



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
Tuesday, May 26, 2015

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Chair Johnson called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Sahagun led those present in the salute to the flag.

**ROLL CALL**

Present: Chair Johnson, Commissioners Martinez, Sahagun and Vodvarka, Community Development Director Lustro, and Deputy City Attorney Holdaway

Excused: Vice Chair Flores, City Planner Diaz and Associate Planner Gutierrez

**MINUTES**

The minutes of the May 11, 2015 regular meeting were presented for approval. Commissioner Sahagun moved, Commissioner Vodvarka seconded, and the minutes were approved 4-0.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2015-7
- |                    |                                                                                                                                 |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Project Address:   | Citywide                                                                                                                        |
| Project Applicant: | City of Montclair                                                                                                               |
| Project Planner:   | Steve Lustro, AICP, Community Development Director                                                                              |
| Request:           | Code amendment replacing Chapter 4.56 and amending Chapter 11.78 MMC relating to massage establishments and massage technicians |
| CEQA Assessment:   | Categorically Exempt (Section 15061(b)(3))                                                                                      |

Community Development Director Lustro reviewed the staff report and provided an overview of the state legislation governing massage establishments. While Senate Bill 731 stripped local jurisdictions of their ability to regulate massage establishments, the recently passed Assembly Bill 1147 restores a significant amount of regulatory power to cities. He added that if recommended by the Planning Commission, first reading of the Ordinance would be presented to City Council at its June 15 meeting.

Commissioner Sahagun asked how many massage establishments are currently in Montclair. Director Lustro responded that there are nine that staff is aware of. Commissioner Sahagun asked for clarification on the amortization section of the Ordinance. Director Lustro explained that all massage businesses that have been legally established in zoning or land use districts where they would be conditionally permitted by the Ordinance have 24 months from the effective date of the Ordinance to obtain a Conditional Use Permit. For massage businesses that have been legally established but are located in zoning districts where they are not permitted, those businesses would have 24 months to cease operation or seek out a location where they would be allowed with a CUP, and then obtain the CUP before relocating.

Chair Johnson opened the public hearing.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Sahagun moved and Commissioner Vodvarka seconded that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife, there being no opposition to the motion, the motion passed 4-0; and

Commissioner Martinez moved and Chair Johnson seconded to recommend the City Council adopt proposed Ordinance No. 15-951, replacing Chapter 4.56 and amending

Chapter 11.78 of the Montclair Municipal Code regarding the establishment and operation of massage businesses as set forth in Planning Commission Resolution No. 15-1831, there being no opposition to the motion, the motion passed 4-0.

- b. PUBLIC HEARING - CASE NUMBER 2008-16 'A'
- |                    |                                                                                                       |
|--------------------|-------------------------------------------------------------------------------------------------------|
| Project Address:   | 4250 Holt Boulevard                                                                                   |
| Project Applicant: | Burntfish, Inc.                                                                                       |
| Project Planner:   | Steve Lustro, AICP, Community Development Director                                                    |
| Request:           | Conditional Use Permit Amendment to allow limited display of rental vehicles and/or vehicles for sale |
| CEQA Assessment:   | Categorically Exempt (Section 15301)                                                                  |

Director Lustro reviewed the staff report and indicated that staff is recommending two revisions to the conditions of approval:

- Deletion of Condition No. 2;
- Addition of the standard condition under "Planning" requiring the applicant to remit the required \$50 fee to cover the cost of filing the environmental determination with the County, and the fee for publishing the required public hearing notice in the Inland Valley Daily Bulletin.

Chair Johnson opened the public hearing.

Jon Raft, 9824 Fremont Avenue, Montclair, representing the property owner and business, introduced himself and said he was available for questions.

Chair Johnson asked if the trucks remain outside the fenced area during non-business hours and how are they cleaned. Mr. Raft responded that it is not unusual for the trucks to be left outside in the front parking lot overnight; they are locked up and secured at closing. With respect to cleaning, U-Haul is responsible for that at an off-site location. If the trucks need any light cleaning before they are rented, that is performed in the rear lot.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Martinez indicated that he has had opportunity to use this rental business in the past and had a positive experience. Commissioner Vodvarka echoed Commissioner Martinez's praise of the business.

Commissioner Sahagun asked about the use of temporary flags and pennants for promotion. Director Lustro replied those types of advertising devices are expressly

prohibited by the Municipal Code, but that all businesses are entitled up to 90 calendar days annually for display of a temporary banner to promote the business.

Commissioner Vodvarka moved and Commissioner Sahagun seconded that, based on the evidence presented, there will be no significant impact on the environment as a result of the display of a maximum of three (3) vehicles at the front of the subject business on the subject site. The Planning Commission has reviewed the Planning Department's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption, there being no opposition to the motion, the motion passed 4-0.

Commissioner Martinez moved and Commissioner Sahagun seconded to grant the Conditional Use Permit amendment request to allow the incidental display of a maximum of three (3) rental trucks and/or vehicles for sale within the three (3) existing parking spaces on the south side of the building at 4250 Holt Boulevard, per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 15-1832, there being no opposition to the motion, the motion passed 4-0.

## **INFORMATION ITEMS**

Commissioner Sahagun asked if the tall pylon sign at Montclair Plaza would be removed when the expansion project commences. Director Lustro replied in the affirmative.

Commissioner Vodvarka indicated he is in the process of replacing the turf in his front yard with a drought-tolerant landscape palette. He initially inquired about securing the services of a private company (Turf Terminators) to handle the job, but the wait time was 2-3 years, so he is pursuing it himself.

Chair Johnson adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Laura Embree  
Recording Secretary