

These minutes were approved by the Zoning Administrator 7/28/2021

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
JULY 22, 2021
Teleconference Only via
www.san-clemente.org/live**

1. CALL TO ORDER

Zoning Administrator Gallardo-Daly called the Regular Meeting of the City of San Clemente Zoning Administrator to order on July 22, 2021 at 3:00 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel.

Staff Present: *Cecilia Gallardo-Daly, Zoning Administrator
 *David Carrillo, Assistant Planner

 *Participated in meeting via teleconference

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of June 17, 2021 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. **111 Avenida Del Mar – Minor Conditional Use Permit 20-146 – Studio K Accessory Massage** (Carrillo)

A request to consider accessory massage services in conjunction with primary skincare services at 111 Avenida Del Mar, Suite 215.

David Carrillo, Assistant Planner, summarized the staff report, and read a statement from the Kristina Malek, applicant, as she was unavailable to attend the meeting.

ZA Gallardo-Daly asked staff to clarify if all services are provided in one treatment room as indicated on the floor plan.

Staff confirmed there is one treatment room used to provide services.

ZA Gallardo-Daly opened the public hearing, and there being no public comment received to this item, closed the public hearing.

ZA Gallardo-Daly stated she reviewed the staff report, findings, plans, and conditions of approval.

ZA Gallardo-Daly approved Minor Conditional Use Permit 20-146 based on the following findings: the proposed use is permitted within the subject zone and complies with all the applicable provisions of the Zoning Ordinance, the San Clemente General Plan, and the purpose and intent of the zone. The skincare studio with accessory massage services contributes to the mix of local-serving commercial use that help meet the needs of nearby residents, consistent with the Centennial General plan Land Use Element. The Orange County Sheriff's Department completed a background check on the operator and concluded the operator is in good standing with no record of illegal activity related to massage services. The proposed use is located in a zone that allows massage uses as a conditionally permitted use that must comply with special zoning, operation, facility, and licensing requirements in the Municipal Code. Studio K's primary service will remain skincare-oriented where customers request a service such as facial treatment, with the option to add a massage to their treatment. The site is suitable for the type and intensity of use that is proposed. The addition of accessory massage services does not intensify parking. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity. The proposed use will not negatively impact surrounding land uses. The proposed use must comply with special operational, facility, attire, sanitation, and licensing requirements in the Municipal code for massage establishments and must meet Conditions of Approval.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 21-019, Minor Conditional Use Permit 20-146, Studio K Accessory Massage, subject to the Conditions of Approval.

B. 243 Via Ballena – Minor Exception Permit 20-287 – Bilios Pool Fence (Carrillo)

A request to consider a five-foot high fence within the required front yard setback area, where the maximum height is 42 inches. The fence is proposed to meet pool safety standards per the Building Code.

David Carrillo, Assistant Planner, summarized the staff report, and added the project is conditioned to state if the front yard pool is removed, fences within the

required front yard setback shall be reduced to the maximum allowed height of 42 inches.

Jeff Warren, applicant, was present and available for questions.

ZA Gallardo-Daly asked staff if the project is conditioned requiring the removal or reduction of any gate or any part of the fence that is higher than 5-foot and if there is an open building permit regarding the pool or fence.

Staff stated the project is not conditioned, but the recommended approval is for a 5-foot high fence and the homeowner will need to reduce any over-height fences and/or gates to 5 feet within the front yard setback area. In regards to the building permit, there is an open permit needing final inspection in which any approved required conditions must be met.

Jeff Warren stated the purpose of the 5-foot high fence was to create privacy for the homeowner and his family as the pool is in the front yard. Also, at staff's recommendation, decorative lighting was placed and adjusted to provide a nicer appearance.

ZA Gallardo-Daly opened the public hearing, and there being no public comment received to this item, closed the public hearing.

ZA Gallardo-Daly stated she reviewed the staff report, findings, plans, conditions of approval, and visited the site.

ZA Gallardo-Daly approved Minor Exception Permit 20-287 based on the following findings: The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located. The fence maintains unobstructed views of traffic to and from the driveway. The five-foot high fence, high-ridge primary roof at the rear, and previous removal of a garage door, allows the residence's architectural style to be visible from the street while satisfying Building Code pool safety standards. The project includes a planter in between the fence and sidewalk to accommodate low-ground landscaping and vines along the fence to soften visual impacts. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit. The fence is contained entirely within the project site and does not encroach onto neighboring properties. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public. The non-climbable five-foot high fence meets pool safety standards required by the Building Code. The height of the fence, wall or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood. A landscaped barrier is provided between the sidewalk and fence, consistent with neighboring properties. The height of the fence, wall, or hedge will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.

The wooden fence is finished with a dark stain color with visible wood grains, and is capped with decorative light fixtures.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 21-020, Minor Exception Permit 20-287, Bilios Pool Fence, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

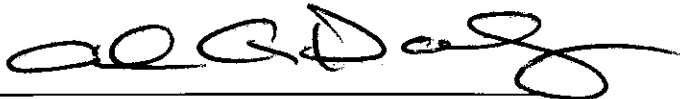
None

7. **ADJOURNMENT**

The meeting adjourned at 3:25 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, August 19, 2021 at 3:00 p.m. via teleconference.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Cecilia Gallardo-Daly, Zoning Administrator