

# CITY OF ROSEVILLE PLANNING & REDEVELOPMENT STAFF REPORT PLANNING COMMISSION MEETING May 12, 2005

Prepared by: Eileen Bruggeman, Project Planner

ITEM IV-D: CONDITIONAL USE PERMIT – 1315 DAISY COURT (DIANE STEELE SALON) - FILE# CUP 05-02

### **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/Property Owner - Diane Steele

# **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 seven (7) conditions of approval.

# **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request.

# **BACKGROUND**

The project site is a single-family residence located within the Oakmont Meadows subdivision within the Infill area of the City (Attachment 1). One segment of the rear yard fence is shared with Oakmont High School. 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.

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. 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 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-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.
- 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.

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 allows the Commission the ability to impose conditions and restrictions that are intended to keep the business from adversely impacting the neighborhood.

**Hours of Operation:** The applicant is proposing to operate during limited days and hours (30 hours per week total). A single operator (the owner) would book appointments, typically one at a time and an hour apart. Appointments would occur Monday through Thursday, between 10:00 am to 3:00 pm, Saturday between 10:00 am to 2:00 pm, and Tuesday and Wednesday evenings between 6:00 to 9:00

pm. The majority of the working hours would occur during typical business hours, while some neighbors might be at work away from home (Monday through Thursday, 20 hours). The appointment hours that would overlap with times that neighbors would typically be at home would be approximately ten (10) hours, three (3) hours each on Tuesday and Wednesday evenings, and four hours during Saturdays (10:00 am to 2:00 pm).

Customer Traffic: Based upon the anticipated maximum appointment schedule of four to eight (4-8) clients per day, the proposed use would generate approximately eight to sixteen (8 - 16) additional trips through the neighborhood five days a week. The increase of sixteen additional trips through the neighborhood during the five (5) days a week 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: There is the potential that the applicant could have two clients at the residence at the same time. This could cause 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 the residence is at the end of a cul-de-sac. Approximately ten feet (10') would be available in front of the house, which is insufficient space for a parking space. All client parking would need to be provided offstreet to avoid impacting the neighbors. The existing residence includes a 3-car garage that will provide the required off-street parking for the residence, and a 4-car driveway area (approximately 40' wide at the widest point). The applicant has indicated that parking for customers will be available within the driveway area. According to the Zoning Ordinance, the proposed use located within the 108+ square foot bedroom 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 two on-site at any time. The applicant has informed staff that she will instruct clients to only park in this area and schedule her appointments accordingly.

# Additional Factors To Consider

**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**

The project was routed for review and comment to various City Departments and to the Cirby Ranch Neighborhood Association. 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 limited 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(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 to permit customer contact associated with a Home Occupation.
- B. Approve the Conditional Use Permit to permit customer contact associated with a Home Occupation at 1315 Daisy Court 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 1315 Daisy Court, 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) & (D), 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 1315 Daisy Court. (Planning)
    - b) In home operation of the hair salon, Diane Steele 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 – Thursday 10:00 a.m. - 3:00 p.m. Tuesday and Wednesday 6:00 p.m. – 9:00 p.m. Saturday - 10:00 a.m. - 2:00 p.m. (Planning)

4. Prior to issuance of any Building Permit, the applicant shall: provide two complete sets of plans (contact the Building Department for a list of submittal requirements); insure that a clear and unobstructed path of travel is provided to the new entrance; and comply with all applicable building, mechanical, plumbing, and electrical codes. (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. Vicinity Map
- 2. Zoning Ordinance Chapter 19.42 Home Occupation
- 3. Applicant's Description of Use

# **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.

e:\2005\pc\staffreports\cup\_05\_02\_steele\_salon.doc