



Staff Report

Agenda Item No. C-1

To: City of Imperial Planning Commission
From: Othon Mora, Community Development Director
Date: October 31, 2022
Subject: **Conditional Use Permit Request 22-07**
ALVA Collectives – Cosmetology Educational Facility

Summary:

Applicant:	ALVA Collectives
Project Location:	504 W. Aten Road
Project Description:	Conditional Use Permit to allow for a cosmetology educational facility
Zoning:	Neighborhood Commercial (C-1)
General Plan:	Commercial
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to conditions

Background

Fitness Oasis Health Club & Spa has partnered with ALVA Collectives, based out of San Diego, to incorporate a cosmetology educational component to their already existing health club and cosmetology services. Fitness Oasis was built as a result of the overwhelming positive response and ultimate overgrowth encountered when opening their initial club in 2005. Due to the overwhelming positive response and overgrowth encountered, the former Ladies Fitness Express located in El Centro expanded and developed into Fitness Oasis Health Club and Spa in Imperial. The health club caters exclusively to women of the Imperial Valley and offers a gym experience that focuses on unique training needs based on physique, biology, body acceptance, health, strength and mental wellness. Fifteen years later, the health club has added cosmetology services that enhance wellness and fulfill self-care needs such as facials, massage services, manicure, pedicures and a newly opened hair

salon. The opening of the hair salon was the impetus to the acknowledgement of the need for licensed cosmetologists, barbers and aestheticians. Many salons that were forced to shut down during the COVID pandemic lack the ability to staff their business. In addition, Imperial Valley residents travel to San Diego or Palm Springs to access cosmetology and barbering schools. To fill the void for services, Fitness Oasis partnered with ALVA Collectives to implement the educational requirements set forth by the California Board of Barbering and Cosmetology within their location.

Applicant and Fitness Oasis owner, Dahlia Rodriguez, is a retired educator of 30 years that possesses a California Teaching Credential and a Master's Degree in Mathematics and Instruction giving her the skill set to provide and oversee a quality educational program that will enhance employment opportunities in our community. Her goal is to provide our community with alternate education opportunities that will enable residents to pursue a vocational career to enhance their quality of life and ensure Fitness Oasis remains open by pursuing additional streams of income while providing worthwhile services. Instructors teach one four-hour session per day (9am to 1pm or 3pm to 7pm) to a cohort of six to eight students. The students' hands on practical is done while assisting their mentor at their place of employment the remainder of the week. The program is divided into thirty-nine instructional hours in health and safety, sixteen hundred practical/hands on hours in a salon or shop for the duration of seventeen months. Presently, they have eighteen students enrolled in the program.

Aerial View



Education Room



Beauty Salon



Fitness Room



Discussion/Analysis

The subject site is zoned Neighborhood Commercial (C-1). The surrounding land uses to the North, East and West are General Industrial (I-1). The land uses directly to the South are Single Family Residential (R-1) and Neighborhood Commercial as well. The Neighborhood Commercial zone is intended for professional, administrative offices, restaurants, health clubs and neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment as indicated on the General Plan. Although health clubs and beauty/barber establishments are an allowed use within the Neighborhood Commercial Zone, the inclusion of an educational facility requires a Conditional Use Permit.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines for existing facilities.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP. The required findings are listed below in ***bold italics***, followed by an evaluation:

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is located within a Neighborhood Commercial Zone which is intended to provide professional, administrative offices, restaurants, health clubs and neighborhood shopping centers with limited retail business services for the convenience of residential neighborhoods. The use of adding a cosmetology educational facility to an already existing health club and spa coincides with the development policies of the City’s General Plan.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The proposed location is ideal for the facility as it currently has cosmetology services within Fitness Oasis Health Club and Spa and is surrounded by Neighborhood Commercial and General Industrial land uses. The project will be compatible with the adjacent land uses and will not adversely affect residents.

- 3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

4. *That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.*

The proposed facility complies with all provisions of the Zoning Ordinance.

Public Notification

The public hearing scheduled for November 9, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on October 27, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve the Conditional Use Permit application to allow for the use and operation of a cosmetology educational facility within Fitness Oasis Health Club and Spa.

Attachments

- Draft Resolution PC2022-11 with Conditions of Approval
- Site Plan

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION PC 2022-11

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 22-07 FOR ALVA COLLECTIVES LOCATED AT 504 W. ATEN ROAD (APN 064-330-041)

WHEREAS, ALVA Collectives submitted an application to allow the operation of an educational facility within Fitness Oasis Health Club and Spa: and

WHEREAS, the subject site is located within a Neighborhood Commercial Zone and educational facilities are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on November 9, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the environmental analysis, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the project; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Section 15301 of the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 22-07** to allow the operation of an educational facility within Fitness Oasis Health Club and Spa, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said conditional use permit as follows:

- a) That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.**

The subject site is located within a Neighborhood Commercial Zone which is intended to provide professional, administrative offices, restaurants, health clubs and neighborhood shopping centers with limited retail business services for the convenience of residential neighborhoods. The use of adding a cosmetology educational facility to an already existing health club and spa coincides with the development policies of the City's General Plan.

- b) That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.**

The proposed location is ideal for the facility as it currently has cosmetology services within Fitness Oasis Health Club and Spa and is surrounded by Neighborhood Commercial and General Industrial land uses. The project will be compatible with the adjacent land uses and will not adversely affect residents.

- c) That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.**

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

- d) That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.**

The proposed facility complies with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 9th day of November, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT 22-07 ALVA COLLECTIVES 504 W. ATEN ROAD

1. The Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
2. The Developer/Applicant shall pay all applicable impact and capacity fees.
3. The Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. All conditions of approval for this Conditional Use Permit shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
6. All storage of materials shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.
7. Department Comments
 - A) Public Services
 - a) Property to maintain backflow requirements to continue with annual testing.

B) Fire Department

- a) Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code and National Fire Protection Association standards upon inspection or as deemed necessary.

C) Community Development

- a) The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
- b) If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Conditional Use Permit, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Conditional Use Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
- c) As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
- d) Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.
- e) The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.
- f) The cosmetology educational program shall be subject to the governing laws and regulations of the California Board of Barbering and Cosmetology.

Site Plan

