



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
September 12, 2016

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 Vodvarka led those present in the salute to the flag.

**SPECIAL PRESENTATION**

Members of the Montclair Chamber of Commerce presented Commissioner Vodvarka with a Certificate of Appreciation for being Veteran of the Year under Assemblyman Freddie Rodriguez.

Commissioner Vodvarka stated that for the award, he was flown to Sacramento to receive the award there among other veterans from other districts and it was a wonderful trip to the capital.

Congratulations to Commissioner Vodvarka!!

**ROLL CALL**

Present: Chair Johnson, Vice Chair Flores, Commissioners Martinez, Sahagun and Vodvarka, Assistant Director of Housing/Planning Manager Caldwell, City Planner/Planning Manager Diaz, Associate Planner Gutiérrez, and City Attorney Robbins

## MINUTES

The minutes from the August 8, 2016 meeting were presented for approval. Vice Chair Flores moved, Commissioner Vodvarka seconded, and the minutes were approved 5-0.

## ORAL AND WRITTEN COMMUNICATIONS

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2016-10  
(continued from the August 8, 2016 meeting)  
Project Address: 5404 Moreno Street, Unit L  
Project Applicant: JRMP II, LLC  
Project Planner: Silvia Gutiérrez , Associate Planner  
Request: Conditional Use Permit to allow the continued operation of an existing massage therapy business  
CEQA Assessment: Categorically Exempt (Section 15301, Class 1)

Associate Planner Gutiérrez reviewed the staff report. The item was continued from the August 8, 2016 meeting at staff's request to allow further review of the application. This request is for a Conditional Use Permit to allow the continued use of an existing massage establishment known as Relax Spa that is operating at 5404 Moreno Street, Unit L. This center is located on the northwest corner of Moreno Street and Vernon Avenue. This request is in light of Ordinance 15-951 that re-established the City's control over the location and operation of massage establishments. A massage establishment has continually operated at this location since 2009 under prior regulations that allowed massage establishments as equivalent to beauty shops and personal service shops and the applicant is an eager proprietor. Staff has gone through all the regulations under the new ordinance with respect to operational requirements and the applicant has indicated their understanding of the regulations and is willing to fully comply with them. The Montclair Police and Code Enforcement Departments conducted a joint inspection and the inspection revealed the business was being operated in an appropriate manner. The two items that were identified have been resolved by the applicant and conditions of approval have been added to the resolution that would fully incorporate all the operational requirements outlined in the ordinance that was passed last year by City Council. On the dais, staff has presented a revised version of the resolution with respect to some minor deletions and clarifications to conditions number 12, 13, and the addition of condition number 60. Associate Planner Gutiérrez added that the applicant was present for any questions the Commission may have.

Commissioner Sahagun asked about the inspection done by Code Enforcement and Police. The center looks maintained well, but he did notice a few dry bushes in the center and wondered if there were any other items that were found. City Planner Diaz thought the intent of the inspections by Code Enforcement and Police were just for the massage establishment and the operation thereof. They have been doing that to all the massage businesses in the

City. Commissioner Sahagun stated he went inside the business and felt it was very nice, very well maintained and was greeted by the owner and his staff and they showed him their license and installed cameras.

Chair Johnson opened the public hearing.

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

Commissioner Vodvarka moved that, based upon evidence submitted, the Planning Commission finds and recommends that the proposed CUP application for the continued use of the massage establishment at 5404 Moreno Street, Unit L is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class 1) of the State CEQA Guidelines, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun moved to approve a Conditional Use Permit request under Case No. 2016-10 to allow the continued use of the massage establishment at 5404 Moreno Street, Unit L, as described in the staff report and subject to the revised findings and conditions of approval in Planning Commission Resolution No. 16-1871, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

## **INFORMATION ITEMS**

City Planner Diaz reminded the Commission that Montclair Day at the Fair is Thursday, September 22<sup>nd</sup> and coupons were included in the packets for discounted admission.

Commissioner Sahagun, Vice Chair Flores, Commissioner Martinez and Chair Johnson congratulated Commissioner Vodvarka for his Veteran of the Year award and thanked and appreciated him for his service.

Vice Chair Flores commented that several of the projects recently approved have been started on but the Fatburger project looks like it has come to a halt. City Planner Diaz replied that he understood that they are doing interior work while they are in plan check and he just received a set of revised plans. They have painted the building, cleared out around the building, and things they can do without obtaining a permit because they are waiting until their plans are approved.

Vice Chair Flores asked about the car wash on the southeast corner of Holt Boulevard and Vernon Avenue. City Planner Diaz stated they have not submitted plans for plan check yet, but the other car wash on southeast corner of Dale Street and Ramona Avenue, is in plan check. So, they are coming along, but it takes a while for some.

Vice Chair Flores noticed in Saturday's newspaper that legalized pot is in our area, in Upland, and he wondered if we have any medical marijuana dispensaries. City Planner Diaz stated we do not allow any growing, cultivating or dispensaries within the City's corporate boundaries.

Commissioner Vodvarka commented that former Fire Chief Harold Duncan's had passed away and shared some nice thoughts about him.

Chair Johnson adjourned the meeting at 7:18 p.m.

Respectfully submitted,



Laura Embree  
Planning Commission Secretary