5. Any new construction associated with the intended use will require the applicant to submit to the Building Division for a building permit. (Building)
 - 6. Applicant to provide one (1) 10-ABC portable fire extinguisher readily accessible within view 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)
 - 7. The use of hazardous materials within the business shall comply with all applicable provisions of the City Fire Code. (Fire)

8. 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. Vicinity Map
- 2. Zoning Ordinance Chapter 19.42 Home Occupation
- 3. Applicant's Description of Use
- 4. Letter from Neighbor

EXHIBIT

A. Site Plan for Residence

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission 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 Director at, or prior to, the public hearing.