

RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING A REQUEST FOR CONDITIONAL USE PERMIT #24-C03, TO ESTABLISH BODY MASSAGE SERVICES WITHIN AN EXISTING DAY SPA BUSINESS, LOCATED IN THE CLAREMONT SQUARE COMMERCIAL CENTER AT 936 WEST FOOTHILL BOULEVARD. APPLICANT – XIAOLI SUN AND JIANXIA LIU.

WHEREAS, on March 28, 2024, the applicant submitted an application for a Conditional Use Permit (File #24-C03) to establish body massage services within an existing day spa business located at 936 West Foothill Boulevard; and

WHEREAS, the property is located within the Mixed Use 3 (MU3) zoning district, where massage uses are conditionally allowed with the approval of a Conditional Use Permit (CUP); and zoning is consistent with the General Plan designation of Mixed Use; and

WHEREAS, notice of a public hearing was duly given and the above-mentioned site was posted on October 3, 2024; and

WHEREAS, the Planning Commission held a public hearing on October 15, 2024, at which time all persons wishing to testify in connection with said proposal were heard and said proposal was fully studied.

WHEREAS, the Planning Commission expressed an intent to approve Conditional Use Permit #24-C03 and continued the item to November 5, 2024 for adoption of an approval resolution.

NOW, THEREFORE, THE CLAREMONT PLANNING COMMISSION DOES HEREBY RESOLVE:

SECTION 1. The Planning Commission has determined that the project under review is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 – Existing Facilities (Class 1), in that the project entails the continued leasing of an existing tenant space within a private structure involving negligible or no expansion of an existing or former use. The project involves the operation, permitting, and leasing of a commercial use that is consistent with the zoning designation, General Plan Land Use district, and uses within other tenant spaces of the same building and complex, and does not propose any expansion of the existing tenant space proposed for use, and will not require additional site improvements to accommodate the business operations proposed. Therefore, no further environmental review is necessary.

SECTION 2. The Planning Commission makes the following findings in regards to the CUP request for the above-described project:

- A. The existing day spa is approximately 1,450-square-feet in area with the proposed ancillary massage space occupying 175 square feet (12%). The tenant space is adequate in size and shape to accommodate the operation of the proposed ancillary massage use in addition to the existing beauty service use. No additional floor area would be added to the existing tenant space or building footprint. Parking for the proposed use is adequately served by existing parking in the commercial center as no new parking is required and there are no existing parking issues at the site.
- B. The site for the ancillary massage use relates to streets and highways properly in that the adjacent street, Foothill Boulevard, are able to accommodate the traffic generated by the existing beauty service use. Given that ancillary massage services within an existing day spa have essentially the same parking demand profile as beauty service uses, the proposed use will not generate a significant amount of new traffic and the use can continue to be accommodated by the existing street.
- C. The proposed use will not impair the integrity and character of the underlying zone of the MU3 zoning area or otherwise have an adverse effect on adjacent properties or the permitted use thereof in that the proposed massage business is ancillary to other uses in the district and is similar in scale and use to other approved uses within the Claremont Square commercial center. The massage business will provide a complementary use within the MU3 zoning district.
- D. The proposed ancillary use is not contrary to the General Plan, as the policies of the General Plan encourage economic and social activity in commercial areas of the City. The existing business is consistent with the Mixed Use land use designation. The use is also consistent with Goals 2 and 3 of the General Plan, which encourages the accommodation of a range of land uses that meet the needs of the City.
- E. The proposed use will not endanger or otherwise constitute a menace to the public health, safety, or general welfare in that the proposed use consists of the operation of a day spa with an ancillary massage use, which is similar to other businesses operating within the Claremont Square commercial center and elsewhere in the City. These types of businesses currently operate in various locations in the City and the use of CUP's regulate these businesses with conditions of approval that further minimize the potential for negative impacts.

SECTION 3. The Planning Commission hereby approves CUP #24-C03, based on the findings of Section 16.303.040 of the Claremont Municipal Code (CMC) outlined in Section B above, and subject to the following conditions:

- A. This approval is for a 175-square-foot ancillary massage use to operate within an existing day spa business, located at 936 West Foothill Boulevard, as depicted on the floor plan on file with the Planning Division.
- B. This approval shall be valid for two years from the date of the Planning Commission action. If a business permit is not secured within that time frame, or an extension is not granted, then this approval shall automatically expire without further action by the City.
- C. Should the use for which this CUP was granted (ancillary massage establishment) be discontinued for a period of 12 months or more, such use shall not be re-established, and the matter shall be referred to the Planning Commission to initiate the proceedings for the revocation of this CUP.
- D. Prior to the issuance of a business license, the applicant/business owner shall be responsible for providing a current up-to-date roster of all employees, and licenses from the California Massage Therapy Council for each technician administering massage services to the City's Finance Department.
- E. Prior to operation of the business, the applicant/business owner shall be responsible for contacting the Claremont Police Department to schedule an inspection for the establishment to ensure it is in compliance with all facility and operating requirements identified in the CMC. Furthermore, the business will be subject to random inspections conducted by the Claremont Police Department. If any violations are revealed during an inspection, business operations must cease until violations are corrected as determined in a subsequent inspection.
- F. The ancillary massage use is approved to operate between the hours of 10:00 a.m. and 9:00 p.m., all days of the week.
- G. Prior to the issuance of a business permit, the applicant shall pay any and all outstanding development review fees regarding the CUP (File #24-C03).
- H. Any signage proposed for the massage business shall fully comply with the City standards regarding signs further identified in Title 18 of the Claremont Municipal Code.
- I. Noncompliance with any condition of approval shall constitute a violation of the City's Municipal Code. Violations may be enforced in accordance with the provisions of Title 16 and/or the administrative fines program of Title 1 of the Claremont Municipal Code.

- J. The applicant/owner, by utilizing the benefits of this approval, shall thereby agree to defend, at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval. In addition, the applicant/owner shall reimburse the City et al for any court costs and attorney fees, which the City et al may be required 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/owner of its obligation hereunder.
- K. Failure to comply with any of the conditions, including design issues as shown on plans reviewed and approved by the City of Claremont, may result in failure to obtain a building final and/or certificate of occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement, regardless of costs incurred, where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

SECTION 4. The Planning Commission Chair shall sign this Resolution and the Commission Secretary shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 5th day of November 2024.

Planning Commission Chair

ATTEST:

Planning Commission Secretary