

Address: **488 B Street, Biggs**

Application No. 2016-01

Project Data:

Applicant / Owner: April Andersen / Kelly Purves
Application Type: Conditional Use Permit
Assessor Parcel Number: 001-061-038
Building Size: Requested use of 1,250 square feet in 4,800 square foot building
Zoning: C-D (Downtown Commercial)
General Plan: Commercial
Environmental Review: Categorically Exempt
Planning Staff: Scott Friend, City Planner

Project Description / Location

The applicant proposes to use approximately 1,250 square feet of an existing 4,800 square foot building in the Downtown Commercial Zone District as a small group fitness center. The proposed use (exercise club/fitness center) would accommodate a maximum of eight (8) people a session. As proposed, classes would be held weekdays (Monday through Friday) between the hours of 7:00 A.M. to 9:00 A.M., and 5:00 P.M. to 8:00 P.M.

Review Criteria

The proposed project has been analyzed using the following criteria to evaluate consistency with the Biggs Municipal Code. These sections have been excerpted directly from the code, which refers to the Planning Commission; however, the Planning Commission in Biggs is currently suspended. Thus, all references to the Planning Commission made in this report can be interpreted as referring to the City Council.

Zoning Code Sections:

14.035 – Conditional Use Permits

The purpose of a conditional use permit is to allow for site development which generally may have a distinct impact on an area in which they are located or are capable of creating special problems for adjacent properties unless given special attention. The Planning Commission (City Council) may designate conditions in connection with the granting of a conditional use permit.

14.065 – Off-Street Parking

The intent of off-street parking is to maintain the maximum safety and convenience for vehicles, pedestrians and the general public by requiring well designed off-street parking areas.

14.165 – C-D (Downtown Commercial) Zoning District

The C-D (Downtown Commercial) district provides areas for a variety of commercial uses, which serve the needs of residents in Biggs as well as the surrounding region. This district allows for a range of commercial uses within Biggs and is intended to provide goods and services for the community as well as employment for local residents. Exercise clubs, studios, and/or training facilities are allowed in the Downtown Commercial Zone District pursuant to the issuance of a Conditional Use Permit under Section 14.120.030 of the Biggs Zoning Code.

Analysis

The applicant proposes to utilize 1,250 square feet of an existing 4,800 square foot building in the Downtown Commercial zone district. The proposed use, a small exercise club / fitness center, would offer small group workout sessions on weekday mornings from 7:00 A.M. to 9:00 A.M. and weekday evenings from 5:00 P.M. to 8:00 P.M. The project would involve minor structural changes to the existing building. Fitness equipment would include dumbbells and other weights, resistance bands, balance balls, and a row machine. Classes would be held by sign-up only and accommodate up to eight (8) people per group session.

The following potential issues require that a determination be made by the Planning Commission:

Land Use:

The proposed use would be located within an existing structure on property designated for commercial land use and zoned Downtown Commercial (C-D) in the Biggs General Plan. The project does not require the construction of any additional buildings outside of the existing structure. Since the proposed project is to be located within an existing structure, it meets all required development standards and will not significantly affect the outside appearance of the building. Additionally, the Conditional Use Permit will be conditioned to ensure that adequate parking is provided and that the project is consistent with the applicable standards as set forth in the Biggs Zoning Code.

Conditional Use Permit:

As described in detail above, the proposed project would establish a small group fitness center on the subject site. Pursuant to Chapter 14.120, Commercial Use Table of the BMC, the proposed use requires the issuance of a Conditional Use Permit by the Planning Commission. Chapter 14.35, Conditional Use Permits, establishes four findings that must be made by the Planning Commission prior to approving a Use Permit. The four required findings are as follows:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the city; and
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan and any applicable specific plan.

As established in Section 14.35.050, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Staff Analysis of Consistency with Required Findings:

1. *The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use:* The proposed use (small fitness center / training facility) would consist of minor interior modifications to 1,250 square feet of the existing 4,800 square foot commercial building located at 488 B Street. No external improvements are proposed at this time. All project elements including noise, lighting, and parking have been evaluated. No additional lighting has been proposed. The project will comply with the noise standards established in the city code. Adequate street parking is available to accommodate the expected number of clientele. As submitted, the project would not have a detrimental effect on those working or residing in the neighborhood due to the minor nature of the proposed improvements.

2. *The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use:* The proposed use consists of interior modifications to an existing structure to allow for the development of a 1,250 square foot fitness center / training facility. No additional lighting has been proposed. The project will comply with the noise standards established in the city code. No external improvements are proposed at this time. Due to the minor nature of the proposed improvements, the project would not have a detrimental or injurious to property or improvements in the neighborhood.
3. *The proposed use will not be detrimental or injurious to the general welfare of the city:* The proposed use consists of interior modifications to an existing structure to allow for the development of a 1,250 square foot fitness center / training facility. All project elements including noise, lighting, and parking have been evaluated. No additional lighting has been proposed. The project will comply with the noise standards established in the city code. The use would be limited to weekdays, between the hours of 7:00AM to 9:00AM and 5:00PM to 8:00PM, and would not have a significant impact on the surrounding environment. As such, the project will not be detrimental or injurious to the general welfare of the City.
4. *The proposed use will be consistent with the policies, standards and any use designations of the general plan and any applicable specific plan:* The proposed use consists of interior modifications to an existing structure to allow for the development of a 1,250 square foot fitness center / training facility. The project site is designated Commercial (C) in the General Plan and zoned Downtown Commercial (C-D). As established in the City's zoning code, exercise clubs, studios, and/or training facilities are permitted uses with the issuance of a Conditional Use Permit. Upon issuance of a Conditional Use Permit and approval of the attached conditions, the request will be consistent with the policies and standards of the City.

Parking and Circulation

The requested Conditional Use Permit is for the development of a 1,250 square foot fitness center / training facility to be located in an existing 4,800 square foot commercial building within the Downtown Commercial (C-D) Zone District. Pursuant to BMC Chapter 14.35, *Off-Street Parking*, the parking requirement for commercial properties along B Street shall be determined by the Planning Commission if the proposed use is not listed in the table under Section 14.65.100.

The applicant did not submit a parking plan as there is limited off-street parking available for businesses in the Downtown. The proposed use would be located in an existing commercial building that is currently surrounded by an adequate amount of on-street parking. Furthermore, fitness classes would be held for small groups of 8 people or less, with one instructor/employee onsite, and would be limited to weekdays between the hours of 7:00AM to 9:00AM and 5:00PM to 8:00PM. Thus, planning staff believes that there is sufficient parking available and that the proposed use would not negatively impact existing traffic / circulation. As different commercial uses vary in off-street parking requirements, further approval maybe required for the addition of businesses within the building.

Landscape Areas

The request is for a Conditional Use Permit to allow for the development of a 1,250 square foot fitness center within an existing 4,800 square foot structure. The applicant shall be subject to all commercial landscape requirements as set forth in sections 14.125.060 and 14.55.100 of the Biggs Zoning code, at the time of occupation by any commercial business.

Utilities

Based upon the information provided by the Public Works Department and City Engineer, the existing structure has existing water and sewer connections and, as a result, no new utility connections are being required. Should any new utility connections become necessary, such connections shall be approved by the City Engineer and will be required prior to the issuance of an occupancy permit for the proposed use.

Environmental Review

In accordance with State CEQA Guidelines, as developed under Public Resources Code Section 21084, City staff has determined the project to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301.

Recommendation

1. Staff recommends approval of Conditional Use Permit request CUP 2016-01 to allow for the development of a 1,250 square foot fitness center / training facility to be located in the existing commercial building at 488 B Street, subject to the required findings of approval and conditions of approval attached to this Staff Report.

Attachments

Attachment A – Application and Site Plan
Attachment B – Findings of Approval
Attachment C – Conditions of Approval
Attachment D – Resolution 2016-11
Attachment E – Notice of Exemption

Application No.



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

Application for: Conditional Use Permit

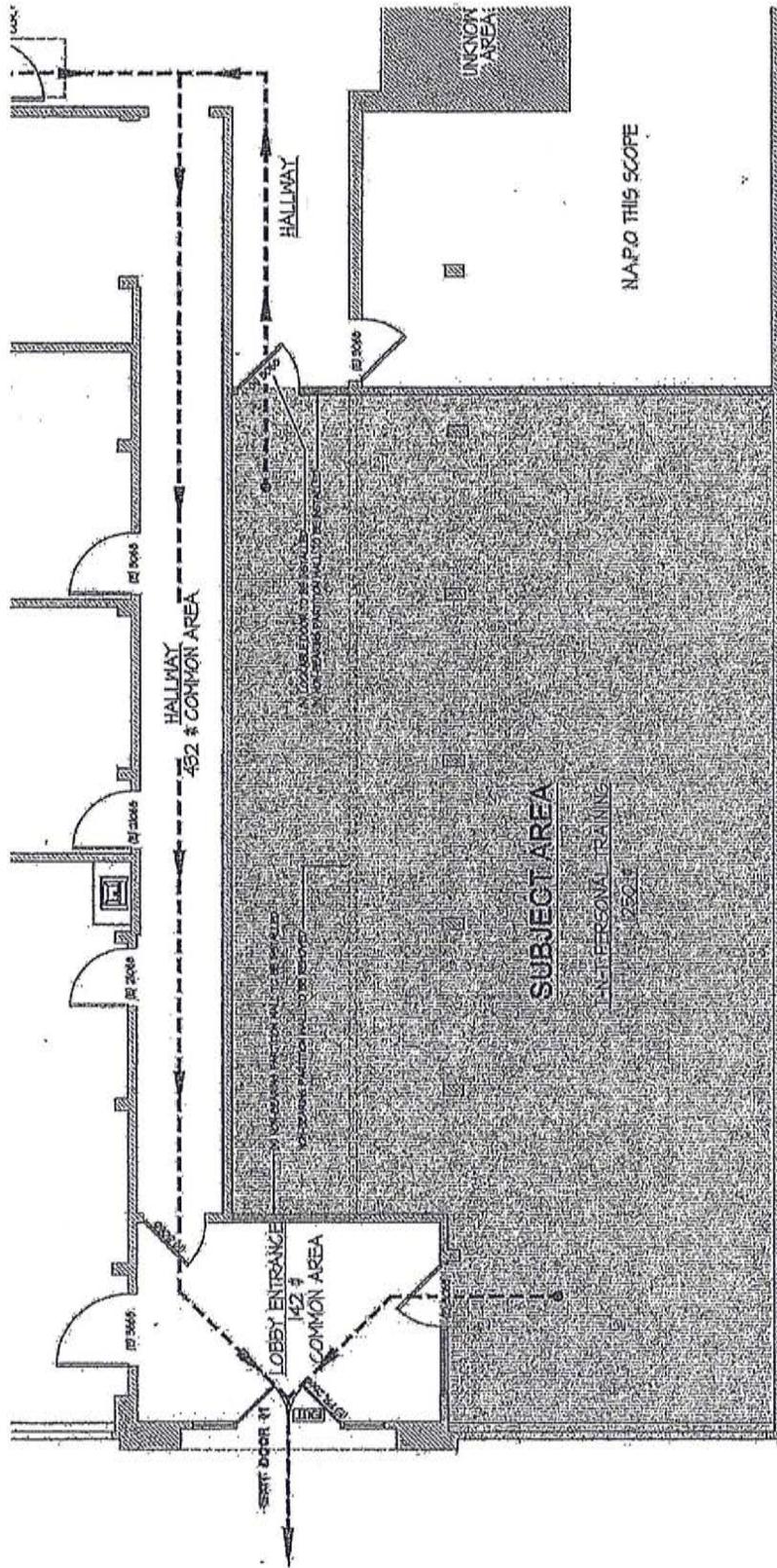
Applicant		
Applicant: <u>April Andersen</u>	Daytime Phone: <u>530-218-6384</u>	
Street Address: <u>4841 Beaver Ln</u>		
City: <u>Olivehurst</u>	State: <u>ca</u>	Zip: <u>95961</u>
Property Owner <input type="checkbox"/> Check box if same as applicant		
Name: <u>Kelly Purves</u>	Daytime Phone: <u>530-870-7078</u>	
Address: <u>7829 Garden Hwy</u>		
City: <u>Yuba city</u>	State: <u>ca</u>	Zip: <u>95991</u>
Property Location		
Address of Subject Property: <u>488 B St Biggs CA</u>		
Assessor's Parcel Number(s):	Size (Acres or Sq. footage): <u>1250 sq ft</u>	
Present City Zoning:	General Plan Designation:	
Request		
<u>To use space for small group training up to 8 people a group, using Body weight, Dumbbells, Bands, Balls, Colddens, Row machine, Jump ropes for functional training. Classes are by sign ups only.</u>		
Answer all that apply:		
Day and Hours of Operation: <u>M-F 7am-9am - Sun-8pm</u> No. of Employees: <u>1</u>		
Number of Off-street Parking Spaces Proposed: <u>9</u>		

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 April Andersen Date 6/8/14

For Office Use Only	
Submittal Information Application received by: <u>M. Mattos</u> Date: <u>6-9-14</u>	Planning Commission Action: Approved <input type="checkbox"/> Denied <input type="checkbox"/> Date _____ Vote _____
Fees: Application Fee \$ <u>741.25</u> Receipt No. _____ Environmental Review \$ <u>0</u> Total Fee \$ <u>741.25</u>	City Council Action: Approved <input type="checkbox"/> Denied <input type="checkbox"/> Date _____ Vote _____ Resolution No. _____

See back and attachments for additional information.



Door

Step

Step

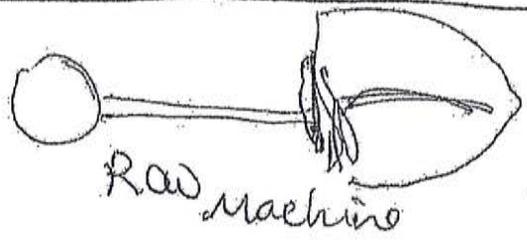
Steps

Steps

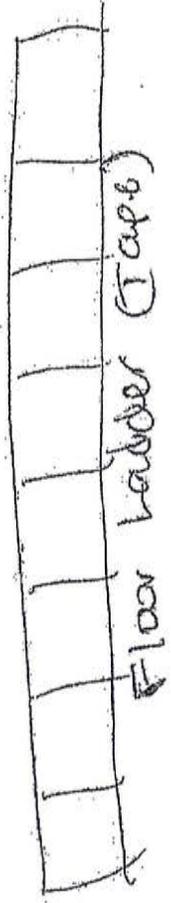
Steps

Jump ropes
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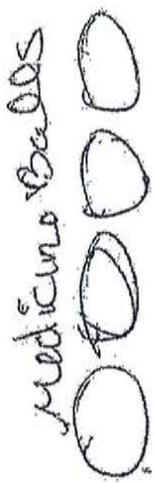
OO Gliders



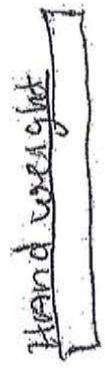
Row machine



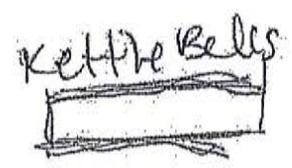
Floor Ladder (Tapp)



Medicine Balls



Hand weight



Kettle Bells

Counter

Door

June 9, 2016	*****	Receipt #.: 25084
Thursday 2:54 pm	* City of Biggs *	Register #.: 000
By: MARLEE	*****	Terminal ID: T1
3016 Sixth Street, P.O. Box 307 Biggs, CA. 95917 0307		

I.D. Number	Amount Paid
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TNTMP	TENT MAP&OTHER FILNG	741.25
Cmt: APRIL ANDERSON APP FOR CONDITIONAL USE PERMIT		

Check #	Check Amount	Cash	Amt Tendered	Total Paid	Change
	.00	741.25	741.25	741.25	.00

Paid By.: APRIL ANDERSON APP FOR CONDITIONAL USE PERMIT

CITY OF BIGGS
CITY COUNCIL FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2016-01
FOR: April Andersen
Assessor's Parcel Number: 001-061-038-000 (488 B Street)

Findings for adoption of the Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Biggs;
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan;
5. The project will not have a significant or un-mitigable impact on the physical environment.

Staff Analysis of Consistency with Required Findings:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The proposed use (exercise facility) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposal would not generate significant noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed use (exercise facility) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located entirely within an existing commercial building on an existing parcel in the Downtown Commercial (C-D) zoning district. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project would not be detrimental or injurious to property and improvements in the neighborhood of the project area.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located entirely within an existing commercial building in the Downtown Commercial (C-D) zoning district and conditions of use and approval have been added to address any issues associated with parking, noise, lighting and utility connections. The proposed exercise facility would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental or injurious to the general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan: *Municipal Code Section 14.120.030, Conditional Uses, establishes that exercise clubs, studios, and/or training facilities may be permitted in commercial zoning districts subject to the issuance of a Conditional Use Permit. In accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, the Council may grant approval of such permit. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or un-mitigable impact on the physical environment. *The proposed occupancy meets the criteria for a Class I Exemption pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2016-01, Andersen

Assessor's Parcel Numbers: 001-061-038-000

Project location: 488 B Street

Zoning: C-D, Downtown Commercial

General Plan Land Use Designation: C, Commercial

Conditional Use Permit # 2016-01, Andersen: A request by April Andersen to establish a 1,250 square foot fitness center / exercise facility in an existing 4,800 square foot commercial building located at 488 B Street, in the Downtown Commercial (C-D) zoning district. The proposed exercise facility will offer group sessions of up to 8 people per class. Operating hours would be limited to weekdays between 7:00AM to 9:00AM and 5:00PM to 8:00PM. A Conditional Use Permit is required for exercise clubs, studios, and/or training facilities in a commercial zone, as mandated by Section 14.120.030 of the Biggs Municipal Code. In accordance with State CEQA Guidelines, as developed under Public Resources Code 21084, City staff has determined the project to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be

Conditional Use Permit #2016-01: Andersen
City of Biggs City Council Meeting – July 12, 2016

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major or significant in nature shall require a formal application for amendment by public hearing before the City Council.

7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

Permitting and Approvals:

10. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department;
11. Applicant must submit all plans and shall obtain all required permits from the Butte County Building Department prior to the commencement of any project related work.
12. The applicant shall coordinate with and receive approval from the City of Biggs Electric Department for all electrical service connections to the structure and shall report such work to the City of Biggs Planning Department.
13. The applicant shall notify the City of Biggs Public Works / Engineering Department that an inspection has been requested through the Butte County Building Department concurrently with the placement of such request with the County.
14. The applicant shall secure a business license prior to the initiation of the use on the property.
15. A review of this permit shall be conducted in 12 months to ensure conformity with conditions of approval.
16. This permit shall be exercised within three (3) years of the date of final approval or it shall be come null and void.

Business Hours and Class Size:

17. The Use Permit is for the allowance of no more than eight (8) customers/clients per class. Permitted hours of operation are from 7:00AM to 9:00AM and 5:00PM to 8:00PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals detailed in this report.

Parking:

18. Prior to the issuance of the Conditional Use Permit, the applicant shall secure a Parking Waiver or off-site parking fee agreement with the City in-lieu of providing on-site parking.

Illumination:

19. All exterior lighting shall be screened or shielded in a downward direction to eliminate offsite glare impacts. No exterior, non-shielded flood lights shall be permitted. All exterior lighting

shall be implemented in conformance with Municipal Code Section 14.55.080, which requires that all lighting fixtures be appropriate in scale, intensity, and height to the use they are serving.

Noise:

20. No exterior amplified speaker system(s), amplified music system(s) or audible noise in excess of what may be considered normal for the use shall be permitted.

Signage:

21. All signage must comply with the standards and regulations established in Chapter 14.85 of the Biggs Municipal Code.
22. No signs have been approved with this permit. Any desired future signage will require a separate application and permit approval.

RESOLUTION 2016-11

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT
FOR 488 B Street (APN: 001-061-038)
APPLICATION: CONDITIONAL USE PERMIT #2016-01**

WHEREAS, April Andersen (applicant) has requested a Conditional Use Permit to utilize 1,250 square feet the existing 4,800 square foot commercial building at 488 B Street as an exercise club / fitness center in the Downtown Commercial Zone District; and

WHEREAS, the City Council held a duly noticed public hearing to accept public comments and to review and consider the application on July 12, 2016; and

WHEREAS, the City Council has determined that, subject to approval of the Conditional Use Permit, the request is consistent with the Biggs General Plan and the standards of Biggs Zoning Code; and

WHEREAS, the City Council has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the Public Resources Code; and

WHEREAS, the City Council has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.
3. The proposed use will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan and any applicable specific plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve the requested Conditional Use Permit for 488 B Street subject to the following conditions:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

Permitting and Approvals:

10. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department;
11. Applicant must submit all plans and shall obtain all required permits from the Butte County Building Department prior to the commencement of any project related work.
12. The applicant shall coordinate with and receive approval from the City of Biggs Electric Department for all electrical service connections to the structure and shall report such work to the City of Biggs Planning Department.
13. The applicant shall notify the City of Biggs Public Works / Engineering Department that an inspection has been requested through the Butte County Building Department concurrently with the placement of such request with the County.
14. The applicant shall secure a business license prior to the initiation of the use on the property.
15. A review of this permit shall be conducted in 12 months to ensure conformity with conditions of approval.

16. This permit shall be exercised within three (3) years of the date of final approval or it shall be come null and void.

Business Hours and Class Size:

17. The Use Permit is for the allowance of no more than eight (8) customers/clients per class. Permitted hours of operation are from 7:00AM to 9:00AM and 5:00PM to 8:00PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals detailed in this report.

Parking:

18. Prior to the issuance of the Conditional Use Permit, the applicant shall secure a Parking Waiver or off-site parking fee agreement with the City in-lieu of providing on-site parking.

Illumination:

19. All exterior lighting shall be screened or shielded in a downward direction to eliminate offsite glare impacts. No exterior, non-shielded flood lights shall be permitted. All exterior lighting shall be implemented in conformance with Municipal Code Section 14.55.080, which requires that all lighting fixtures be appropriate in scale, intensity, and height to the use they are serving.

Noise:

20. No exterior amplified speaker system(s), amplified music system(s) or audible noise in excess of what may be considered normal for the use shall be permitted.

Signage:

21. All signage must comply with the standards and regulations established in Chapter 14.85 of the Biggs Municipal Code.

22. No signs have been approved with this permit. Any desired future signage will require a separate application and permit approval.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 12th day of July, 2016 by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

ATTEST:

Roben Dewsnup, CITY CLERK

Roger Frith, MAYOR

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 22
Sacramento, CA 95812-3044

From: City of Biggs
Planning Department
P.O. Box 1134
Biggs, CA 95917

County Clerk-Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

Project Title: Conditional Use Permit #2016-01

Project Location - Specific: City of Biggs – 488 B Street

Assessor's Parcel Number(s): 001-161-038

Project Location – City: Biggs

Project Description: The applicant proposes to use approximately 1,250 square feet of an existing 4,800 square foot commercial building as a small group fitness center. The proposed use (exercise club/fitness center) would accommodate a maximum of eight (8) people a session. As proposed, classes would be held weekdays (Monday through Friday) between the hours of 7:00 A.M. to 9:00 A.M., and 5:00 P.M. to 8:00 P.M.

The subject parcel is designated Commercial (C) by the City of Biggs General Plan and is located in the Downtown Commercial (C-D) zoning district. No change of land use designation or zoning is requested.

Lead Agency: City of Biggs

Lead Agency Contact Person and Phone Number: Scott Friend, City Planner
(530) 894-3469 x 13214

Applicant: April Andersen

- Exemption Status:**
- Ministerial [Section 21080(b); 15268];
 - Declared Emergency [Section 21080(b)(3); 15269(a)];
 - Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 - General Rule [Section 15061 (b)(3)];
 - Categorical Exemption a Class 1 exemption, Section 15301
 - Statutory Exemption

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

In accordance with State CEQA Guidelines, as developed under Public Resources Code Section 21084, this project has been determined to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301, a class 1 exemption. The proposed use is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit, is located on a developed site, has no value as habitat for endangered, rare, or threatened species, will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by commercial zoning; and the site is serviced by developed utilities and public services.

City of Biggs
Planning Department

By _____
Scott Friend, AICP City Planner
Date: July 1, 2016