

upon a review of the site and staff's experience with similar type businesses (candle sales, Tupperware, purse sales, cosmetic sales, tax preparation, etc.), staff does not believe that the proposed business would result in excessive or unreasonable deliveries or visits to the site or generate a volume of traffic that would be deleterious to the neighborhood. Staff has visited the subject residence and determined that adequate on- and off-street parking exists to accommodate "normal and customary" visitations. The subject site has an paved 2-car driveway and on-street parking adjacent to the site.

Ms. Struble has indicated that there will be no on-site storage of bulk products at the site nor will there be deliveries or package drop-offs in excess of what is normal and customary for a residential use due to the business. Ms. Struble has indicated that she is the only employee of the business and that there will be no other employees at the site.

The following matrix is provided to evaluate the use characteristics of the proposed business versus the requirements of the City of Biggs Municipal Code:

The Major Home Occupation Criteria are as follows:

<i>Criteria</i>	<i>Staff Comment</i>
A. The business shall be conducted primarily within the dwelling or accessory building.	The applicant has indicated that all therapy sessions will occur entirely within the residence.
B. Minimal sales, with no publicly visible advertising or selling of items, from the subject property. However, a single, non-illuminated sign measuring no more than four (4) square feet shall be allowed;	The applicant has indicated that there will be no direct product sales occurring on site and that no signs are proposed as part of the business.
C. Customer and client visits shall not exceed reasonable and typical visitation levels within the surrounding neighborhood;	The applicant has indicated that very few client visits will occur at the site and that client visits would only occur on Monday, Wednesday or Friday between the hours of 8am-4pm. Therapy session will generally occur off-site at client households.
D. Employment shall be limited to persons residing on the premises, plus up to one additional person.	The applicant has indicated that no outside employees will be employed on the site.
E. The total floor area used for the home occupation, including within accessory buildings, shall be less than thirty (30) percent of the gross floor area of the dwelling unit or shall be wholly contained within a legal and conforming accessory structure.	The applicant has indicated that no bulk storage of products will occur on this site..
F. The use shall not generate traffic, noise, vibration, dust, odor, heat, light, glare, electrical interference, solid waste, or other characteristics in excess of that customarily associated with similar residential uses in the general vicinity.	The applicant has indicated that there will be no activities at the site that would produce excessive noise, light, glare or waste products.
G. No equipment, material, or products associated with the use shall be stored or displayed where visible from off the premises.	No business related equipment will be stored outdoors where visible from off the premise.

H. The use shall not adversely affect the residential character of the neighborhood.

The use will not affect the residential character of the neighborhood, as no physical modifications or change of use to the subject property is proposed.

ENVIRONMENTAL REVIEW

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA). Section 15305(a) of the CEQA Guidelines exempts certain actions that affect minor changes in land use that do not affect density or changes in land use. Therefore, staff proposes that the project is exempt from review under CEQA.

PUBLIC COMMENT

Staff had not received any formal comments on the project at the time of the preparation of this report.

RECOMMENDATION

Staff recommends that the City Council approve Home Occupation Permit (Major) 2011-01 with the following motions:

1. Move that the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the Public Resources Code.
2. Move that the City Council adopt Resolution 2011-XX, approving the requested Home Occupation Permit (Major) at 2981 Eleventh Street (APN 001-186-008) based upon the findings attached with this Staff Report and subject to the Conditions of Approval included herein.

Exhibits:

1. Conditions of Project Approval – HOP (Major) 2011-01
2. Approval Findings for HOP(Major) 2011-01
3. City Council Resolution 2011-XX
4. Copy of Home Occupation Permit Application dated March 16, 2011

**CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT (MAJOR) NO. 2011-01
2982 Eleventh Street; Assessor's Parcel Number 001-186-008
Owner/Operator: Carla Maria Struble**

Approved Use: Independent Beauty Consulting Business.

Conditions of Approval:

1. The home occupation use shall only operate between the hours of 9:00am and 4:00pm on Monday's, Wednesday's and Friday's.
2. The business shall be conducted entirely within the existing dwelling unit.
3. There shall be no retail sales or offering for sale from the premises of any commodities.
4. Employment shall be limited to owner/operator of the business only and the owner/operator shall reside on the premises.
5. The total floor area used for the home occupation, including area within accessory buildings, shall be less than 20 percent of the gross floor area of the dwelling unit.
6. The use shall not generate traffic, noise, vibration, dust, odor, heat, light, glare, electrical interference, solid waste, or other characteristics in excess of that customarily associated with similar residential uses in the general vicinity.
7. The Major Home Occupation Permit shall be reviewed annually and automatically renewed unless the City of Biggs Planning Department determines that 1) the use is substantially impacting the surrounding neighborhood, or 2) has been the subject of valid complaints to the City, or 3) that the use is no longer consistent with the codes and regulation of the City of Biggs.
8. The proposed business shall be operated in compliance with the information submitted to the Planning Department by the applicant's application and the requirements established in Title 14, Chapter 14.075, Section 14.075.040 of the Biggs City Code.
9. Prior to the issuance of the Home Occupation Permit, the applicant shall secure a City business license.
10. The violation of any of the above referenced Conditions of Approval may result in the revocation of this permit and/or business license.

FINDINGS REQUIRED FOR HOME OCCUPATION PERMIT (MAJOR) NO. 2011-01
2982 Eleventh Street; Assessor's Parcel Number 001-186-008
Owner/Operator: Carla Maria Struble

Findings for determination of Categorical Exemption: The project is determined to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA). In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, the project has been determined to be categorically exempt as it consists of the continued operation and permitting of an existing private facility involving no expansion of the use beyond that existing at the time of this determination (CEQA Guidelines Section 15301). The proposed use would occupy an existing residential structure and would not require an expansion or other significant alteration.

Findings for approval of a Home Occupation Permit (Major):

1. The approval of this Home Occupation Permit is necessary to protect a substantial property right of the applicant.

The City of Biggs Municipal Code permits the operation of Home Occupation Uses that will not unduly impact the surrounding residential area. The proposed use will not exhibit use characteristics that would result in a burden to the surrounding area.

2. The approval permits a use that will be compatible with other uses in the area, and that will not be detrimental to other uses, rights or properties in the area.

The proposed use will not result in any physical modifications to the subject structure and will not change the primary use of the site from a residential dwelling unit.

3. The project is consistent with the General Plan Land use designation for the site and is compatible with the goals and policies of the General Plan.

The principal use of the property for residential purposes is consistent with the sites residential land use designation on the City of Biggs General Plan.

4. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.

The proposed use will not use or cause the use of substances or materials that would pose a risk to the general public nor will the proposed use exhibit characteristics that could be considered to pose a risk.

5. The project will not result in substantial environmental damage.

The proposed use will not result in any physical modifications to the subject structure and will not change the primary use of the site from a residential dwelling unit. The proposed use will not result in substantial environmental damage as a result of its approval.

RESOLUTION NO. 2011-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING
A MAJOR HOME OCCUPATION PERMIT AT 2982 ELEVENTH STREET
(APN 001-186-008) TO PERMIT THE USE OF A PORTION OF THE EXISTING
DWELLING AS A HOME BASED MASSAGE THERAPY STUDIO**

APPLICATION: Home Occupation Permit (Major) – HOP-Major 2011-01

WHEREAS, Carla Maria Struble has submitted an application to the City of Biggs for a Home Occupation Permit to permit the operation of an in-home massage therapy business to be located at 2982 Eleventh Street (APN 001-186-008); and

WHEREAS, the subject parcel located at 2982 Eleventh Street is zoned with R-2, Residential Medium zone designation and the use is consistent with the R-2 zone district subject to securing a Home Occupation Permit (Major); and

WHEREAS, the project is subject to conditions of approval regulating various aspects of the use and is otherwise consistent with the requirements of the City of Biggs Municipal Code; and

WHEREAS, the City Council of the City of Biggs has determined that the project is exempt from further environmental review based upon the determination that the project is consistent with the definition of an exempt project pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines which exempts from further environmental review certain actions affecting the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Biggs approves a Home Occupation Permit (Major) at 2982 Eleventh Street (APN 001-186-008), subject to the following conditions:

1. The home occupation use shall only operate between the hours of 9:00am and 4:00pm on Monday's, Wednesday's and Friday's.
2. The business shall be conducted entirely within the existing dwelling unit.
3. There shall be no retail sales or offering for sale from the premises of any commodities.
4. Employment shall be limited to owner/operator of the business only and the owner/operator shall reside on the premises.
5. The total floor area used for the home occupation, including area within accessory buildings, shall be less than 20 percent of the gross floor area of the dwelling unit.

6. The use shall not generate traffic, noise, vibration, dust, odor, heat, light, glare, electrical interference, solid waste, or other characteristics in excess of that customarily associated with similar residential uses in the general vicinity.
7. The Major Home Occupation Permit shall be reviewed annually and automatically renewed unless the City of Biggs Planning Department determines that 1) the use is substantially impacting the surrounding neighborhood, or 2) has been the subject of valid complaints to the City, or 3) that the use is no longer consistent with the codes and regulation of the City of Biggs.
8. The proposed business shall be operated in compliance with the information submitted to the Planning Department by the applicant's application and the requirements established in Title 14, Chapter 14.075, Section 14.075.040 of the Biggs City Code.
9. Prior to the issuance of the Home Occupation Permit, the applicant shall secure a City business license.
10. The violation of any of the above referenced Conditions of Approval may result in the revocation of this permit and/or business license.

* * * * *

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting to the City Council of the City of Biggs, held on the 18th day of April, 2011, by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

 Roben Dewsnup
 CITY CLERK

 Roger L. Frith
 MAYOR

\$1,500-

Application No.



Planning Department
3016 Sixth Street
P.O. Box 1134
Biggs, CA 95917.

MAILING ADDRESS

Application for:
Home Occupation Permit

P.O. Box 502 95917 Biggs

Applicant Information

Name: CARLA MARIA MEZO STREUBLE Daytime Phone: 530 570-4202

Street Address: 2982 ELEVENTH STREET

City: BIGGS State: CA Zip: 1

Property Owner: Check box if same as applicant

Name: IGNACIO VILLANUEVA Daytime Phone: (530) 846-0655

Address: 219 Sheldon Ave. P.O. Box 1107

City: Gridley State: CA Zip: 95948

Property Location

Address of Subject Property: ELEVENTH ST.

Assessor's Parcel Number(s): 001-186-008 Size (Acres or Sq. footage):

Present City Zoning: General Plan Designation:

Request

In home business with 7-2 visits per M.W.F. No signs, no off street parking - I will be using 1-12 x 12 room for storage and in home visits. I also am lic. to work on a outcall basis in Butte Co, and Gridley.

Answer all that apply: MASSAGE THERAPY
Day and Hours of Operation: M. W. F. 9am to 4pm Number of Employees: NONE JUST MYSELF/OWNER

Number of Off-street Parking Spaces Proposed: 0

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. (Before signing, see note on back.)

Applicant's Signature Carla Mezo-Streuble Date 2-9-11

For Office Use Only

Submittal Information
Application received by: [Signature] Date: 3-16-11
Planning Commission Action: Approved _____ Denied _____
Date _____ Vote _____

Fees: Application Fee \$ 50.00
Receipt No. 75326 Environmental Review \$ _____
Total Fee \$ 50.00
City Council Action: Approved _____ Denied _____
Date _____ Vote _____
Resolution No. _____

See back and attachments for additional information.