



THE CITY OF RANCHO CUCAMONGA

THE REGULAR MEETINGS OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

JUNE 8, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance

Roll Call

Chairman Wimberly ___ Vice Chairman Oaxaca ___

Munoz ___ Macias ___ Fletcher ___

II. PUBLIC COMMUNICATIONS

This is the time and place for the general public to address the Historic Preservation Commission or the Planning Commission on any item listed or not listed on the agenda. State law prohibits the Historic Preservation Commission or the Planning Commission from addressing any issue not previously included on the Agenda. The Historic Preservation Commission or the Planning Commission may receive testimony and set the matter for a subsequent meeting.

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III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

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- A. Consideration of minutes dated May 25, 2016

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

- B. CONDITIONAL USE PERMIT DRC2016-00042 – SUNNY'S PERFECTION - A request to allow for a massage establishment within a 2,055 square foot unit in an existing shopping center located within the Neighborhood Commercial (NC) District at the southeast corner of Haven Avenue and Lemon Avenue; APN: 0201-272-06. The project is categorically exempt under Section 15301 as a Class 1 exemption (Existing Facilities) for the California Environmental Quality Act guidelines.

V. ADJOURNMENT

THE PLANNING COMMISSION WILL IMMEDIATELY ADJOURN TO THE RAINS ROOM TO DISCUSS PRE-APPLICATION REVIEW DRC2016-00361-LVD TERRA VISTA, LLC

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on June 2, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.



If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

INFORMATION FOR THE PUBLIC

TO ADDRESS THE PLANNING COMMISSION

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HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION AGENDA

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It is important to list your name, address and the agenda item letter your comments refer to. Comments are generally limited to 5 minutes per individual.

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AVAILABILITY OF STAFF REPORTS

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APPEALS

Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,597 for all decisions of the Commission. (Fees are established and governed by the City Council).

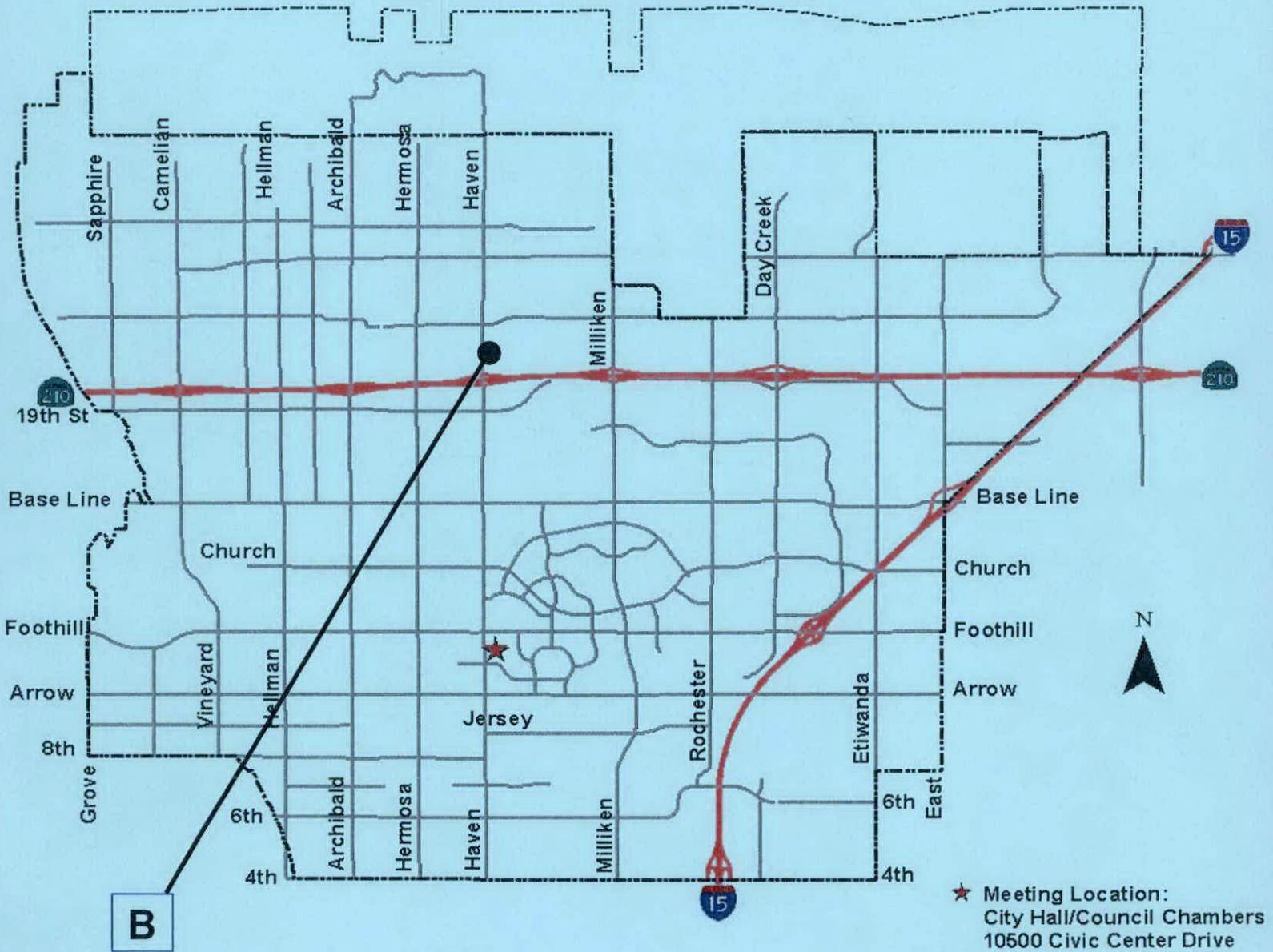
Please turn off all cellular phones and pagers while the meeting is in session.

Copies of the Planning Commission agendas, staff reports and minutes can be found at www.CityofRC.us.

Vicinity Map

Historic Preservation and Planning Commission Meeting

JUNE 8, 2016



Item B: CUP DRC2016-00042—SUNNY'S PERFECTION



THE CITY OF RANCHO CUCAMONGA

THE REGULAR MEETING **MINUTES** OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

MAY 25, 2016 - 7:00 PM

Rancho Cucamonga Civic Center
COUNCIL CHAMBERS
10500 Civic Center Drive
Rancho Cucamonga, California

I. CALL TO ORDER

Pledge of Allegiance **7:05 PM**

Roll Call

Chairman Wimberly X Vice Chairman Oaxaca A

Munoz X Macias X Fletcher X

Additional Staff Present: Candyce Burnett, Planning Director; Steven Flower, Assistant City Attorney; Tom Grahn, Associate Planner; Donald Granger, Senior Planner, Dan James, Senior Civil Engineer; Lois Schrader, Planning Commission Secretary; Jennifer Palacios, Office Specialist II; Mike Smith, Senior Planner; Tabe van der Zwaag, Associate Planner; Nikki Cavazos, Assistant Planner; Jerry Dyer, Principal Civil Engineer

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HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

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Bellen Mackenzie who lives in the La Ventana Community spoke regarding a KB Homes Community Meeting. She stated the residents want to see the community built out, but it looks desolate with machinery and trailers and broken down fencing. She is requesting KB to clean up the site as the common areas look bad and need beautification.

Luana Hernandez residing at 6797 Hellman Avenue spoke regarding the Route 66 Historic Gas Station. She stated the Gas Station is now open Thursday, Friday, and Saturday from 10:00 a.m. – 12:00 p.m. and on Sunday 12:00 p.m. – 3:00 p.m. The museum sells items, such as keychains and books to help raise funds to build-the back garage bay area. There will be a Car Show on June 25, 2016 and they will be selling bricks as another fund raiser.

III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

- A. Consideration of minutes dated April 27, 2016
- B. Consideration of minutes dated May 11, 2016
- C. Consideration of the City of Rancho Cucamonga Capital Improvement Program (CIP) for Fiscal Year 2016/17

Moved by Munoz, seconded by Fletcher, carried 4-0 (Macias abstain from item B, Oaxaca absent) to adopt the Consent Calendar as presented.

IV. PUBLIC HEARINGS/PLANNING COMMISSION

The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.

- D. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP SUBTPM19669 - CONSOLIDATED CONSULTING - A request to subdivide 9.6 acres of land into 6 parcels related to the construction of 6 industrial buildings totaling 171,322 square feet for a site located on the south side of Foothill Boulevard at Mayten Avenue in the Industrial Park (IP) Zoning District; APNs: 0229-012-53, 54, 70 and 71. Related Files: Design Review DRC2015-00782 and Master Plan (Amendment) DRC2015-01018. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.
- E. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00782 - CONSOLIDATED CONSULTING - A request for site plan and architectural review of 6 industrial buildings totaling 171,322 square feet on 9.6 acres of land located on the south



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side of Foothill Boulevard at Mayten Avenue in the Industrial Park (IP) Zoning District; APNs: 0229-012-53, 54, 70 and 71. Related Files: Tentative Parcel Map SUBTPM19669 and Master Plan (Amendment) DRC2015-01018. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

- F. ENVIRONMENTAL ASSESSMENT AND MASTER PLAN AMENDMENT DRC2015-01018 - CONSOLIDATED CONSULTING - A request to modify the Rancho Cucamonga Corporate Park Master Plan (DR99-11) for 9.6 acres of land to change the project site layout and to eliminate the property line setbacks for two abutting buildings for a site located on the south side of Foothill Boulevard at Mayten Avenue in the Industrial Park (IP) Zoning District; APNs: 0229-012-53, 54, 70 and 71. Related Files: Design Review DRC2015-00782 and Tentative Tract Map SUBTPM19669. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

Tabé van der Zwaag, Associate Planner, presented the staff report and gave a brief PowerPoint presentation (copy on file).

Richard Dick, the property owner, thanked staff and said the new facilities will bring jobs and is a good use. He thanked staff for allowing the modification of building setbacks related to the abutting buildings 4 & 5.

Chairman Wimberly opened the public hearing and hearing none, closed the public hearing.

Moved by Macias, seconded by Fletcher, carried 4-0-0-1 (Oaxaca absent) to adopt the Mitigated Negative Declaration of environmental impacts and the Resolutions of Approval for Tentative Parcel Map SUBTPM19669, Design Review DRC2015-00782 and Master Plan Amendment DRC2015-01018.

- G. ENVIRONMENTAL ASSESSMENT AND DESIGN REVIEW DRC2015-00797 – RGA OFFICE OF ARCHITECTURE AND DESIGN - A proposal to construct an industrial building of 339,000 square feet on a parcel of 696,465 square feet (15.99 acres) in the General Industrial (GI) District located approximately 1,100 feet north of 6th Street and 395 feet north of the terminus of Santa Anita Avenue; APNs: 0229-271-24, 25, and 26. Staff has prepared a Mitigated Negative Declaration of environmental impacts for consideration.

Mike Smith, Senior Planner, announced that a communication was received from CDFW and that staff is requesting a continuance to an unspecified date to allow time for staff and the applicant to address the concerns related to the biological analysis.

Chairman Wimberly opened the public hearing and seeing and hearing no comment, closed the public hearing.

Moved by Munoz, seconded by Macias, carried 4-0-0-1 (Oaxaca absent) to continue the



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items to an unspecified date.

- H. DESIGN REVIEW MODIFICATION DRC2016-00182 - KB HOME - A review of the revised plotting and architecture for 25 single-family residences within a previously approved 76-lot subdivision of about 53 acres in the Very Low (VL) Residential District, within the Etiwanda Specific Plan, located at the east side of East Avenue, about 150 feet north of the 210-Freeway - APNs: 0225-452-13 through -17, -19, 0225-465-01 through -03, -15, -16, -18, 0225-085-06 through -09, -11, -12, and 0225-062-02 through -08. Related files: Tentative Tract Map SUBTT18122, Variance DRC2009-00020, Tree Removal Permit DRC2009-00224 and Design Review DRC2013-00743. On November 9, 2011 a Mitigated Negative Declaration was adopted by the Planning Commission for Tentative Tract Map SUBTT18122. California Environmental Quality Act Section 15162 (a) provides that no further environmental review or Negative Declaration is required for subsequent projects or minor revisions to projects within the scope of a previous Negative Declaration.

Nikki Cavazos, Assistant Planner, gave the staff report and a PowerPoint presentation (copy on file). In response to Chairman Wimberly she reported the remaining product is single-story.

John Miles of KB Homes thanked staff, and said Ms. Cavazos was very helpful. He said the development will still offer the original 5 floorplans-they are not changing the program-they are merely adding 3 additional floorplans to offer buyers a total of 8 choices. He said the new plans are In compliance with the ESP.

Chairman Wimberly opened the public hearing.

Craig Artis, a La Ventana resident said he opposed changing the price point of neighborhood/estate lots...He said the homes seem small and he disagrees with the market research that indicates a smaller home preference of buyers. He said Andalusia and Coral Sky are selling well and the best-selling model is 4,000 sq. ft. He asked to see the research before the decision is made.

Priya Induru, a resident of La Ventana said she was one of the first residents –she liked the large homes/exclusivity. She said she wants to see the stats and she is opposed to the modification and if approved wants a refund and will move elsewhere.

Norma Deras, also a La Ventana resident said that she was told it would be 2-3 years before buildout and only a year later they want to change the homes. She said it is not in their best interest.

Chairman Wimberly closed the public hearing.

Mr. Miles to responded and affirmed that the existing plans will remain, 3 new plans are being added. He said the new plans will reflect about an \$80,000 reduction with the large



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plans in the mid-800k and smaller plans will be in the 700k range. He said he does not believe it will change the makeup of the community. The single-story homes will look larger from the front and will have a larger back yard. He noted that Staff was adamant that all design elements and features be transferred to the new floorplans for continuity with the existing. He said KB is concerned about making buyers happy. Each buyer signs disclosure that the product may change as the development goes in. He said the demand for single-story homes is much stronger than two-story homes. He said he would make copies of the market research available to the homeowners and staff.

Commissioner Macias noted that the Design Review application meets the requirements, the other issues are outside of this review. He said that even if the marketing analysis is provided, it will not change anything.

Commissioner Fletcher confirmed that out of 25 houses yet to be built, about 8- or 1/3 of the total remaining will be of the 2,400 square foot size.

Chairman Wimberly closed the public hearing.

Commissioner Munoz concurred with Commissioner Macias and accepted the developer's responses.

Commissioner Macias noted that the applicant can apply for these changes, it is legal to do so.

Commissioner Fletcher said that although there is a concern of the residents, he believes it will be compatible; there will be no change in density or lot size and 2,400-3,115 square foot product will provide a better mix and should not diminish the neighborhood or value. He said the designs are nice and appropriate.

Chairman Wimberly concurred and said the elevations of the new plans will provide lot coverage and a good visual from the street.

Moved by Munoz, seconded by Fletcher, carried 4-0-0-1 (Oaxaca absent) to adopt the Resolution approving Design Review Modification DRC2015-00182.

- I. DESIGN REVIEW DRC2015-00811 - DCI INVESTMENTS - A request to develop 12 single-family homes on 4.36 acres of land in the Low (L) Residential District of the Etiwanda North Specific Plan located on the north side of Wilson Avenue, west of Etiwanda Avenue, at the southwest corner of Altura Drive and Tejas Court; APN: 1087-261-12. Related File: Tentative Tract Map SUBTT18960. The Planning Department staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines as a Class 32 (CEQA Guidelines Section 15332) exemption, which covers infill development.



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Tom Grahn, Associate Planner, gave the staff report and PowerPoint presentation (copy on file)

Rich Scott of DCI Investments said it will be a first class architectural product and that he spent much time with staff.

Chairman Wimberly opened the public hearing and seeing and hearing none, closed the public hearing.

Moved by Macias, seconded by Fletcher, carried 4-0-0-1 (Oaxaca absent) to adopt the Resolution approving Design Review DRC2015-00811.

V. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION

J. INTER-AGENCY UPDATES

None

K. COMMISSION ANNOUNCEMENTS

Chairman Wimberly mentioned the Library will be having Star Wars Read this weekend.

Commissioner Fletcher asked staff about the historic gas station sign location.

Candyce Burnett, Planning Director, gave an update re: the easement issue with Lamar Signs. Lamar is working with the Route 66 Gas Station to find a new location. She said the proposed location will cause the sign to hang over the right of way but should not affect anything. They will present this to Lamar Signs to negotiate-staff is hopeful for a resolution.

VI. ADJOURNMENT

8:04 PM

I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on May 19, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.



HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION *MINUTES*

MAY 25, 2016

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STAFF REPORT

Planning Department



DATE: June 8, 2016

TO: Chairman and Members of the Planning Commission

FROM: Candyce Burnett, Planning Director

BY: Jennifer Nakamura, Associate Planner

SUBJECT: CONDITIONAL USE PERMIT DRC2016-00042 – SUNNY’S PERFECTION - A request to allow for a massage establishment within a 2,055 square foot unit in an existing shopping center located within the Neighborhood Commercial (NC) District at the southeast corner of Haven Avenue and Lemon Avenue; APN: 0201-27-206. The project is categorically exempt under Section 15301 as a Class 1 exemption (Existing Facilities) for the California Environmental Quality Act guidelines.

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit DRC2015-00042 through the adoption of the attached Resolution and conditions of approval.

SITE DESCRIPTION:

A. **Surrounding Land Use and Zoning:**

Site - Multi-tenant shopping center - Neighborhood Commercial (NC)
North - Single-family homes – Low Residential (L)
South - 210 Freeway
East - Condominium Complex – Medium High Residential (MH)
West - Multi-tenant shopping center - Neighborhood Commercial (NC)

B. **General Plan Designations:**

Site - Neighborhood Commercial
North - Low Medium Residential
South - 210 Freeway
East - Medium High Residential
West - Neighborhood Commercial

C. **Site Characteristics:** The project site is located in the multi-tenant shopping center located just north of the 210 Freeway at Haven Avenue, south of Lemon Avenue. The proposed business is located at the north end of the center. The site currently contains various retail and service businesses including Vons, Trader Joe’s, Corky’s and September’s Taproom. The site was developed with and contains sufficient onsite parking for the various uses within the center.

ANALYSIS:

- A. Background: In 2008 the Governor signed into law SB 731, which established uniform regulations for massage therapy and massage establishments. This law preempted most local land use, zoning and operational regulations provided that massage establishments and practitioners were certified by the California Massage Therapy Council.

Prior to the implementation of the SB 731, massage establishments were conditionally permitted in the General Commercial zoning district Citywide and within the Village Commercial zoning district of Victoria Arbors Master Plan. In 2012, as part of our comprehensive Development Code Update, massage establishments were permitted "by-right" in all commercial zones, as well as the Industrial Park and General Industrial zoning districts. This was done to bring the City's land use regulations on massage establishments into compliance with State law.

Massage establishments have proliferated in the City since the implementation of SB 731. Prior to the required land use changes, there were 7 massage establishments within the City. By the end of 2014 there were 42 establishments. This represents a 600% increase in less than 3 years. There is evidence in other jurisdictions that massage establishments are fronts for prostitution or human sex trafficking. Staff from the Rancho Cucamonga Police Department, Rancho Cucamonga Fire District, Planning, Building and Safety, Community Improvement and Business License have created a task force to perform inspections of all massage establishments in Rancho Cucamonga. As a result of this task force, 18 locations have been closed permanently and several have been closed pending proper permits.

On September 18, 2014, Governor Brown signed into law AB 1147 which amended the State's current massage therapy laws to expand local authority to adopt zoning regulations, business licensing, and reasonable health and safety requirements for massage establishments and practitioners. AB 1147 took effect on January 1, 2015. The City Council enacted an interim ordinance that now requires a City-issued Conditional Use Permit for new establishments intending to operate in the City after January 1, 2015.

- B. Approving Authority: Chapter 17.16 of the Development Code authorizes the Planning Director to administratively review and decide all Conditional Use Permits, after a public notification period. This administrative review was predicated on the anticipation that the uses qualifying for a Conditional Use Permit were minor in nature, only have an impact on immediately adjacent properties, and could be modified and/or conditioned to ensure compatibility. The Planning Director, pursuant to Section 17.14.060.C of the Development Code, may at any point in the application review process, transfer decision making authority to the Planning Commission at her discretion because of policy implications, unique or unusual circumstances or the magnitude of the project. At this time the Planning Director is referring Conditional Use Permit applications for massage establishments to the Planning Commission for review and decision.
- C. General: The applicant, Jianmin Dong, is requesting to operate a massage business within a 2,055 square foot suite. The business proposes to be open 7 days a week from 10:00 a.m. to 9:00 p.m. The suite was first established as a massage establishment and completed permitted improvements in 2013. In late 2015, Mr. Dong purchased the business from the previous owner, triggering the Conditional Use Permit requirement. The unit is currently improved with a reception area, 5 enclosed treatment rooms, 1 open foot spa area, restroom, laundry and an employee locker room. There will be up to 5 employees onsite each day.

PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT DRC2016-00042 – SUNNY'S PERFECTION

June 8, 2016

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- D. Police Review: The Rancho Cucamonga Police Department has reviewed the application and has no comment at this time.
- E. Other Department's Review: On May 3, 2016, the Planning Department, along with the Fire District and Rancho Cucamonga Police Department, conducted an inspection of this facility. During this inspection, Fire District and Building and Safety staff noted minor changes that needed to be made, including improper use of extension cords and a missing ADA placard. The applicant agreed to make any and all changes necessary to address these issues. The conditions of approval for the project require the correction of all outstanding issues prior to business license issuance.
- F. Land Use Compatibility: The site was developed to accommodate various commercial retail and services businesses. Massage establishments are generally compatible with typical commercial retail and services uses, such as the businesses that exist within this shopping center. That being said, staff believes that the use is compatible with the area in which it is located.
- G. Facts of Finding: Section 17.16.120 of the Development Code requires that a Conditional Use Permit can only be approved by the approving authority after finding the following. If all of these findings cannot be made, the permit shall be denied.

1. The proposed use is allowed within the applicable zoning district and complies with all other provisions of the Zoning Code, Municipal Code, General Plan, and any applicable Specific Plans or City regulations/standards.

The proposed massage establishment is a permitted use within the Neighborhood Commercial (NC) zoning district subject to approval of a Conditional Use Permit. The proposed business is in compliance with Development Code Section 17.102.080 (Special Regulated Uses – Massage Establishments), which requires massage establishments to operate between the hours of 7:00 a.m. and 10:00 p.m. The subject massage establishment proposes operating hours from 10:00 a.m. to 9:00 p.m.

2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.

The site, a commercial shopping center, is currently fully developed. The site contains multiple commercial buildings as well as sufficient onsite parking for the various commercial retail and service uses. The subject property is located along Haven Avenue, which is fully improved and provides sufficient access to the site.

3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

Staff has included a list of reasonable conditions of approval that will help ensure the proposed massage establishment is operating in an appropriate and legal manner. This includes a condition that subjects the Conditional Use Permit to modification, suspension or revocation, where the Planning Commission finds that the owner, operator, or any person

PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT DRC2016-00042 – SUNNY'S PERFECTION

June 8, 2016

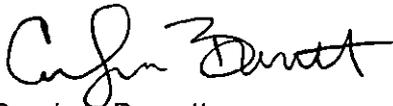
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employed or retained by the massage establishment, has violated any provision of the Rancho Cucamonga Municipal Code, or other applicable law, rule or regulation.

- H. Conditions of Approval: In approving a Conditional Use Permit, the approving authority may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained within the Development Code. The conditions of approval are attached to the resolution.
- I. Environmental Assessment: The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers the operation, repair, and maintenance of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's original determination. Because the project only involves outdoor special events to accommodate the subject use, staff concludes that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Director has reviewed the Planning Department's determination of exemption, and based on his own independent judgment, concurs in the staff's determination of exemption.

CORRESPONDENCE: This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 26, 2016, the property was posted, and notices were mailed to all property owners within a 660-foot radius of the project site. No comments have been received.

Respectfully submitted,



Candyce Burnett
Planning Director

CB:JN/lis

Attachments: Exhibit A - Aerial Photo
Exhibit B - Site Plan
Exhibit C - Floor Plan
Resolution of Approval Conditional Use Permit DRC2016-00042

Aerial Photo



EXHIBIT A

Item B - 5

(TENANT IMPROVEMENT ONLY)
SUNNY'S PROFESSIONAL MESSAGE

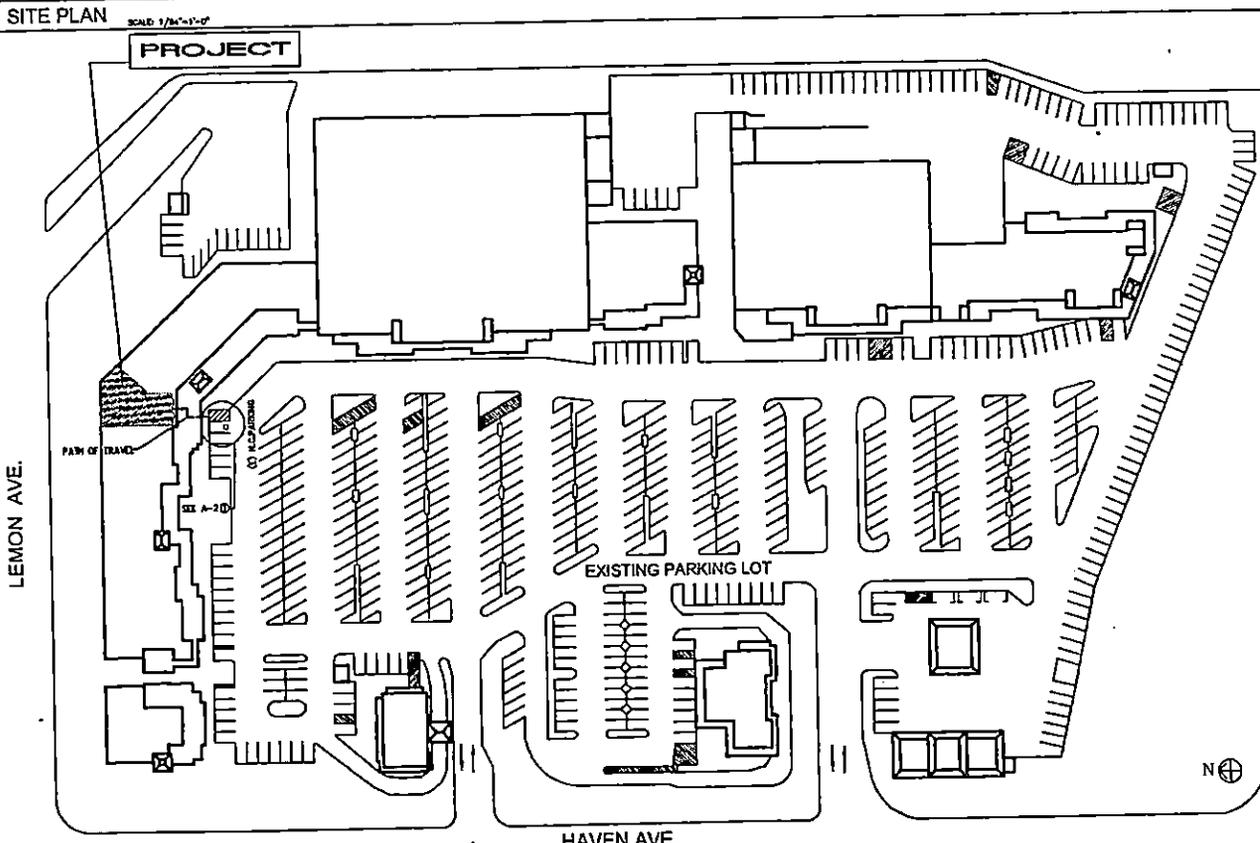
6331 HAVEN AVE. RANCHO CUCAMONGA, CA 91730



A & X Design Inc.

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<p>NOTES</p> <p>1. THE MAJOR PORTION OF A PROJECT SHALL BE IN ACCORDANCE WITH THE LOCAL BUILDING CODES AND ALL OTHER CODES AND ORDINANCES IN EFFECT.</p> <p>2. THE GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS AND CONDITIONS AT THE SITE PRIOR TO STARTING WORK, INCLUDING EXISTING UTILITIES, SOILS, AND PROBABILITY OF ALL UTILITIES CONFLICTING WITH THE PROPOSED WORK. THE CONTRACTOR SHALL NOTIFY THE CITY AND HEALTH DEPARTMENT'S APPROVED PLANS.</p> <p>3. ANY DISCREPANCIES AND / OR CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND THE CONTRACTOR AT THE TIME OF THE REVIEW OF THE APPROVED PLANS. THIS SHALL BE BROUGHT TO THE PLAN CHECKERS ATTENTION.</p> <p>4. GENERAL CONTRACTOR SHALL PROVIDE PROPER SIGNAGE FOR ALL WALL LOCKED COMPLAINT AND SPECIFICATIONS. RELAYING.</p> <p>5. CONTRACTOR ACTIVITY SHALL NOT BEGIN BEFORE 7 A.M. OR CONTINUE NO LATER THAN 7 P.M. AND ON SUNDAYS SHALL BE 9 A.M. (TILL 5:00 P.M.)</p>	<p>DATA</p> <p>OWNER: RAO LING SUN TEL: (626) 878-8810 ADDRESS: 829 N. SIERRA VISTA ST. MONTREY PARK, CA 91755</p> <p>DATE:</p> <ol style="list-style-type: none"> 1) PROJECT AREA: 1200 SF. 2) CONSTRUCTION TYPE: V-B (NO FIRE SPRINKLED) 3) OCCUPANCY GROUP: B 4) EXISTING HVAC SYSTEM REMAIN NO CHANGE 5) EXISTING FIRE ALARM SYSTEM REMAIN NO CHANGE 6) EXISTING SECURITY SYSTEM REMAIN NO CHANGE <p>2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA ENERGY CODE, 2010 CALIFORNIA FIRE CODE, AND LOCAL GOVERNMENT CODE.</p>	<p>JOB DESCRIPTION:</p> <p>EXISTING REAR NEW OWNER CHANGE THE NAME TO "SUNNY'S MESSAGE" TO REAR WILL BE NEW LEAD REAR WALL FOR NEW HOP SIGN, WINDOW AND SPEC. LOCKER ROOM 7 HOSE RECTOR FOR MESSGE ROOM, AND NEW ELEC. BREAK ROOM.</p> <p>INDEX</p> <p>A-0 COVER SHEET A-1 FLOOR PLAN A-2 H.C. NOTES A-2.1 H.C. DETAILS</p> <p>E-1 ELEC. FLOOR PLAN P-1 PLUMBING PLAN</p>	<p>VICINITY MAP N.T.S.</p>
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- NOTES**
1. ALL ROOMS USED FOR ATTACHED, CLUSTERED, DORM ROOMS OR SHARED ROOMS WITH AN OCCUPANCY GROUP IN EXCESS OF 50 PERSONS SHALL HAVE THE ROOM CAPACITY POSTED IN A CONSPICUOUS LOCATION. THE ROOM SHALL BE CLEARLY MARKED A CONCEPT FROM THE BACKGROUND TO WHICH IT IS ATTACHED. (CFC 3004)
 2. ALL EXISTING ROOMS SHALL BE IDENTIFIED WITH A LETTER AND LOCK NUMBER IF IS A FENCED ENCLOSURE. UNLESS A LOCK IS NOT LOCKED FROM THE BUILDING AND THERE IS A SIGN OVER THE DOOR AND STAIRS. THE DOOR IS TO BE KEPT UNLOCKED UNLESS THE BUILDING IS OCCUPY. (CFC 3004)
 3. IDENTIFY THE USE OF EACH BUILDING ROOM AREA SO THAT COMPLIANCE WITH ALL FIRE DEPARTMENT PROGRAMS MAY BE MONITORED. (CFC 3004) AND THE SECTION 3004.

- CONTRACTOR NOTES**
1. ALL CONSTRUCTION WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE LOCAL BUILDING CODE AND ALL OTHER CODES AND ORDINANCES IN EFFECT.
 2. THE GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS AND CONDITIONS AT THE SITE PRIOR TO STARTING WORK, INCLUDING EXISTING UTILITIES, SOILS, AND PROBABILITY OF ALL UTILITIES CONFLICTING WITH THE PROPOSED WORK. THE CONTRACTOR SHALL NOTIFY THE CITY AND HEALTH DEPARTMENT'S APPROVED PLANS.
 3. ANY DISCREPANCIES AND / OR CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND THE CONTRACTOR AT THE TIME OF THE REVIEW OF THE APPROVED PLANS. THIS SHALL BE BROUGHT TO THE PLAN CHECKERS ATTENTION.
 4. GENERAL CONTRACTOR SHALL PROVIDE PROPER SIGNAGE FOR ALL WALL LOCKED COMPLAINT AND SPECIFICATIONS. RELAYING.
 5. CONTRACTOR ACTIVITY SHALL NOT BEGIN BEFORE 7 A.M. OR CONTINUE NO LATER THAN 7 P.M. AND ON SUNDAYS SHALL BE 9 A.M. (TILL 5:00 P.M.)

- FIRE DEPT. REQUIREMENTS**
1. FIRE ESCAPE SHALL BE OPERABLE FROM THE INSIDE THROUGH ONE OF A KEY OR AN OPEN, UNLOCKED OR STAIRS.
 2. STAIRS SHALL BE OPERABLE AND UNLOCKED TO COMPLY WITH THE 24, 1008-1-1.
 3. STAIRS SHALL BE UNLOCKED AT ANY TIME THE BUILDING IS OCCUPY, WITH UNLESS THERE IS A SIGNAGE OF NOT LESS THAN ONE FOOT-SQUARE AS FLOOR LEVEL.
 4. STAIRS SHALL BE FOR THE USE OF THE BUILDING ONLY.
 5. STAIRS SHALL BE FOR THE USE OF THE BUILDING ONLY.
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 10. STAIRS SHALL BE FOR THE USE OF THE BUILDING ONLY.

(TENANT IMPROVEMENT ONLY)
SUNNY'S PROFESSIONAL MESSAGE
 6331 HAVEN AVE. RANCHO CUCAMONGA, CA 91730



Date:	10/24/12
Job No.:	0218107
Drawn By:	J.H.
Check:	J.H.

Sheet No. **A-0**

*Approved: Michelle Villa
 Agent for owner 10/24/12*

RESOLUTION NO. 16-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT DRC2016-00042, A REQUEST TO OPERATE A MASSAGE ESTABLISHMENT WITHIN A 2,055 SQUARE FOOT TENANT SPACE IN THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT LOCATED AT 6331 HAVEN AVE SUITE 15; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0201-27-206.

A. Recitals.

1. Jianmin Dong, owner of Sunny's Perfection, filed an application for the issuance of Conditional Use Permit DRC2016-00042, as described in the title of this Resolution. Hereinafter in this Resolution, the subject Conditional Use Permit request is referred to as "the application."

2. On the 8th day of June 2016, the Planning Commission of the City of Rancho Cucamonga conducted a duly noticed public hearing on the application and concluded said hearing on that date.

3. All legal prerequisites prior to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Rancho Cucamonga as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on June 8, 2016, including written and oral staff reports, together with public testimony, this Commission hereby specifically finds as follows:

a. The application applies to property within the Neighborhood Commercial (NC) District located at 6331 Haven Avenue, Suite 15. The subject property is currently developed with a commercial shopping center that contains adequate onsite parking; and

b. The property to the north is developed with single-family homes and is located within the Low Residential (L) District, the property to the south is developed with the 210 Freeway, the property to the east is developed with a Condominium Complex and is located within the Medium High Residential (MH) District, and the property to the west is developed with a multi-tenant shopping center and is located within the Neighborhood Commercial (NC) District; and

c. The application involves a request to operate a massage establishment within a 2,055 square foot tenant space; and

d. The massage establishment is requesting to be open 7 days a week with hours of operation from 10:00 a.m. to 9:00 p.m.; and

- e. The proposed services will include foot massage and full body massage; and
- f. The unit is currently improved with a reception area, 5 enclosed treatment rooms, 1 open foot spa area, restroom, laundry and an employee locker room; and
- g. On May 3, 2015 the Planning Department, along with the Building and Safety Department and Rancho Cucamonga Police Department, conducted an inspection of this facility. During this inspection, Fire District and Building and Safety staff noted minor changes that needed to be made, including improper use of extension cords and a missing ADA placard. The applicant agreed to make any and all changes necessary to address these issues. The conditions of approval for the project require the correction of all outstanding issues prior to business license issuance.
- h. The Rancho Cucamonga Police Department has reviewed the application and inspected the site and has no comment at this time.
- i. The site was developed to accommodate various commercial retail and services businesses. Massage establishments are generally compatible with typical commercial retail and services uses, such as the businesses that exist within this shopping center. That being said, staff believes that the use is compatible with the area it is located.
- j. The Development Code requires all property owners within a 660 foot radius of the subject property to be notified for all Conditional Use Permit applications. The required notifications were mailed on May 26, 2016 and the property was posted on May 26, 2016. Planning Staff has not received any comments regarding this application.

3. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing and upon the specific findings of facts set forth in paragraphs 1 and 2 above, this Commission hereby finds and concludes as follows:

- a. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code, Municipal Code, General Plan, and any applicable Specific Plans or City regulations/standards. The proposed massage establishment is a permitted use within the Neighborhood Commercial (NC) zoning district subject to approval of a Conditional Use Permit. The proposed business is in compliance with Development Code Section 17.102.080 (Special Regulated Uses – Massage Establishments), which requires massage establishments to operate between the hours of 7:00 a.m. and 10:00 p.m. The subject massage establishment proposes operating hours from 10:00 a.m. to 9:00 p.m.
- b. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards. The site, a commercial shopping center, is currently fully developed. The site contains multiple commercial buildings as well as sufficient onsite parking for the various commercial retail and service uses. The subject property is located along Haven Avenue, which is fully improved and provides sufficient access to the site.
- c. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. Staff has included a list of reasonable conditions that will

help ensure the proposed massage establishment is operating in an appropriate and legal manner. This includes a condition that subjects the Conditional Use Permit to modification, suspension or revocation, where the Planning Commission finds that the owner, operator, or any person employed or retained by the massage establishment, has violated any provision of the Rancho Cucamonga Municipal Code, or other applicable law, rule or regulation.

4. The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301 (*Existing Facilities*) because the project involves the operation of a massage establishment that is located within an existing building on a site that is currently developed. In addition, there is no substantial evidence that the project may have a significant effect on the environment. 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.

5. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3, and 4 above, this Commission hereby approves the application subject to each and every condition set forth below and in the Standard Conditions, attached hereto and incorporated herein by this reference.

6. The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 8TH DAY OF JUNE 2016.

PLANNING COMMISSION OF THE CITY OF RANCHO CUCAMONGA

BY: _____
Ravenel Wimberly, Chairman

ATTEST: _____
Candyce Burnett, Secretary

I, Candyce Burnett, Secretary of the Planning Commission of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Rancho Cucamonga, at a regular meeting of the Planning Commission held on the 8th day of June 2016, by the following vote-to-wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Conditions of Approval



Community Development Department

Project #: DRC2016-00042

Project Name: Sunny's Perfection

Location: 6331 HAVEN AVE 15 - 020127206-0000

Project Type: Conditional Use Permit

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Please be advised of the following Special Conditions

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the applicant of his obligations under this condition.
2. Conditional Use Permit approval shall expire if building permits are not issued or approved use has not commenced within 5 years from the date of approval or the use is discontinued for more than 180 days. No extensions are allowed. Should this use be discontinued for more than 180 days, the approving authority may revoke this permit at a public hearing. If this business is closed for more than one calendar year this entitlement shall expire as outlined in Section 17.14.090 D. of the Rancho Cucamonga Development Code.
3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the Rancho Cucamonga Fire Protection District and the Building and Safety Department to show compliance. The buildings shall be inspected for compliance prior to occupancy.
4. The applicant shall be required to pay California Department of Fish and Wildlife Notice of Exemption fee in the amount of \$50.00. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to public hearing.
5. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints or any other material that unreasonably obstructs, obscures, blurs, or darkens the view into the premises.
6. The business shall remain in compliance with all State, County, and Local regulations, including the conditions of the Conditional Use Permit at all times. If the operation of the facility does not remain in compliance with the conditions of approval, the Conditional Use Permit may be reviewed by the Planning Commission for possible modification of the conditions of approval, suspension or the revocation of the Conditional Use Permit.
7. Approval of this request shall not waive compliance with any sections of the Development Code, State Fire Marshal's regulations, Uniform building Code, or any other City Ordinances.
8. Hours of operation shall be limited to 10:00 a.m. to 9:00 p.m., Monday through Sunday.

Project #: DRC2016-00042

Project Name: Sunny's Perfection

Location: 6331 HAVEN AVE 15 - 020127206-0000

Project Type: Conditional Use Permit

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Please be advised of the following Special Conditions

9. Any modification or intensification of the use beyond what is specifically approved by this Conditional Use Permit, shall require review and approval by the approving authority.
10. Any modifications to the floor plan shall require review by the Planning Director and may require review by the approving authority.
11. Each person employed or acting as a massage technician or certified massage therapist shall have a valid certification issued by the California Massage Therapy Council (CAMTC) and shall be displayed in a conspicuous area open to the public at all times. It is unlawful for any owner, manager, operator, responsible managing employee, or permittee in charge of or in control of a massage establishment to employ or permit a person to act as a massage technician who is not in possession of a valid, unrevoked CAMTC certificate.
12. The possession of a valid conditional use permit does not authorize the possessor to perform work for which a CAMTC certificate is required.
13. A copy of the CAMTC certificate of each and every massage technician employed in the establishment shall be displayed in an open and conspicuous place on the premises.
14. The massage establishment shall keep a written record of the date and hour of each treatment, the name and address of each patron, the name of the CAMTC licensed technician administering the treatment, and the type of treatment administered. Such written record shall be maintained on forms approved by the director. Such records shall be open to inspection only by officials charged with enforcement of this permit, shall be available during all business hours of the establishment, and shall be used for no other purpose. Any unauthorized disclosure or use of such information by any officer or employee of the City or the County of San Bernardino, or the owner or employee of the massage establishment, shall constitute a misdemeanor and such persons shall be subject to the penalty of the provisions of this chapter in addition to any other penalties provided by law. Such records shall be maintained on the premises of the massage establishment for a period of 2 years.
15. No massage establishment shall operate as a school of massage, or use the same facilities as that of a school of massage.
16. No massage establishment shall be open for business without at least one CAMTC certified massage technician on the premises at all times who is in possession of a current, valid permit or massage certificate.
17. All clients and visitors shall be required to enter and exit through the main entry door. Except when there is no staff available to assure security for massage therapy clients and staff who are behind closed doors, no massage therapy may be carried on behind locked, closed doors.
18. The massage establishment shall have a manager on the premises at all times the massage establishment is open for business. The operator of each massage establishment shall file a statement with the Planning Director designating the person or persons who shall act as manager. The operator, or manager in the operator's absence shall be responsible for ensuring compliance with this permit.
19. All signs shall be in conformance with the current Ordinances of the City.

Project #: DRC2016-00042
Project Name: Sunny's Perfection
Location: 6331 HAVEN AVE 15 - 020127206-0000
Project Type: Conditional Use Permit

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Please be advised of the following Special Conditions

20. Minimum lighting shall be provided in accordance with Section 1205 of the Uniform Building Code or successor provision or provisions. In addition, at least one artificial light of not less than 40 watts shall be provided in each room or enclosure where massage services are performed on patrons.
21. Beds, floor mattresses and waterbeds are not permitted on the premises of the massage establishment, and no establishment shall be used for residential or sleeping purposes.
22. Water tables or shower tables are not permitted on the premises of the massage establishment.
23. No alcoholic beverages shall be sold, served or furnished to any client; nor shall any alcoholic beverages be permitted, kept or possessed on the premises of a massage establishment.
24. The massage establishment owner shall be responsible for the conduct of all massage establishment operators, employees, agents, independent contractors, or other representatives, while such persons are on the premises of the massage establishment or providing outcall massage services on behalf of the massage establishment.
25. All payments for massage therapy services, including gratuities or tips, shall be made only in the designated reception and waiting area and not in the massage therapy room. Any gratuities or tips that are solicited from the client in violation of this provision shall be presumed to be for the purpose of committing a sexually related act and may be grounds for the suspension or revocation of the conditional use permit.

Project #: DRC2016-00042
Project Name: Sunny's Perfection
Location: 6331 HAVEN AVE 15 - 020127206-0000
Project Type: Conditional Use Permit

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Please be advised of the following Special Conditions

26. The massage establishment owner shall be deemed to know and understand the conditions of approval for this conditional use permit. This conditional use permit is subject to modification, suspension or revocation, where the Planning Commission finds that any of the following have occurred on even a single occasion:

A. The owner, operator, or any person employed or retained by the massage establishment, has violated any provision of the Rancho Cucamonga Municipal Code, or other applicable law, rule or regulation.

B. The owner, operator, or any person employed or retained by the massage establishment, has engaged in fraud or has knowingly made a misstatement of material fact either as part of the application or while working in or for the massage establishment.

C. The owner, operator, or any person employed or retained to provide services by the massage establishment, has been the subject of a permanent injunction against the conducting or maintaining of a nuisance pursuant to this code, or sections 11225 through 11235 of the California Penal Code, or any similar law in any state or other jurisdiction.

D. The owner, operator, or any person employed or retained to provide services by the massage establishment, has been convicted in a court of competent jurisdiction of any offense that relates directly to the conduct or operation of a massage establishment, or has at any time been convicted in a court of competent jurisdiction of any offense the commission of which occurred on the premises of a massage establishment or while performing out-call massage services.

E. The owner, operator, or any person employed or retained by the massage establishment, has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of any of the following offenses: Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 of the California Penal Code, or conspiracy or attempt to commit any such offense, or any similar offense in any state or other jurisdiction, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not such acts occurred with or without the actual knowledge of the owner.

F. The owner, operator, or any person employed or retained by the massage establishment, is currently required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 commencing with section 290 of Title 9 of Part 1 of the California Penal Code), or any similar law in any state or other jurisdiction.

G. The owner has continued to operate the massage establishment after the Conditional Use Permit has been suspended.

H. Massage therapy has been performed for compensation by a person who is not a CAMTC certified massage professional, with or without the actual knowledge of the owner.

Project #: DRC2016-00042
Project Name: Sunny's Perfection
Location: 6331 HAVEN AVE 15 - 020127206-0000
Project Type: Conditional Use Permit

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT:

Planning Department

Please be advised of the following Special Conditions

- I. The owner, operator or any person employed or retained by the massage establishment, has engaged in conduct or committed acts that a reasonable person in the client's position would understand as an offer to perform on or engage in with a client acts that are sexual in nature or that involve the touching of the client's genitals, pubic area, anus, or areola.
- J. Any other unprofessional conduct or violation of any applicable law, rule or regulation that is substantially related to the providing of massage therapy.
- K. Any violation of the conditions of approval for the Conditional Use Permit.
27. The massage establishment shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved conditional use permit, pursuant to Section 17.08.040 B of the Development Code.
28. Massage establishment shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings and linens. Clean towels, coverings and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one patron, unless such towel or linen has first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one patron. Soiled linens and towels shall be deposited in separate health department approved receptacles.
29. All employees, including massage technicians and certified massage therapist, shall be clean, and wear clean, non-transparent outer garments. Such garments shall not expose their genitals, pubic area, buttocks or chest.