

## ORDINANCE NO. 273

### AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE, CALIFORNIA, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A FORTY-FIVE (45) DAY MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF BEAUTY ESTABLISHMENTS WITHIN THE CITY OF CANYON LAKE

**WHEREAS**, the City of Canyon Lake (“City”) is a municipal corporation organized and operating under the laws of the State of California, with the authority to regulate land use within its boundaries pursuant to its police powers and the Planning and Zoning Law; and

**WHEREAS**, the City’s commercial district contains a limited supply of retail and service tenant spaces intended to provide a diverse mix of neighborhood-serving businesses, including restaurants, retail establishments, personal services, and professional services; and

**WHEREAS**, the City has observed a proliferation of beauty establishments, including but not limited to nail salons, hair salons, barber shops, eyelash studios, esthetician services, ~~permanent makeup studios~~, and similar personal care establishments, raising concerns regarding the over-concentration of similar uses and the long-term economic vitality and diversity of the City’s commercial areas; and

**WHEREAS**, these uses have increasingly occupied a disproportionate share of the City’s limited commercial tenant spaces, resulting in a concentration that reduces opportunities for other commercial services that support the needs of Canyon Lake residents and visitors; and

**WHEREAS**, the over-concentration of beauty establishments in the City's limited commercial areas threatens the public health, safety, and welfare by reducing the availability of essential neighborhood-serving uses including food service, medical and professional services, and daily-needs retail upon which Canyon Lake residents depend for their health, safety, and general welfare and undermining the long-term fiscal health and economic welfare of the City by eroding the diversity of the commercial tax base, thereby threatening the City's ability to fund essential public services and infrastructure; and

**WHEREAS**, Government Code section 65858 authorizes the City Council to adopt an interim urgency ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is studying, considering, or intends to study within a reasonable time; and

**WHEREAS**, the City Council finds that this urgency ordinance is narrowly tailored, in both scope and duration, by temporarily prohibiting the establishment, ~~or expansion, or intensification~~ of beauty establishments while the City considers appropriate policy and regulatory responses; and

**WHEREAS**, approval of additional beauty establishments during the study period may exacerbate the existing over-concentration of such uses and undermine the City’s efforts to maintain a balanced commercial environment; and

**WHEREAS**, the City Council desires to adopt this interim urgency ordinance, which shall take effect immediately upon its adoption by at least a four-fifths (4/5) vote of the City Council, and remain in effect for forty-five (45) days unless extended as provided by law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANYON LAKE DOES ORDAIN AS FOLLOWS:**

**Section 1.** **Findings.** The City Council hereby finds and determines that the above recitals are true and correct and incorporates them herein as substantive findings in support of this Ordinance.

In addition, the City Council specifically finds:

- A. The City has received and may continue to receive applications, pre-applications, and inquiries for new beauty establishments, including but not limited to nail salons, hair salons, barber shops, eyelash studios, esthetician services, and similar personal care establishments~~nail salons, hair salons, esthetician studios, eyelash studios, and similar personal care businesses~~, as well as proposals to expand ~~or intensify~~ existing beauty establishments. Such proposals may be processed and approved under existing regulations in the absence of this Interim Ordinance.
- B. Existing General Plan and zoning provisions do not comprehensively address the appropriate number, spacing, and locations for beauty establishments in light of land use compatibility concerns and the City's interest in maintaining a balanced mix of commercial services within its limited commercial areas.
- C. There is a reasonable likelihood that approvals of additional beauty establishments granted during the City's study and consideration of potential policy and regulatory changes would be in conflict with, or substantially undermine, any contemplated amendments to the General Plan, zoning ordinance, or other standards regulating such uses.
- D. There is further a reasonable likelihood that approvals of additional beauty establishments during the City's study and consideration of potential regulatory changes could cause an over-concentration of such uses within particular commercial areas of the City. The City desires to promote a diverse mix of commercial services and ensure that available commercial tenant spaces are able to support a broad range of businesses serving the needs of Canyon Lake residents.
- E. A temporary moratorium on the establishment or expansion~~, or intensification~~ of beauty establishments is necessary to maintain the status quo while the City completes its studies and considers any proposed policy and regulatory changes.
- F. This Ordinance has no effect on any beauty establishments that have already received all required discretionary and ministerial approvals prior to the effective date of this Ordinance.
- G. The adoption of this Interim Urgency Ordinance is therefore necessary for the immediate preservation of the public peace, health, and safety within the meaning of Government Code section 65858.

## **Section 2. Moratorium Imposed.**

- A. Pursuant to Government Code section 65858, an interim moratorium is hereby imposed on the approval of any applications, permits, or entitlements for the establishment, or expansion, or intensification of beauty establishments within the City of Canyon Lake, except as expressly provided in this Ordinance.
- B. During the effective period of this Ordinance, no City official, officer, employee, department, board, commission, or agency shall accept as complete, process, approve, or issue any discretionary or ministerial permit, approval, or entitlement that would authorize: (1) the establishment of any new beauty establishment; or (2) the expansion ~~or intensification~~ of any existing beauty establishment, ~~including but not limited to increases in floor area devoted to beauty services, the addition of new service stations or workstations, or other modifications that would increase the capacity or intensity of such use.~~

## **Section 3. Definitions.**

- A. For purposes of this Ordinance, “beauty establishment” includes any business primarily engaged in providing cosmetic or personal grooming services, including but not limited to hair salons, barber shops, nail salons, eyelash or eyebrow studios, esthetician services, permanent makeup services, skin care studios, and similar personal beauty or cosmetic service establishments.
- B. For the purposes of this Ordinance, “establishment” means any of the following acts, whether undertaken by a new or existing person or entity:
  - (1) The opening, locating, or commencing of operation of a beauty establishment at any premises within the City at which a beauty establishment was not lawfully operating immediately prior to the effective date of this Ordinance, or at any premises at which such operation had ceased, been discontinued, or been abandoned;
  - (2) The conversion or change of use of any premises or portion thereof from a non-beauty-establishment use to a beauty establishment use, regardless of whether the premises was previously occupied by any other business; or
  - (3) The addition of beauty establishment services, as defined herein, at a premises currently operating as a different and lawfully permitted use, such that beauty establishment services become a primary or co-equal component of the business conducted at that premises.
- C. For the purposes of this Ordinance, “expansion” means any of the following acts with respect to an existing beauty establishment:
  - (1) Any increase in the gross floor area of a premises devoted, in whole or in part, to the provision of beauty establishment services, including but not limited to the addition of adjacent or contiguous tenant space; or

(2) The relocation of an existing beauty establishment to a different premises within the City where the new premises provides gross floor area for beauty establishment services that exceeds one hundred ten percent (110%) of the gross floor area for beauty establishment services at the premises from which the establishment is relocating, as measured at the time of relocation.

**Section 4. Study and Review.** During the moratorium period established by this Ordinance and any extension thereof, the City Manager, or designee, is authorized and directed to:

- A. Evaluate the number and location of existing beauty establishments within the City and the need, if any, for additional establishments in light of current and projected demand and the City's broader policy objectives;
- B. Develop and present to the City Council for consideration any proposed amendments to the General Plan, zoning ordinance, and other applicable regulations governing beauty establishments, including but not limited to standards addressing the number, location, and concentration of such uses within the City's limited commercial areas, including the Canyon Lake Towne Center, as well as potential spacing requirements or other regulatory measures intended to maintain a balanced mix of commercial services; and
- C. Provide opportunities for public input and participation to ensure that residents, businesses, and other stakeholders may comment on potential policy and regulatory changes affecting beauty establishments.

**Section 5. Applicability and Exemptions.**

- A. This Ordinance applies to all property within the City of Canyon Lake, including any area subsequently annexed to the City during the effective period of this Ordinance, unless otherwise provided by law.
- B. The following are exempt from the moratorium established by this Ordinance: (1) beauty establishments for which all required discretionary approvals and ministerial permits necessary to authorize operation (including but not limited to any required conditional use permit, zoning clearance, or tenant improvement permit) were finally granted prior to the effective date of this Ordinance, provided that the establishment is operated in substantial conformance with those approvals; and (2) tenant improvements, interior renovations, or other minor modifications to existing beauty establishments that do not expand the floor area devoted to beauty services ~~or otherwise intensify the use.~~
- C. Nothing in this Ordinance shall be construed to deprive any person of vested rights legally obtained prior to the effective date of this Ordinance, as those rights may be determined under applicable state law.
- D. The relocation of an existing beauty establishment to a different premises within the City is exempt from the moratorium established by this Ordinance, provided that both of the following conditions are satisfied:
  - (1) The gross floor area devoted to beauty establishment services at the new premises does not exceed one hundred ten percent (110%) of the gross floor area devoted to beauty

establishment services at the premises from which the beauty establishment is relocating, as measured at the time of relocation; and

(2) The beauty establishment permanently ceases all operations at the original premises on or before the date it commences operations at the new premises, and no beauty establishment use, whether by the same operator, a successor, an assignee, or any other person or entity, is established or continued at the original premises during the effective period of this Ordinance or any extension thereof.

E. Permits, approvals, and entitlements required solely in connection with the activities described in this subsection shall not be subject to the moratorium imposed by Section 2 of this Ordinance and shall be processed in the ordinary course.

(1) Routine repair, maintenance, or replacement of existing equipment or fixtures in kind;

(2) Interior cosmetic improvements that do not alter the gross floor area devoted to beauty services;

(3) A change in ownership, tenancy, or operation of an existing beauty establishment, standing alone, where the gross square footage of the premises devoted, in whole or in part, to the provision of beauty establishment services remains the same;

(4) An increase in the number of service stations, chairs, booths, treatment rooms, styling stations, manicure or pedicure stations, esthetic treatment rooms, or other functional units of service capacity, so long as such increase does not involve an increase to the gross floor area of the premises; and

(5) The addition of one or more categories of beauty establishment services not previously offered at the premises, so long as such increase does not involve an increase to the gross floor area of the premises.

**Section 6.** **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**Section 7.** **CEQA.** The City Council finds that this Ordinance is not a “project” or is otherwise exempt from the California Environmental Quality Act (“CEQA”) and State CEQA Guidelines (Title 14, California Code of Regulations) under Section 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**Section 8. Effective Date; Duration; Extension.** This Ordinance is adopted as an urgency measure pursuant to Government Code section 65858 and is necessary for the immediate preservation of the public peace, health, and safety. This Ordinance shall take effect immediately upon its adoption by at least a four-fifths (4/5) vote of the City Council.

This Ordinance shall remain in effect for forty-five (45) days from the date of its adoption, unless extended by the City Council in accordance with Government Code section 65858. Any extension of this Ordinance shall require notice and a public hearing in compliance with Government Code section 65858, and shall be supported by written findings that the conditions warranting the moratorium continue to exist.

**PASSED, APPROVED, AND ADOPTED** this ~~11<sup>th</sup>~~17<sup>th</sup> day of March, 2026, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jeremy Smith, Mayor

ATTEST & CERTIFIED:

I, Sheryl Garcia, City Clerk of the City of Canyon Lake, hereby attest to the Mayor's signature above and certify that the City Council duly adopted this Ordinance as recorded in the vote tally stated herein.

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Sheryl L. Garcia, MMC, CPM  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven Graham Pacifico, City Attorney