

---

# RIPON PLANNING COMMISSION MINUTES

---

RIPON CITY HALL  
MONDAY, MAY 16, 2016 6:00 P.M.

**Pledge of Allegiance:** Commissioners pledged allegiance to the flag.

**Roll Call:** Commissioners Gary Barton, David Collins, Bill Long, Brinton McCusker, Debra Van Essen, and George Saljian

**Others Present:** Ken Zuidervaart, Dan Brannon, Mitzi Johnston, Jason Buffalow, Chad DeGraff, and Michael DeGroot

**Minutes:** Approval of the minutes of the Ripon Planning Commission meeting of March 14, 2016

**MOTION: MOVED/SECONDED (LONG/VAN ESSEN) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE MARCH 14, 2016 PLANNING COMMISSION MEETING**

**Public Discussion:** Chairman Saljian 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.

**Agenda Changes:** Director Zuidervaart requested that the General Planning item 2.1 be brought before Public Hearing item 1.1

Chairman Saljian explained the public hearing process

## 2.0 GENERAL PLANNING

2.1 **MAJOR SITE REVIEW (SR16-04) for Buffalo's Mechanical, Jason Buffalow**, a request to expand and amend an existing .954 (+/-) acre industrial site by adding a 4,990 sq. ft. storage building and reconfiguring the off street parking located at 501 Parallel Avenue in the M1 (Light Industrial) district. **A Negative Declaration (PEA16-04) is recommended for this project.**

Director Zuidervaart introduced the staff report into the record. Director Zuidervaart said that the applicant recently purchased this site and wishes to add a storage building for the business. This site will serve as the headquarters for Buffalo's Mechanical. Director Zuidervaart then described the proposed layout of the site and how it was previously laid out.

Director Zuidervaart said that the storage building will be constructed with corrugated metal. Access to the site will be from Parallel Avenue. There are two existing commercial driveway accesses and the applicant would like to install a new Commercial driveway access to the

site to provide adequate circulation to the site. Director Zuidervaart said that the applicant will be providing new asphalt paving for the new parking area as well as the area surrounding the proposed new building. Off street parking will be reconfigured and there will be 13 parking spaces provided. There will be surface mounted lighting and the applicant will submit a detailed lighting plan as part of the conditions of approval.

Director Zuidervaart said that the applicant will bring the site up to current landscaping standards and will provide the 10% required landscaping.

Director Zuidervaart said that this property abuts residential and there is currently a six (6) foot masonry wall between this lot and the residential. The applicant will need to modify the wall to be an eight (8) foot masonry wall per City Standards.

Director Zuidervaart said that the applicant wishes to take advantage of the reduced setback option for the rear and side of the building. The rear setback of a structure in M1 is twenty (20) feet and the applicant would like to reduce this to ten (10) feet. The side setback is also twenty (20) feet and the applicant would like to reduce this side setback to one foot six inches.

Director Zuidervaart said that the 1'6" side setback is adjacent to a SSJID easement that is twenty (20) feet wide. The rear setback requested is within ten (10) feet of the back wall. Per City Code, an applicant can take advantage of a reduced setback if it is okay with the Police Department and Fire Department but has to be ratified by the Planning Commission.

Director Zuidervaart said that on May 3, 2016 a meeting was held with the applicant and comments and conditions were received from various agencies. These comments and conditions have been incorporated in the staff report. Director Zuidervaart then said that one condition has been amended; condition #14. Director Zuidervaart said that the original condition required the undergrounding of power lines. The amendment allows for this requirement to be deferred with a deferred improvement agreement until the property adjacent to this site develops at such time the two property owners can share in the cost to perform this undergrounding. The City will work an agreement out with the applicant.

Director Zuidervaart said that staff recommends approval of the application with the conditions as amended.

Commissioner Van Essen wanted to make sure she understood that the storage building would be within ten (10) feet of the residential lot and Director Zuidervaart replied yes.

Commissioner Collins asked what the height of the storage building would be and Director Zuidervaart said that it would be 18'6" at the tallest point.

Commissioner Van Essen asked what would be placed within the rear ten (10) foot area; if it would be landscaping. Director Zuidervaart said that he would defer this question to the applicant to respond.

Commissioner Van Essen said that SSJID's comments did not give a yes or no answer for their side and asked if this twenty (20) foot area would remain open and Director Zuidervaart replied yes, that there is a pipeline underground there so nothing could be built on it.

Chairman Saljian commented that the site plan indicates a possible second accessory building and Director Zuidervaart replied that the applicant would need to come back before the Planning Commission for approval at a future meeting.

Applicant: Jason Buffalow, applicant and Chad DeGraff, Architect came to the podium together. J. Buffalow said that on the twenty foot SSJID side there is actually additional easements from other agencies too creating somewhere between sixty to eighty feet of easement.

Commissioner Collins asked if the residential lot would also have a setback and J. Buffalow replied yes. The ten foot setback is to the property line.

J. Buffalow said that the area behind the building can be landscaped.

Commissioner Van Essen said that if no trucks drive back behind this building then it may be okay but if there will be trucks that close to the wall then she would not be in favor of this variance.

J. Buffalow commented that there may be five trucks on the site a day and 99% of the deliveries will be at the front of the lot and they won't be driving thru the site. There may be a guy on a fork lift or a couple of employee cars parked at the rear.

Commissioner Barton asked the applicant if he considered moving the building over toward Parallel and C. DeGraff commented that they looked at this but it makes the circulation tight.

Commissioner McCusker asked if the site would be generating any noise and J. Buffalow replied that there might be a couple trucks that come to the site. Commissioner McCusker commented that there is a lot of highway noise and this building might provide some buffer to that highway noise.

Proponents: None

Opponents: Michael DeGroot (Manteca) said that he is the owner of the vacant residential lot that will be affected. M. DeGroot said that his concern is for screening and building color choices. M. DeGroot said that if the applicant is willing to provide landscape screening then he would not be opposed. Mr. DeGroot said that he looked at the colored renderings and the color choices for the building look good. Mr. DeGroot said that down the road the other potential building might create more of a concern.

Commissioner Barton asked what type of screening he would like to see and M. DeGroot said that tall trees can provide a buffer. M. DeGroot said that he does not want to have to look at just a big building.

J. Buffalow said that he is okay with providing the landscaping.

Commissioner Van Essen asked how wide the building is and C. DeGraff said that the building is forty (40) feet wide.

Commissioner Collins asked if there were any issues raised by SSJID and Director Zuidervaart replied no, as long as the applicant remains outside the twenty (20) foot easement they are fine.

Commissioner Collins commented that he has done work for Mr. DeGraff and so he feels that he should recuse himself from this vote.

Chairman Saljian commented that ten (10) feet is a little tight of a setback and asked how the Commission can make sure that there will be proper screening. Director Zuidervaart said that the Commission can add a condition to the staff report stating what kind of tree or how much landscape is required.

Commissioner Barton commented that there are not very many types of tall trees that will do well within a ten (10) foot area. C. DeGraff said that they will defer this to a landscape architect to come up with the correct type of trees to provide the buffering.

Commissioner Van Essen commented that it is not the Commission's job to micro manage what type of trees they put in and suggested that the applicant work with the neighbor on this.

Director Zuidervaart said that the condition could be that the applicant gets a landscape architect to design this area and provide trees that could buffer the building to the residential lot.

Chairman Saljian asked if the Fire Department and Police Department talked about moving the building closer to the street. Director Zuidervaart said that if an applicant asked for a reduced setback they look at that aspect of the request.

Commissioner McCusker commented that this is a good project and would like to add the landscaping condition to the staff report and have it approved by the Planning Director.

**MOTION: MOVED/SECONDED (VAN ESSEN/MCCUSKER) AND CARRIED BY A 4-0 VOTE (LONG – ABSENT)/(COLLINS – ABSTAIN) TO ADOPT THE NEGATIVE DECLARATION (PEA16-04) AND APPROVE MAJOR SITE REVIEW (SR16-04) FOR BUFFALO MECHANICAL BASED ON THE FINDINGS AND SUBJECT TO THE AMENDED CONDITIONS OF THE STAFF REPORT**

**Amended Conditions:**

14. (Amended) Proponent shall enter into a deferred improvement agreement for the future undergrounding of all overhead utility poles across their property frontage along with replacement of a temporary street light on the existing wooden pole with a new pole and fixture per City of Ripon standards. Deferred agreement shall stipulate the timing of said fixture improvements to coincide with development and undergrounding of utilities of the neighboring property to the east (700 Parallel Avenue – 261-160-11).

22. (Added) Proponent shall work with a landscape architect to design screening for the rear ten (10) foot area between the building and the residential lot. This design shall be approved by the Director of Planning.

## 1.0 PUBLIC HEARING

### 1.1 ZONING TEXT AMENDMENT (TAZ16-01) for the City of Ripon, the Planning Commission shall consider amendments to Title 16 (Development Title); Chapters 16.12, Definitions; 16.16, Residential Districts; 16.20, Office and Commercial Districts; 16.24, Industrial Districts; 16.26 Mixed Use Districts; 16.144, Parking and Loading; and a new Chapter; 16.89, Cottage Food Operation Permit. These amendments will address Emergency Shelters; Massage Businesses; and Banquet Facilities. The new Chapter will define Cottage Food Industries. **This proposed amendment is not subject to CEQA review pursuant to CEQA guidelines Section 15061(b) (3).**

Director Zuidervaart introduced the staff report into the record and explained that some of these modifications to the code are as a result of the recently approved Housing Element and the City is required to incorporate them into our development code. Director Zuidervaart then said that the City uses this opportunity to clean up some other areas of the development code that are needed from time to time.

Director Zuidervaart said that the first changes are with additions to the definitions/use classification title added banquet facilities, cargo containers, cottage food operations and emergency shelters.

Commissioner Van Essen said that in the Office and Commercial section she noticed that we are removing the Use Permit requirement for Massage and asked why.

Director Zuidervaart explained that the new ordinance has incorporated the conditions that were included in the Use Permit. Commissioner Van Essen commented that with a Use Permit if they are in violation the City can close them down. Director Zuidervaart replied that this regulation with the ordinance provides us that same ability.

Director Zuidervaart then said that banquet facilities and cargo containers have been added into the code and where they are allowed. Director Zuidervaart said that staff will come back at a future meeting with a full chapter addressing cargo containers.

Director Zuidervaart said that a new Chapter is being recommended which is Cottage Food Operations and he will explain this in more detail. The rest of the changes involve Emergency Shelters and are included to support our housing element.

Commissioner Collins asked what an emergency shelter would look like and Director Zuidervaart replied that it would be a homeless shelter which by law, the City is supposed to allow for. Director Zuidervaart replied that the City of Ripon does not really have a lot of services available for a homeless shelter and so we may not see very many of these locations. Director Zuidervaart commented that what we currently have in town are where churches will support a homeless family for a short period of time.

Director Zuidervaart said that these emergency shelters are permitted in high density residential (R4U) and mixed use (MU) zones. There are restrictions on length of stay and proximity to other emergency shelters.

Director Zuidervaart said that the other change to the Residential code is to protect the Cities high density (HD) and Medium Density (MD) zones. The City previously had a

maximum number of dwelling units. The amendment will provide for a minimum and a maximum number in order to preserve these densities.

Director Zuidervaart said that medium density was 4.75 up to 13 and it will now be 6 up to 11. If over this amount, they would need to be in the High Density zone and that will be between 13-18 units an acre.

Director Zuidervaart said that for the Office/Commercial district we removed the Use Permit requirement from Massage and added banquet facilities. Parking will be looked at in addition to the times of the events.

Director Zuidervaart said that in the Industrial District banquet facilities was added to be allowed in the Light Industrial (M1) district with a Use Permit. Director Zuidervaart commented that not all light industrial locations will work for a banquet facility but that there are some areas where it would seem a possibility such as the light industrial lots on Doak Boulevard.

Director Zuidervaart then said that Banquet Facilities could also be permitted in Mixed Use (MU) with a Use Permit and Emergency Shelters could be allowed in the Mixed Use zone.

Director Zuidervaart said that Chapter 16.144, Parking and Loading, addresses the parking requirements for banquet facilities. The requirements will be 1 space for 4 fixed seats or 1 space for 50 sq. ft. of assembly area.

Director Zuidervaart then explained that the addition of the chapter (16.89) for Cottage Food Operation Permit is to comply with California State Law Assembly Bill 1616 regarding the cottage food industry. This will allow individuals to prepare and/or package certain non-potentially hazardous food in private home kitchens, referred to as cottage food operations, and sell directly to the public on and off-site. The intent of this chapter is to provide a permitting process to allow cottage food operations to comply with the code while protecting the integrity and character of existing residential neighborhoods. Director Zuidervaart said there is a two-tier permitting system: Class A or Class B. Applicants will be required to obtain health and safety certificate from the County. Applicants will need to meet specified requirements and there is an approved food list such as baked goods, candy, dried fruit, etc. The bill requires us to allow people to operate out of their homes but still protect our residents.

Director Zuidervaart said that the applicant will have to go through a check list and get a City business license. Parts of the requirements allow for a business to have one employee that is not a resident of the home but no more than that. There will also be limited hours of 7:00 a.m. – 7:00 p.m. Monday thru Friday only. There will not be any sit down or dining service allowed and you cannot alter the exterior of the home and no signage on commercial vehicles will be permitted at the residence.

Commissioner Van Essen asked if the Health Department will do inspections and Director Zuidervaart replied yes, that the applicant will be required to obtain a license from the County.

Commissioner Collins said that he understands that the businesses have the right to allow customers to come to the home but wanted to know if we could limit the number that are

permitted in a day. Director Zuidervaart replied that the City has the right to establish hours but will need to look into if we can limit the number of visitors in a day. Commissioner Van Essen commented that with the Home Occupation we can limit the number of classes or customers in a day and would like to look into doing the same.

Commissioner Barton asked if we currently have any Cottage Food businesses in town and Director Zuidervaart replied that he does not believe so and then said that with regards to one of the recent home occupations that we approved, that business has now moved to a commercial location.

Commissioner Van Essen commented that most of these businesses would be shipping their goods out and Director Zuidervaart replied yes, or would take them to Farmer's Markets and Bazaars to sell.

Chairman Saljian asked if these applicants would be required to come before the Planning Commission for approval like with the home occupations and Director Zuidervaart replied that per the law, if they meet all of the requirements, it will be an over the counter approval.

Commissioner Collins said that he likes the intent of the law but would like to limit the number of visits to ten (10) per day for both customers and deliveries. Commissioner Barton commented that he is not sure we can have a number. Commissioner Barton commented that if they have a car come every half hour or forty-five minutes that would be okay.

Commissioner Van Essen asked Director Zuidervaart to check to see if we can limit the number of customers a day and if we can, then come up with a reasonable number.

Commissioner Collins asked Commissioner Barton if he would be okay with no more than sixteen a day (16) and Commissioner Barton replied yes.

**MOTION: MOVED/SECONDED (5-0) TO RECOMMEND THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT (TAZ16-01) FOR THE CITY OF RIPON WITH THE ADDED CONDITION THAT IF ALLOWED BY LAW, TO LIMIT THE NUMBER OF VISITS TO THE RESIDENCE TO A MAXIMUM OF SIXTEEN (16) A DAY.**

**Commissioners' Reports:** None

**City Attorney's Reports:** None

**Director's Reports:** Director Zuidervaart informed the Commission that the City Council passed the Massage ordinance and that it will go into effect June 10<sup>th</sup>. The Police Department will be hand delivering the ordinance to all massage businesses including salons that have massage. A business will not be allowed to renew or obtain a business license until they have the correct certification. Director Zuidervaart said that the City is also looking into requiring applicants that do not speak English to utilize a third party translation service. The applicant would bear the cost for this service.

**Adjournment:** To the next regular meeting of Monday, June 20, 2016 at 6:00 P.M.