



## MEMORANDUM

### City of Angels Planning Commission

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**Date:** June 12, 2025

**To:** City of Angels Planning Commission

**From:** Amy Augustine, AICP – City Planner

**Re:** **Resolution of Intent 25-10 to amend Angels Municipal Code Sections 17.09 (P) defining personal services, 17.27.020, 17.27.025, 17.30.020, 17.30.025, 17.37.020, 17.37.030 and 1.17.080 (Public Nuisances) to make salons and spas a permitted use and establish standards for declaring odors a public nuisance when they affect adjacent land uses as measured at the property boundary**

### **RECOMMENDATION**

The Planning Commission may adopt as presented, amend, or deny the proposed resolution.

### **BACKGROUND**

The following uses required a conditional use permit until 2022 when the Angels Municipal Code was revised to make the uses subject to an *administrative* conditional use permit.

C. Salons (e.g., nail, hair) and spas;

The purpose of the additional layer of review for this land use has been to protect the health and general welfare of adjacent businesses from odors that could permeate from these uses (e.g., a nail salon next door to a restaurant).

The 2022 amendment allowed for these uses to be approved by the City Planner (rather than requiring a public hearing before the Planning Commission) after notifying adjoining landowners and advisory agencies. Where no objections were received, the permit could be issued without a public hearing “in-house” by the City Planner. Since that time, applications for multiple salons and spa-related land uses have been processed. None have received an objection from an adjoining landowner. These uses generally are small businesses, often with a single owner and less than five employees. However, the administrative conditional use permit process, though faster than processing required for a conditional use permit, delays the opening of small businesses proposing these uses.

In response, Staff researched other jurisdictions and found these uses to generally be permitted uses. However, those jurisdictions also have an established standard for declaring odors a public nuisance. Based on the preceding, staff is recommending making these uses permitted and further amending the code to incorporate standards for deeming odors a public nuisance when they affect adjoining land use.

## **ANALYSIS**

Pursuant to Angels Municipal Code Section 17.90.040, decisions pertaining to code amendments shall be made upon the following findings of fact:

- A. The proposed change or amendment is consistent with the City of Angels Municipal Code; and
- B. The proposed change or amendment is consistent with the City of Angels General Plan; and
- C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.

### **Findings A– Consistency with the Angels Camp Municipal Code**

The identified uses require an administrative conditional use permit in the Shopping Center Commercial, Community Commercial, and Business Attraction and Expansion zoning districts. This code amendment will make the use category permitted in the municipal code (i.e., consistent with the municipal code).

Based on the preceding, Finding A may be made.

### **Finding B – Consistency with the General Plan**

Pertinent General Plan goals, policies, and programs include:

#### ***Goal 1E***

*Encourage well-designed commercial development compatible with the rural character of the community that contributes positively to both the city's economic base and the city's jobs/housing balance.*

The proposed code amendments will encourage well-designed (i.e., low or no odor) commercial development contributing to the city's economic base.

Based on the preceding, Finding B may be made.

### **Finding C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.**

The purpose of the administrative conditional use permit has been to protect the health and general welfare of the city, in particular, existing businesses adjacent to uses that may produce odors that could permeate from this class of uses. However, based on processing nearly one dozen of these permits citywide, it is rare to receive a response from an adjoining landowner expressing concerns about odors. In fact, the city has received none. Frequently, however, new small businesses find the process of the administrative CUP onerous and a delay in opening for business.

Staff have identified an established standard used by multiple jurisdictions to regulate the potential for odors from these uses. That, coupled with the reduced use of chemicals creating heavy odors from these uses, can allow for the use to become a permitted use without affecting adjoining businesses. Should odors affect adjoining land use, it may be deemed a public nuisance using the standard established in this code amendment.

Based on the preceding, Finding C can be made.

### **FISCAL IMPACT:**

Amending the code will reduce the amount of staff time and small business costs associated with securing an administrative conditional use permit. City fees for administrative conditional use permits are used to recover costs and don't generate income for the general fund. Therefore, eliminating the requirement for an

administrative conditional use permit will be fiscally neutral because no staff time will be required and staff time will no longer be required to conduct extended reviews of these uses.

**ENVIRONMENTAL FINDING:**

Individual industrial projects would be subject to review pursuant to the Angels Municipal Code based on individual project design and location at such time as a specific project and location is proposed. Until such time as a project is proposed, no direct or indirect physical changes to the environment may be determined and the project is therefore exempt pursuant Section 15378 (Definition of a Project) of the State and City guidelines for the implementation of the California Environmental Quality Act (CEQA).

**ATTACHMENTS:**

- A. Resolution of Intent 25-10