
RIPON PLANNING COMMISSION MINUTES

RIPON CITY HALL
TUESDAY, JANUARY 5, 2016 6:00 P.M.

Pledge of Allegiance: Commissioners pledged allegiance to the flag.

Roll Call: Commissioners Gary Barton, Debra Van Essen, George Saljian, and David Collins

Absent: Brinton McCusker, Bill Long

Others Present: Ken Zuidervaart, Joshua Brenner, Mitzi Johnston, Jaime Fountain, James Davis

Minutes: Approval of the minutes of the Ripon Planning Commission meeting of November 3, 2015

MOTION: MOVED/SECONDED (SALJIAN/BARTON) AND CARRIED BY A 3-0 VOTE (VAN ESSEN: ABSTAIN) (ABSENT: MCCUSKER, LONG) TO APPROVE THE MINUTES OF THE NOVEMBER 3, 2015 PLANNING COMMISSION MEETING

Public Discussion: Chairman Collins explained the public discussion process and asked if anyone would like to speak on a subject that is not on the agenda. No one wished to speak at this time.

PUBLIC HEARING

Chairman Collins explained the Public Hearing Process as well as the appeal procedures.

1.0 PUBLIC HEARING

- 1.1 CONDITIONAL USE PERMIT (UP15-04) for Tingye Yang**, a public hearing on a request to take over ownership of an existing Massage Business (Lily Spa) located within the Almond Blossom Plaza at 467 N. Wilma Ave. Suite 10. This property is located in the MU (Mixed Used) district. **This project is Categorical Exempt from CEQA.**

Director Zuidervaart introduced the staff report into the record and said that this is a request for change of ownership of a recently approved massage therapy business. Director Zuidervaart said that the new applicant is requesting the hours of 10:00

a.m. to 8:00 p.m. and will provide full body massage. There will be no change to the floor plan. Director Zuidervaart said that this type of use is permitted in this zone with a Conditional use permit.

Director Zuidervaart said that staff has been working on the massage ordinance but it is not yet in place. The conditions of approval states that the applicant be certified by the California Massage Therapy Council (CAMTC) and said that he would like to add the condition that any other employee that practices massage also be certified by CAMTC and provide proof of certification.

Commissioner Saljian asked if they need to state the added condition in the motion and Director Zuidervaart replied yes.

PUBLIC HEARING OPENED

James Davis (4517 Sunkist Ct. Salida) said that this would be the same business just under new ownership.

Commissioner Barton asked Mr. Davis how he is connected to the applicant and Mr. Davis replied that he is the boyfriend of the previous owner.

Commissioner Saljian asked if the former owner will have any participation in the new business and Mr. Davis replied no.

Commissioner Van Essen said that she would like to hear from the actual applicant and Commissioner Barton agreed that he too would like to communicate directly with the applicant.

Chairman Collins asked the previous owner if she actually opened the business and Ms. Chen said yes. Mr. Davis said that they are moving to Sacramento and that he will be working in law enforcement/corrections.

The applicant (Tingye Yang) along with an interpreter (Rev. David Yau) stepped to the podium.

Commissioner Van Essen voiced concern over her being able to communicate with customers if she is not able to speak English. Rev Yau stated that Ms. Yang can speak quite a bit of English within the context of her industry.

Commissioner Saljian asked Ms. Yang if she has ever operated a business previously. Ms. Yang through her interpreter replied that she has been practicing massage therapy for approximately six months.

Commissioner Van Essen explained that they are being cautious only because there are situations going on in nearby communities where women are being taken

advantage of and so it is important that we communicate directly with the applicant to ensure that the Commission does not approve something that is not above board.

Commissioner Van Essen then asked if law enforcement will do periodic checks and Director Zuidervaart replied yes, that with a Use Permit the City has the right to do inspections.

Commissioner Saljian asked if background checks are done as part of the certification. Director Zuidervaart replied yes, adding that the State also has a list of approved schools and they do a background check on all applicants. Director Zuidervaart said that our ordinance will go further once it is in place. Director Zuidervaart then said that often times the owner and/or operator are an absentee owner and this ordinance will require the owner and/or operators to also go through the background checks.

Chairman Collins asked the applicant if she will be the owner of the business and Ms. Yang through her interpreter replied that she purchased the entire business from Ms. Chen.

Commissioner Barton asked if she will have any other therapists at the business and Ms. Chen through her interpreter replied that for now it will be just her but that she may add employees later on.

Chairman Collins asked Ms. Yang if she currently resides in Ripon and Ms. Yang through her interpreter replied no, and said that she has lived in Modesto for the past one and one half years.

Commissioner Barton asked Ms. Yang if she intends to operate the business in accordance with the conditions of approval and Ms. Yang through her interpreter replied yes.

Chairman Collins asked if anyone would like to speak in favor or against the applicant.

Proponents: None

Opponents: None

PUBLIC HEARING CLOSED

Commissioner Saljian said that he originally had concern as to why the original owner was leaving but now understand that they are moving to Sacramento.

Chairman Collins stated that the previous owner had prior to this business owned a massage business in Ceres for a short period of time. He then said that according to the record, Ms. Chen had stated that she left Ceres because it was not a safe

area. Ms. Chen nodded that this is correct. Chairman Collins then asked the previous owner if she had owned any other businesses before the Ceres massage business and Ms. Chen replied no.

Commissioner Van Essen said that she has already expressed her concern and said that if it were to change hands again so quickly she may not approve it next time.

MOTION: MOVED/SECONDED (VAN ESSEN/BARTON) AND CARRIED BY A 4-0 VOTE (ABSENT – MCCUSKER, LONG) TO APPROVE CONDITIONAL USE PERMIT (CUP15-04) FOR TINGYE YANG BASED ON THE FINDINGS AND SUBJECT TO THE AMENDED CONDITIONS OF THE STAFF REPORT

Added Condition:

3. That all employees performing massage therapy shall be certified by the California Massage Therapy Council.

2.0 DISCUSSION/ACTION

2.1 PLANNING COMMISSION MEETING DATE CHANGE

Director Zuidervaart explained that staff is having difficulties getting the staff report into Council with the short distance between the Planning Commission meeting being the first Tuesday and the City Council being the second Tuesday of the Month. This is requiring projects that need to go from the Planning Commission to the City Council to have to wait for more than a month to be heard by City Council. Director Zuidervaart said that in doing a quick survey of the third week of the month it appears that Mondays are the most available for the Commission. Director Zuidervaart said that he will bring back a Resolution at the February meeting to change the meetings to the Monday following the City Council regularly scheduled meeting. Director Zuidervaart explained that this is not always the third Monday of the month and so that is why the language will read the Monday following the City Council meeting. Director Zuidervaart said that this new date change will take effect in March and that meeting would be March 14, 2016 at 6:00 p.m.

Reorganization: Commissioners will select a Chairman and Vice Chairman

MOTION: MOVED/SECONDED (COLLINS/VAN ESSEN) AND CARRIED BY A 3-0 VOTE (SALJIAN – ABSTAIN) (ABSENT – MCCUSKER, LONG) TO APPOINT GEORGE SALJIAN AS CHAIRMAN

MOTION: MOVED/SECONDED (SALJIAN/BARTON) AND CARRIED BY A 3-0 VOTE (VAN ESSEN – ABSTAIN) (ABSENT – MCCUSKER, LONG) TO APPOINT DEBRA VAN ESSEN AS VICE-CHAIRMAN

Commissioners' Reports: Commissioner Van Essen said that she has attended the Planners institute in the past, and has found it to be very informative and said that she would like to attend this years in March and recommended that the other Commissioners, if able to, also attend. Chairman Saljian commented that he has a conflict on that date and will not be able to attend. Commissioner Collins and Commissioner Barton said that they too would be interested in attending.

City Attorney's Reports: None

Director's Reports: Director Zuidervaart said that coming before the Planning Commission on February 2nd is an application for a second phase of a potential apartment and commercial project. Director Zuidervaart encouraged the Commission to drive by Ripon Garden Apartments located at 1641 North Ripon Road to see what product the proposed Phase II will look like. Director Zuidervaart said that Phase II is proposed to have 112 units. Director Zuidervaart said that the Planning Commission will be making a recommendation to the City Council on the project.

Commissioner Van Essen asked how the property is proposed to be zoned and Director Zuidervaart replied that the vacant 10 acre site is currently zoned C2 (Community Commercial) which is about the size of the Save Mart Shopping Center. The proposed Rezone would take about 6-6.5 acres for high density residential and the remainder would create a much smaller commercial site more intended for neighborhood commercial like Schempers center. Director Zuidervaart also said that from a traffic standpoint rezoning to residential would actually ease some of the proposed traffic issues. Director Zuidervaart added that of course, it would not be as low as if it were Single Family Residential. Director Zuidervaart went on to say that the reason he sent out a facts letter was to clarify the misconceptions about the zoning of this area and that it was neither a recommendation for or against the project.

Director Zuidervaart said that there will be a subdivision application before the Commission for recommendation at the March Planning Commission meeting for property along River Road located in the North Pointe Specific Plan area.

Chairman Saljian said that he noticed that an orchard by the Almond Huller was taken out and asked if a project is going in there. Director Zuidervaart replied no, that a project would have to come before the Commission first and this is just an agriculture process of removing trees.

Adjournment: There being no further business the meeting was adjourned at 6:40 p.m. to the next regularly scheduled meeting of Tuesday, February 2, 2016 at 6:00 p.m.

Submitted by: Mitzi Johnston