

Meeting Date: March 27, 2023

Item Number: 1

# ADMINISTRATIVE HEARING AGENDA REPORT

**SUBJECT:** Request for a Minor Use Permit to establish a Personal Services use (hair salon) in

the Tourist Commercial (C-T) Zone

**PROJECT ADDRESS:** 1121 Montalban St. **BY:** Walter Oetzell, Assistant Planner

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**FILE NUMBER:** USE-0082-2023 **FROM:** Brian Leveille, Senior Planner

**RECOMMENDATION**: Approve the Use Permit, based on findings and subject to conditions.

### **SITE DATA**

Applicant	Montalban LLC	OAKST	The State of the S
Representative	Chuck Francoeur	P. Commission of the Commissio	
<b>General Plan</b>	Tourist Commercial		
Zoning	Tourist Commercial (C-T)		R-2
Site Area	15,000 sq. ft.	TON BANS	102
Environmental Status	Categorically Exempt per CEQA Guidelines §15301 (Existing Facilities)	C-F	R-2'

### **SUMMARY**

The applicant intends to lease a 430 square-foot commercial space within a mixed-use project located in a Tourist Commercial (C-T) Zone for use as a beauty salon, a land use which is classified as Personal Services in the City's Zoning Regulations. Personal Services may be conducted in the C-T Zone under the terms of a Minor Use Permit issued by the City (Zoning Regs. § 17.10.020 (A)). Procedures for consideration of a Minor Use Permit are set out in Chapter 17.110 of Zoning Regulations, including required findings and appropriate conditions of approval.

### PROJECT INFORMATION

# **Site Information and Setting**

The project site is a relatively flat parcel on the south side of Montalban Street, between Santa Rosa Street (State Route 1) and Lemon Street in a Tourist Commercial (C-T) Zone. Adjacent and surrounding uses include retail (Lombard's Stereo), ambulance service (San Luis Ambulance), automobile service station (Speedway), restaurants (Tacos de Mexico, Jack in the Box), and multiand single-family residential development. The property is developed with a three-story mixed-use development consisting of 15 residential units and 430 square feet of commercial space. The larger project was reviewed and approved by the Planning Commission in May, 2019.<sup>1</sup>

### **Project Description**

The applicant intends to improve the commercial space in the development for use as a beauty salon comprised of a waiting and sales display area, styling chairs, wash bowl, bathroom, and kitchenette amenity (see Project Description, Attachment A, Project Plans, Attachment B). Hours of operation are proposed to be between 10:00 am and 6:00 pm daily, consistent with standards for hours of operation established under Zoning Regulations §17.070.130(F)(4)(b).

### **EVALUATION**

The beauty salon will operate completely within the interior space of the building's commercial area and does not include activities that would be expected to generate dust, glare, heat, noise, noxious gases, odor, smoke, traffic, or vibration, or any other significant impacts to dwellings on the site or to neighboring properties. Proposed hours of operation are appropriate for a mixed-use development. Parking for the commercial space has been incorporated into the development at the typical commercial ratio (1 space per 300 square feet of floor area), sufficient for Personal Services, which carries the same requirement (Zoning § 17.72.030).

### OTHER DEPARTMENT COMMENTS

Project plans have been reviewed by the Building & Safety Division, the Fire Marshal, and the Utilities Department. No concerns were raised, apart from noting that the larger mixed-use project remains subject to original conditions of project approval, which is addressed in a condition of approval (#2) suggested below.

# ENVIRONMENTAL REVIEW

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). It involves operation of an existing facility as described in §15301 of the CEQA Guidelines (Existing Facilities).

### **ATTACHMENTS**

- 1. Applicant's Project Description (1121 Montalban)
- 2. Project Plans (1121 Montalban)

<sup>&</sup>lt;sup>1</sup> The Mixed-Use Project was approved by adoption of Resolution No. PC-1003-2019, available online at: <a href="http://opengov.slocity.org/WebLink/DocView.aspx?id=94694">http://opengov.slocity.org/WebLink/DocView.aspx?id=94694</a>

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ACTION		
☐ Approve, based on findings and s	subject to conditions listed below	
☐ Approve as modified, based on fir	indings and subject to conditions listed below	
□ Deny		
☐ Continue to:	to allow	
☐ Continue indefinitely to allow: _		

# Rachel Cohen, Senior Planner Hearing Officer

# **Findings**

- 1. The proposed use is consistent with the General Plan. Land Use Element policy encourages compatible mixed-uses in commercial districts (LUE Policy 3.85).
- 2. The proposed use is consistent with the City's Zoning Regulations. Personal Services may be permitted within a Mixed-Use Project under the terms of a Minor Use Permit (Zoning § 17.10.020). The use is compatible with the residential uses in the development and with existing and allowed land uses in the area, which include retail, services, restaurants, and multi-and single-family residential development.
- 3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity, and the use is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. The beauty salon will be conducted within a small commercial space in a mixed-use project designed to accommodate non-residential use, and does not involve activities that would generate adverse impacts.
- 4. The site is physically suitable in terms of: its design, location, shape, size, and the operating characteristics of the proposed use; traffic generation and the provision of public and emergency vehicle access; public protection services; and the provision of utilities. The business will be operated in an existing building located within a Tourist-Commercial area, with all necessary services and facilities available, and will be operated under a Certificate of Occupancy issued by the City's Building & Safety Division.
- 5. The establishment and subsequent operation or conduct of the proposed use will not, because of the circumstances and conditions applied in the particular case, result in jeopardizing or endangering, the health, peace, safety, or welfare of the general public or persons residing or working in the neighborhood of the use or be detrimental or injurious to property or

improvements in the vicinity of the use. Operation of a beauty salon in a small commercial suite within a mixed-use development involves no hazardous materials or activities that would jeopardize public health, safety, and welfare. This Use Permit may be modified or revoked in response to substantiated evidence of violation of the terms of this permit or other applicable City regulations and standards.

6. Approval of a Minor Use Permit to allow a Personal Service use within a Mixed-Use Project in a Tourist Commercial (C-T) Zone is categorically exempt from provisions of the California Environmental Quality Act (CEQA). It involves operation of an existing facility as described in § 15301 of the CEQA Guidelines (Existing Facilities).

# **Conditions**

### **Planning**

- 1. <u>Limited applicability</u>. Approval under this Use Permit is limited to the operation of Personal Services in the commercial space within the 1121 Montalban Mixed-Use Project, as depicted and described in the plans and materials submitted with this Use Permit application. Said activity shall be confined to the area depicted in floor plans approved under this application.
- 2. <u>Conformance to Mixed-Use Project Approval</u>. Operation of the Personal Services use approved under this Use Permit shall be conducted in a manner consistent with the conditions of approval for the Mixed Use Project on this site set out in Resolution No. PC-1003-2019.

### Indemnification

3. The applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review ("Indemnified Claims"). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and City shall fully cooperate in the defense against an Indemnified Claim."



Minor Use Permit/MUP

1121 Montalban Suite # 100 Commercial Space

### PROJECT DESCRIPTION:

Montalban LLC (Owner) is proposing to complete a tenant improvement plan for its Personal Services space in the attached mixed-use building.

The tenant space consists of 430 square feet including a bathroom and parking.

The tenant space will be converted into a small beauty salon. There will be approximately two salon styling chairs, kitchenette, seated waiting area, one wash bowl, sales displays, and a bathroom.

The employee count is estimated to be one owner, one stylist assistant, and customers. Hours of operation are estimated to be from 10:00 a.m. to 6:00 p.m. and occasional weekends.

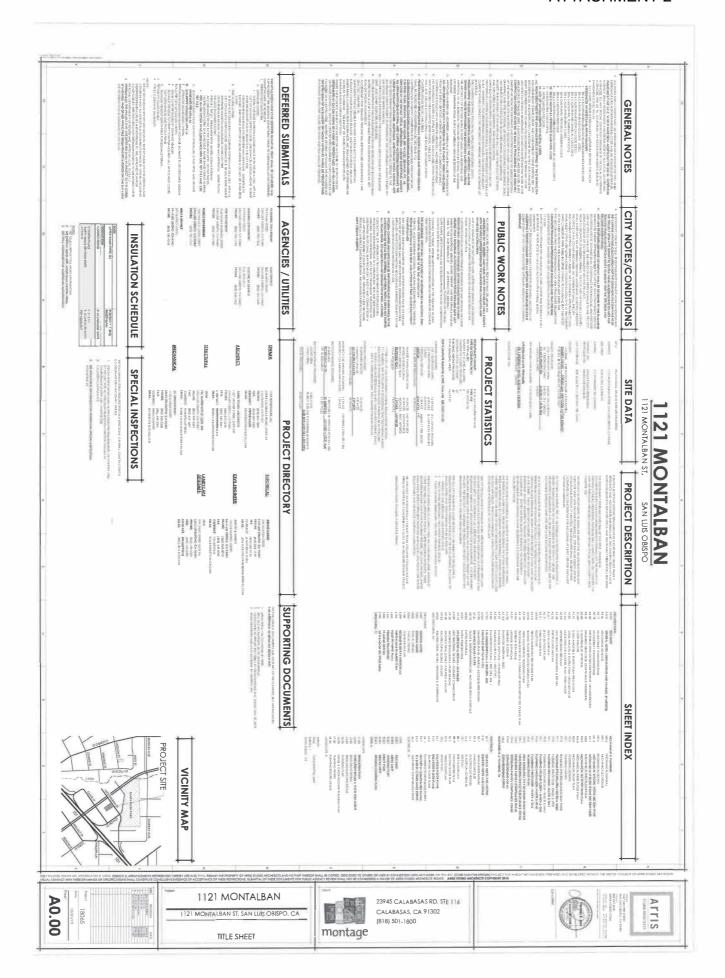
Designated parking is located on site in parking stalls #1&2 as located on the attached plans.

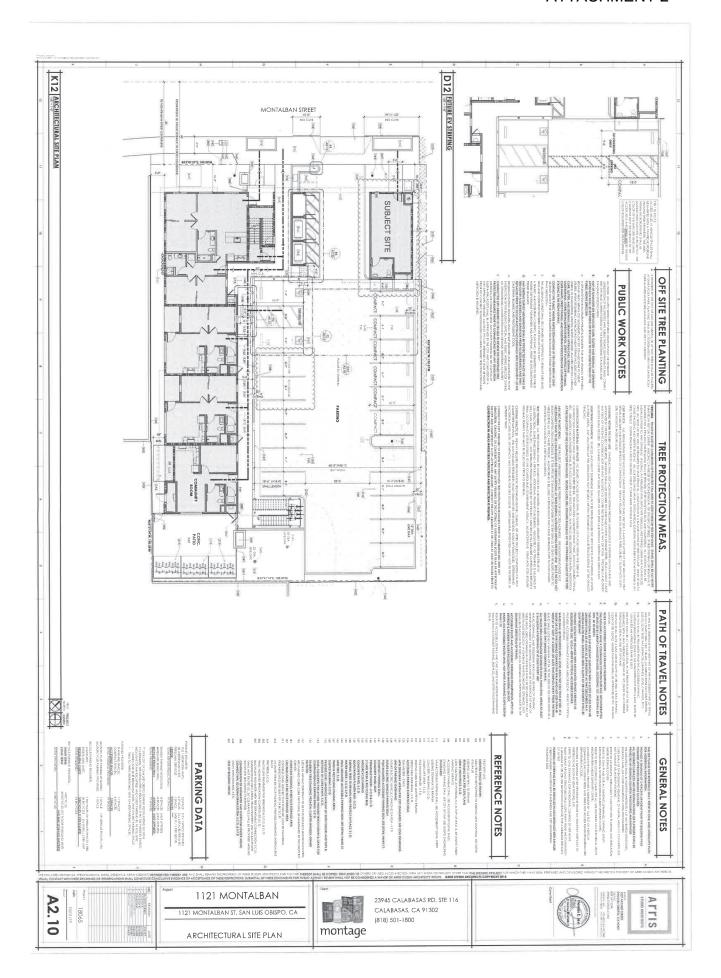
If any additional information is required, please contact Chuck Francoeur, cell 818-652-6705, via email <a href="mailto:cfrancoeur@montagedev.com">cfrancoeur@montagedev.com</a>

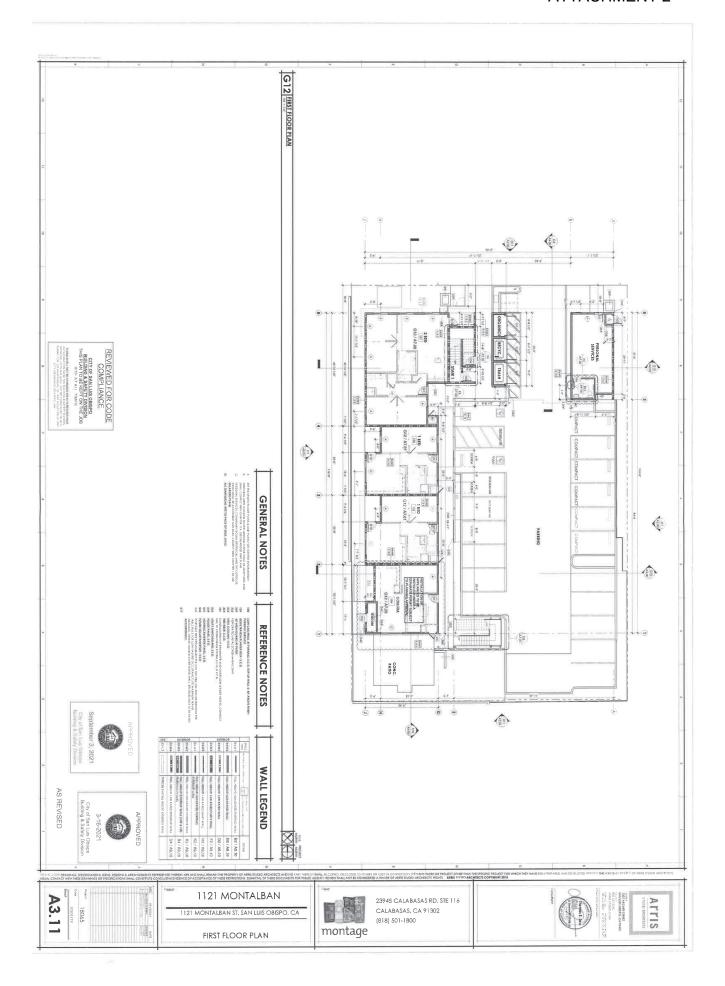
Many Thanks,

Chuck

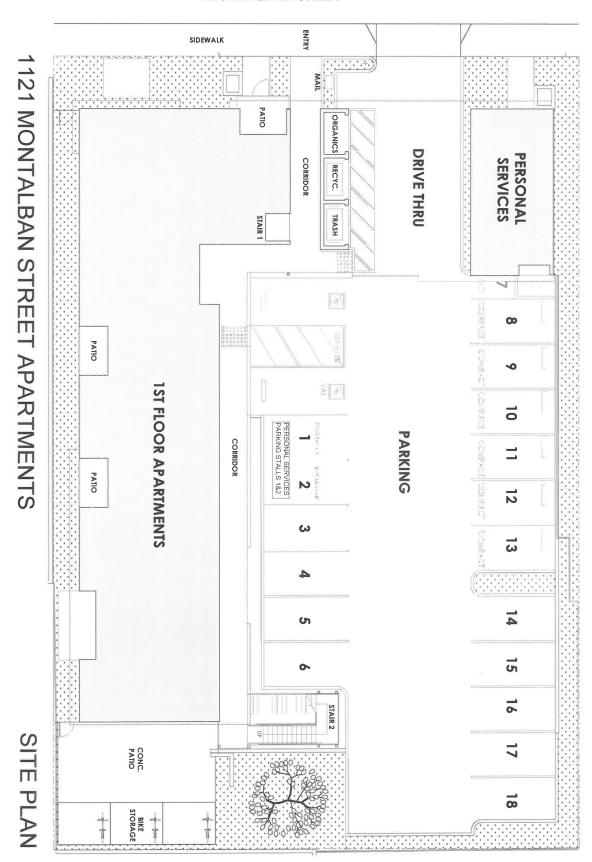
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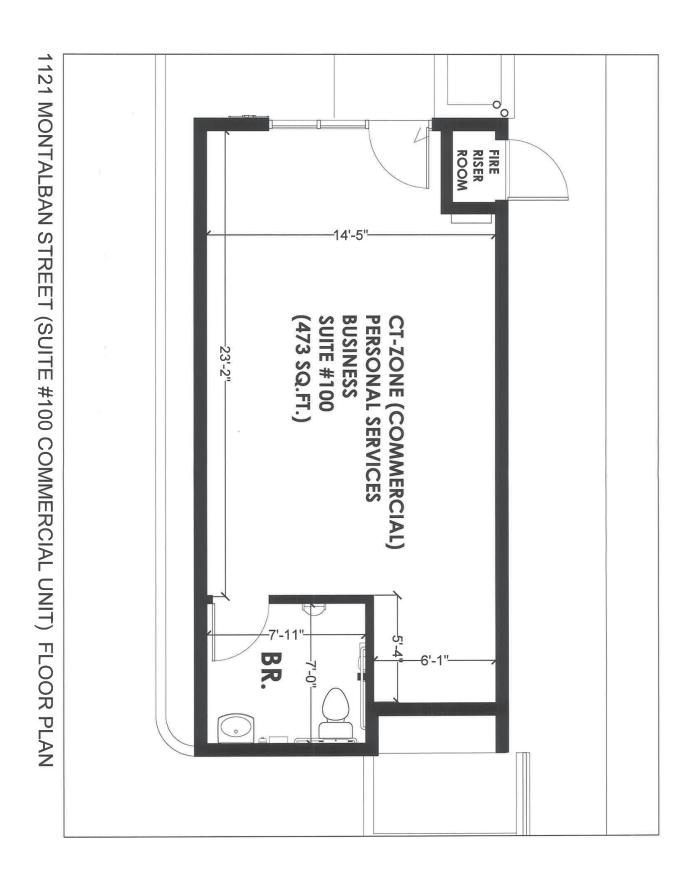






# **MONTALBAN STREET**





# 1121 MONTALBAN STREET (SUITE #100 COMMERCIAL UNIT) FLOOR PLAN

