



PLANNING COMMISSION

AGENDA Regular Meeting Tuesday, December 14, 2021 7:00 p.m.

***** Virtual Location *****

This meeting is being held in accordance with California State Assembly Bill 361 and Government Code Section 54953(e). Given the proclaimed state of emergency and the Contra Costa County Health Officer's recommendation for social distancing for public meetings, which is also consistent with Cal-OSHA requirements for social distancing, the Planning Commission is conducting this meeting via phone/video conferencing. The public is invited to view or listen to the meeting and to address the Planning Commission via the methods listed under "Instructions for Virtual Planning Commission Meeting Participation," below.

Chair: Terri Denslow
Vice Chair: Ed Miller
Commissioner: Justin Cesarin
Commissioner: Frank Gavidia
Commissioner: Amy Hines-Shaikh

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; and 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City's website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at 925-673-7300.

Most Planning Commission decisions are appealable to the City Council within 10 calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in spoken testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter.

Instructions for Virtual Planning Commission Meeting Participation

To protect our residents, officials, and staff, and in accordance with California State Assembly Bill 361 and Government Code Section 54953(e), this meeting is being conducted using teleconferencing. The following options are provided to view, listen to, or provide comments during the meeting.

Videoconference: To follow the meeting on-line, click this link:

<https://us02web.zoom.us/j/84869501731>; or through the Zoom application, enter **Webinar ID: 848 6950 1731**. No registration or meeting password is required.

Phone-in: Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

E-mail Public Comments: If preferred, please e-mail public comments to the Community Development Director at danaa@claytonca.gov by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESENTATION AND ANNOUNCEMENTS**
5. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agenda items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.
6. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to three minutes will be allotted to each speaker.
7. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda.
 - A. **MINUTES:**
Planning Commission Meeting of October 26, 2021

Staff Recommendation: Approve the minutes of the October 26, 2021 meeting.
8. **PUBLIC HEARINGS**
 - A. **Evergreen Healing Center – Request for Approval of a Use Permit for a Massage Therapy Business (UP-03-2021).**
This is a request by Son Hang Wong for approval of a Use Permit (UP-03-2021) to allow the Evergreen Healing Center massage therapy business to operate within an existing tenant space (Suite B) located in an existing commercial building at 1520 Kirker Pass Road, Assessor's Parcel Number 118-031-037.

CEQA Status: The subject Use Permit request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. This Categorical Exemption class exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and attachments thereto, open the public hearing, accept and consider written and spoken testimony, close the public hearing, and adopt the attached proposed Resolution No. 09-2021 conditionally approving Use Permit Application UP-03-2021.

9. ACTION ITEMS

None.

- 10. COMMUNICATIONS:** This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

11. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, December 28, 2021.

**Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, October 26, 2021**

1. CALL TO ORDER

Chair Terri Denslow called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Altwal led the Pledge of Allegiance.

3. ROLL CALL

Present: Chair Terri Denslow
Vice Chair Ed Miller
Commissioner Bassam Altwal
Commissioner Justin Cesarin
Commissioner Frank Gavidia

4. PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

5. ACCEPTANCE OF THE AGENDA

Commissioner Altwal moved and Commissioner Cesarin seconded a motion to accept the agenda as submitted. The motion passed 5-0.

6. PUBLIC COMMENT

None.

7. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of September 14, 2021.

Vice Chair Miller moved and Commissioner Cesarin seconded a motion to approve the minutes, as amended. The motion passed 3-0, with Commissioners Altwal and Gavidia abstaining because they did not attend the September 14, 2021 meeting.

8. PUBLIC HEARING

A. **Recommendation on an Ordinance to Amend Clayton Municipal Code Section 17.36.080 and Chapter 17.95 entitled “Medical and Adult-use Cannabis Regulations” Relating to Cultivation of Cannabis for Personal Use (ZOA-01-2021).**

This is a City-initiated proposal to amend Title 17 (Zoning) of Clayton Municipal Code to remove an existing prohibition on outdoor cannabis cultivation and allow outdoor cultivation of up to six cannabis plants at a residence, for personal use. After the hearing, the Planning Commission is asked to make a recommendation to the City Council on the proposed Zoning Ordinance Amendment. If approved by the City Council, the Zoning Ordinance Amendment would apply City-wide.

Community Development Director Dana Ayers presented the staff report.

Chair Denslow requested clarification on the role of the Planning Commission in the City Council-initiated Ordinance Amendment. Director Ayers advised that the Clayton Municipal Code allowed for Zoning Ordinance Amendments to be initiated by an applicant, by the Planning Commission or by the City Council. The role of the Planning Commission in any of those cases is to act in an advisory capacity to the City Council. The recommendation of the Planning Commission on a text amendment to the Zoning Ordinance, whether in favor of or opposition to the proposed Amendment, would be forwarded to the City Council for the Council's ultimate decision on whether to amend Clayton Municipal Code.

Chair Denslow said she recalled a concern raised by Councilmember Jim Diaz regarding proximity of outdoor cannabis plants to schools and inquired why that concern had not been addressed in the draft Ordinance.

Amanda Charne from the City Attorney's office clarified that Councilmember Diaz's question was regarding whether a city could adopt a restriction on personal outdoor cultivation of cannabis within a certain distance of a school or sensitive use. She advised that Health and Safety Code 11362.2 gave cities discretion to allow outdoor cannabis cultivation, as well as authority to adopt reasonable restrictions on outdoor cultivation. She advised that, based on State statute, it would be within the City's authority and discretion to adopt a school buffer standard. However, no such standard was included in the draft Ordinance because it was not directed by a majority of Councilmembers at the May 4, 2021 meeting at which the City Council initiated the amendment.

Vice Chair Miller reported that he observed roughly one-third of Bay Area cities allowed outdoor cannabis cultivation. He suggested that common sense provisions for outdoor cannabis cultivation, such as keeping plants

out of sight, below the fence line, behind locked gates and outside of a specified radius from schools made sense to him as possible restrictions, since cities did not have to allow outdoor cannabis cultivation.

Chair Denslow opened the public hearing. No one in attendance requested to speak on the matter. Chair Denslow closed the public hearing.

Commissioner Altwal said he was in agreement with the Zoning Ordinance Amendment to allow outside growing of cannabis because the City already allowed growing of up to six cannabis plants indoors, and indoor cultivation demanded more energy than outdoor cultivation where the sun could provide the light needed for the plants to grow. With provisions written into the proposed Ordinance that the plants be out of sight and gated, he did not see a problem with it.

Commissioner Cesarin agreed with Commissioner Altwal. He believed that applying a standard for a buffer around schools would be comparable to regulating houses that were located near schools and that had alcohol or home brewing equipment inside them. He noted that such standards for alcohol in residences were not being considered. He was supportive of the proposed Zoning Ordinance Amendment as written.

Vice Chair Miller expressed concern that, if the cannabis plants were grown outside and not in a locked container or area, and if the property was located near a middle school or high school, students walking home from school could be tempted to trespass into private yards with the objective of taking the plants. He did not think the concern was the same for indoor cultivation, where a young person would have to break through a window or door to come into the house to gain access to the plants.

Commissioner Altwal understood Vice Chair Miller's concern but did not think it was a problem. He stated that the student passerby would have to know who was cultivating the plants, would have to see them, and would have to be inclined to steal them. He thought the probability of coincidence of all of those factors was very low. He added that plants grown under the Ordinance would be for personal rather than commercial use, that most people growing them were sick and needed the plants for health reasons, and that it was very expensive to purchase. He thought the benefits outweighed the isolated incidence of a young person jumping a fence.

Chair Denslow agreed that the risks of allowing outdoor cultivation were low, and she did not anticipate that many people would take advantage of the expanded allowance of the Ordinance. She did not have significant concerns with the Amendment.

Commissioner Cesarin believed the proposed Ordinance as written was appropriate and made a motion to adopt Resolution No. 08-2021 recommending that the City Council approve the Zoning Ordinance Amendment (ZOA-01-2021). Commissioner Miller seconded the motion. The motion passed 4-0, with Commissioner Gavidia abstaining.

9. ACTION ITEMS

None.

10. COMMUNICATIONS

Vice Chair Miller reported that he had attended the Housing Element Community Workshop that had been held on October 20. He stated that he did not share any of his personal ideas about housing but did voice what he had heard from community members as concerns and requested that those concerns be addressed in a future meeting.

Chair Denslow reported that attendance at the October 20 workshop was reasonable, but she hoped community engagement in the Housing Element process would increase. She recommended that community members continue to check the City website and social media pages for updates. Director Ayers added that City staff would be releasing an online survey in the next week requesting community input on housing in the City as well as visioning for the City-owned Downtown Site in the Town Center.

11. ADJOURNMENT

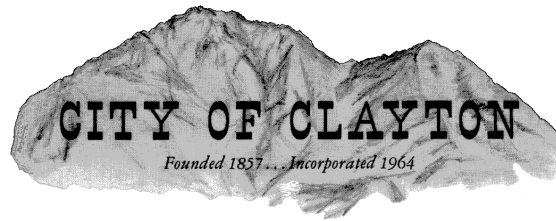
The meeting was adjourned at 7:35 p.m. to the next regular meeting of the Planning Commission on November 9, 2021.

Respectfully submitted:

Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

Terri Denslow, Chair



AGENDA REPORT

To: Honorable Chair and Planning Commissioners

From: Milan J. Sikela, Jr.
Assistant Planner

Date: December 14, 2021

Subject: Agenda Item 8.A.
Evergreen Healing Center – Request for Approval of a Use Permit for
a Massage Therapy Business (UP-03-2021).

SUMMARY

This is a public hearing on a request by Son Hang Wong for approval of a Use Permit (UP-03-2021) to allow the Evergreen Healing Center massage therapy business to operate within an existing tenant space (Suite B) located in an existing commercial building at 1520 Kirker Pass Road, Assessor's Parcel Number (APN) 118-031-037.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider the staff report and attachments thereto, open the public hearing, accept and consider written and spoken testimony, close the public hearing, and adopt the attached proposed Resolution No. 09-2021 (see **Attachment A**) conditionally approving Use Permit Application UP-03-2021.

PROJECT INFORMATION

Applicant: Son Hang Wong

Property Owner: Elaine Hom

Location: 1520 Kirker Pass Road, Suite B
APN 118-031-037
(See **Attachment B** for Vicinity Map)

General Plan Designation: Kirker Corridor Commercial (KC)

Zoning Classification: Limited Commercial (L-C)

Environmental Review: The subject Use Permit request is categorically exempt from the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 *et seq.*) pursuant to Categorical Exemption Class 1, Section 15301 (Existing Facilities) of the State CEQA

Guidelines (California Code of Regulations, Section 15000 *et seq.*) Categorical Exemption Class 1 exempts from CEQA the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Public Notice:

On December 3, 2021, a public hearing notice for tonight's meeting was posted on the community notice boards at Clayton City Hall, at the Clayton Community Library, and in the Town Center, and copies of the notice were mailed to the owners of real property located within 300 feet of 1520 Kirker Pass Road.

The proposed massage therapy business would occupy an existing 1,823 square foot tenant space comprised of a lobby area, four massage rooms, break room, restroom, and storage room (see **Attachment C** for the proposed floor plan). The business would be open daily from 10:00 a.m. to 8:30 p.m. The applicant has submitted a Business Statement listing acupressure and massage as the services provided; he has also submitted applicable codes of ethics under which the business would operate (see **Attachment D** for the Business Statement). There would be an average of two to four massage therapists on site at any given time with a maximum of four therapists total. The maximum number of clients at any one time is proposed to be four. Staff has proposed a condition of approval requiring all massage therapists to provide certification from the California Massage Therapy Council or comparable certification entity. The California Massage Therapy Council was created to implement a Statewide certification process with clear standards of preparation and education, including, but not limited to, a certified massage therapist receiving a minimum of 500 hours of education from approved schools and having passed the California Massage Therapy Council exam. Please see **Attachment E** for the massage therapy certifications submitted by the applicant.

ANALYSIS

Use Permit Required

In accordance with Clayton Municipal Code (CMC) Section 17.60.030.C.8, a Use Permit is required in any commercial zoning district for an establishment (other than a medical office or clinic) that provides massages. Standards of review for Use Permit requests are listed in Section 17.60.040 of the CMC.

Use Permit Standards of Review

Staff analyzed the parking requirements as related to the proposed business. Section 17.37.020.A.2 of the CMC requires that required off-street parking facilities for non-residential uses shall be provided only when the activity would increase the required number of off-street parking spaces by 10 percent or more. The previous occupant of the tenant space was an office use which is required by the CMC to have one parking space per 250 square feet of building area, or seven required off-street parking spaces for the subject tenant space. Given that the proposed use is categorized as a personal service, the off-street parking requirement is identical to office uses at one space per 250 square feet and has an identical number of seven off-street parking spaces. Since the previous use and currently-proposed use both have a zoning code requirement of seven off-street parking spaces, there is no increase in the required number of off-street parking spaces. Pursuant to CMC Section 17.37.020.A.2, the off-street parking requirements of CMC Section 17.37.030 are therefore not applied to the proposed use.

In addition, staff conducted a count of off-street parking spaces on the parcel where the subject building complex is located containing the subject tenant space and observed that there are 85 off-street parking spaces serving various tenants in the three commercial buildings located on the property. Staff discussed the available off-street parking with a former tenant of the subject building complex who reported that she found the existing parking facilities to be more than adequate.

Staff analyzed the proposed use as it pertains to the other Use Permit Standards of Review listed in CMC Section 17.60.040 and believes that the proposed use is consistent with the Standards. The use preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the use would be conducted entirely indoors in an existing building that was previously permitted and constructed under applicable building codes, and there is no new construction proposed for the project. The use would not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City since the use would be conducted entirely inside of an existing building, and massage therapy is an activity that is beneficial to the health and well-being of individuals which is a positive influence on the community. As a commercial service use, the use is consistent with the allowable uses specified for the Kirker Corridor General Plan Land Use Designation. Although compliance with any applicable Specific Plan is listed as part of the Standards of Review, there is currently no Specific Plan applicable to the location where the subject use is proposed to operate.

Required Use Permit Findings

Prior to approving a Use Permit request, the Planning Commission must make the Required Findings listed in CMC Section 17.60.060. Staff believes that the Commission can make these required findings for the proposed project.

As described above, staff believes the proposed use is consistent with the Use Permit Standards of Review in CMC Section 17.60.040. With respect to the other Required Findings, the proposed use:

- would not generate significant traffic congestion since the massage therapy business entails a maximum of only four massage therapists and four clients at one time for a total maximum potential increase of eight additional people at one time;
- would not generate intermittent or constant noise levels violating the General Plan Noise Element since the use would be conducted entirely indoors, and there is no new construction proposed that would require use of heavy machinery or equipment;
- would not generate significant levels of toxic or non-toxic dust, airborne particulates, fumes, smells or other impacts to air quality since the use would be conducted entirely indoors, and there is no new construction or grading proposed that would generate air emissions;
- would not generate exterior lighting or significant litter since the use would incorporate lighting and trash/recycling disposal containers that would be located entirely indoors;
- would not result in crime or negative influences on minors since the use would be conducted entirely indoors, and massage therapy is an activity that is beneficial to the health and well-being of individuals which is a positive influence on the community; and
- would not represent a concentration of an activity that would be detrimental to the health, safety, and welfare of nearby residents, businesses, property owners, or employees since massage therapy is an activity that is beneficial to the health and well-being of individuals, and there are no similar businesses immediately adjacent to the property.

As part of the massage therapy services, the applicant has indicated that new signage is proposed. Staff has provided a condition of approval that any project-related signage shall require review and approval by the City in accordance with the Clayton Municipal Code Sign Provisions.

Staff referred the application to staffs of the Clayton Police Department and outside agencies including the City of Concord and the Contra Costa County Environmental Health Services Department. The Chief of Police had no comments on the proposal, and no comments were received from other outside agencies.

CONCLUSION

Staff has reviewed the proposal relative to the Use Permit standards of review in the Clayton Municipal Code and has determined that the proposal, as conditioned, is in conformance with the Clayton Municipal Code.

ATTACHMENTS

- A. Proposed Planning Commission Resolution No. 09-2021
- B. Vicinity Map
- C. Proposed Floor Plan
- D. Business Statement
- E. Massage Therapy Certifications

CITY OF CLAYTON
PLANNING COMMISSION
PROPOSED
RESOLUTION NO. 09-2021

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION APPROVING A
USE PERMIT TO ALLOW THE OPERATION OF A MASSAGE THERAPY BUSINESS WITHIN AN
EXISTING TENANT SPACE AT 1520 KIRKER PASS ROAD, SUITE B
(UP-03-2021)**

WHEREAS, the City received an application from Son Hang Wong requesting approval of a Use Permit to allow the operation of a massage therapy business ("Evergreen Healing Center") daily from 10:00 a.m. to 8:30 p.m. within an existing tenant space at 1520 Kirker Pass Road, Suite B; and

WHEREAS, Section 17.60.030.C.8 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Use Permit in accordance with the standards of review in CMC Section 17.60.040; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 *et seq.*) pursuant to Categorical Exemption Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*); and

WHEREAS, on December 14, 2021, the Clayton Planning Commission held a duly-noticed public hearing on the Use Permit request (UP-03-2021), and received and considered testimony and evidence, both spoken and documentary.

NOW, THEREFORE, the Planning Commission does determine the foregoing recitals are true and correct and makes the following Findings for Approval of Use Permit Application UP-03-2021 based on the Use Permit Standards of Review:

A. The use is in conformity with the General Plan and any applicable Specific Plan.

The use is consistent with the General Plan land use designation and policies since the use consists of the establishment and operation of a massage therapy business, a commercial service land use, to be located in an existing commercial tenant space in the Limited Commercial (L-C) District and Kirker Corridor Land Use Designation where such uses are conditionally permitted.

B. The use is in conformity with City-adopted standards in the Zoning Ordinance as related to Use Permits.

The use is in conformity with the City-adopted standards in the Zoning Ordinance as related to Use Permit standards of review by:

- a. Not impacting the off-street parking for vehicles and bicycles since the use will not increase the required number of off-street parking spaces by 10 percent or more, as the currently-proposed use and previously-existing use both require the provision of seven off-street parking spaces which are already existing at the site;

- b. Not generating significant traffic congestion since the massage therapy business entails a maximum of only four massage therapists and four clients at one time for a total maximum potential increase of eight additional people;
- c. Not being located in the Clayton Town Center Specific Plan ("Town Center") area, and thus not impacting the Town Center;
- d. Not generating intermittent or constant noise levels violating the General Plan Noise Element since the use will be conducted entirely indoors and there is no new construction proposed that will necessitate use of heavy or loud machinery;
- e. Not generating significant levels of toxic or non-toxic dust, airborne particulates, fumes, smells or other impacts to air quality since the use will be conducted entirely indoors and there is no new construction proposed;
- f. Not generating exterior lighting or significant litter since the use will incorporate lighting and trash/recycling disposal containers that will be located entirely indoors;
- g. Not resulting in crime or negative influences on minors since the use will be conducted entirely indoors, and massage therapy is an activity that is beneficial to the health and well-being of individuals which is a positive influence on the community; and
- h. Not representing a concentration of an activity that would be a detriment to the health, safety, and welfare of nearby residents, businesses, property owners, or employees since massage therapy is an activity that is beneficial to the health and well-being of individuals, and there are no similar businesses immediately adjacent to the property.

C. The use shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area.

The use preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the use will be conducted entirely indoors in an existing building that was previously permitted and constructed under applicable building codes, and there is no new construction proposed for the project.

D. The use shall not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.

The use shall not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City since the use will be conducted entirely indoors, and massage therapy is an activity that is beneficial to the health and well-being of individuals which is a positive influence on the community.

E. The permit will be in accord with the purpose of Use Permits as stated in Section 17.60.020 of the Clayton Municipal Code.

By implementing the land use objectives of the General Plan; being in conformance with City-adopted standards; not negatively affecting the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area; and not being

detrimental to the health, safety, and welfare of residents, businesses, property owners, and employees in the City; Use Permit application UP-03-2021 complies with the purpose of Use Permits as stated in Section 17.60.020 of the Clayton Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve Use Permit UP-03-2021 to allow the operation of a massage therapy business ("Evergreen Healing Center") within an existing tenant space at 1520 Kirker Pass Road, Suite B, subject to the following Conditions of Approval:

1. The applicant shall indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.
2. The days and hours of operation shall be daily from 10:00 a.m. to 8:30 p.m.
3. A maximum of four clients at a time is allowed to receive massage therapy services.
4. Any project-related signage shall require review and approval by the City in accordance with the Clayton Municipal Code sign provisions.
5. Any changes to the massage therapy use shall require Planning Commission review and approval.
6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
7. The applicant shall comply with the California Building Standards Code and all applicable regulations including, but not limited to, those of the Contra Costa County Environmental Health Department, Contra Costa County Fire Protection District, State of California and any other agencies that are pertinent to the operation of a massage therapy business.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a Regular Meeting on the 14th day of December, 2021.

AYES:

NOES:

ABSTAINED:

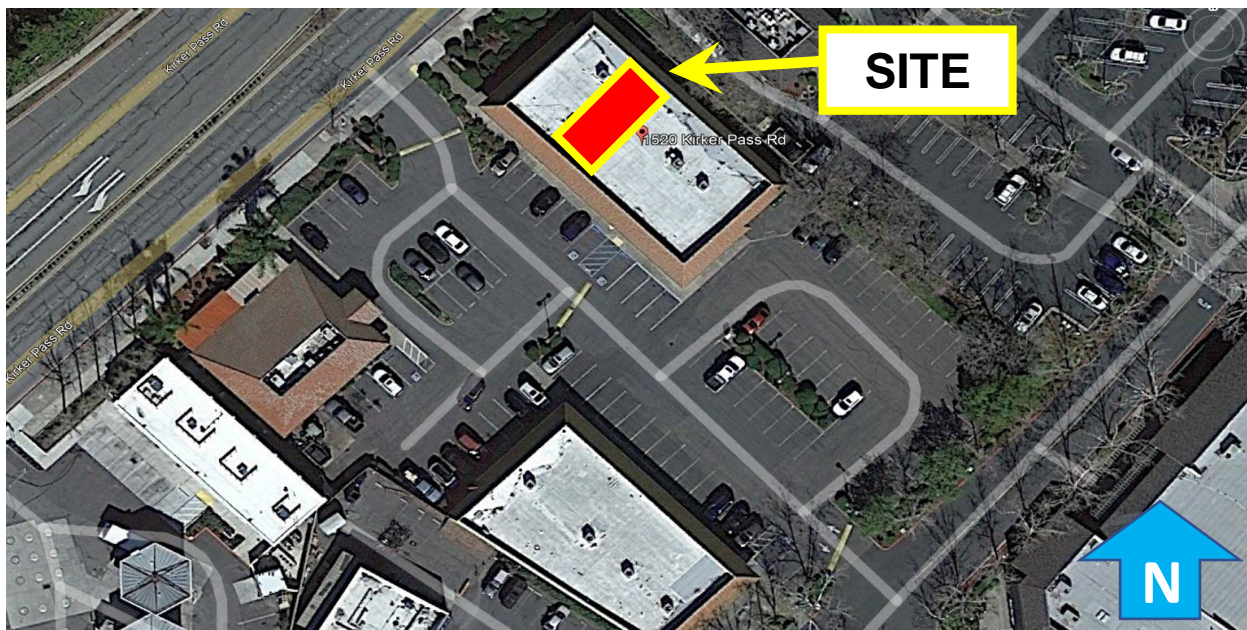
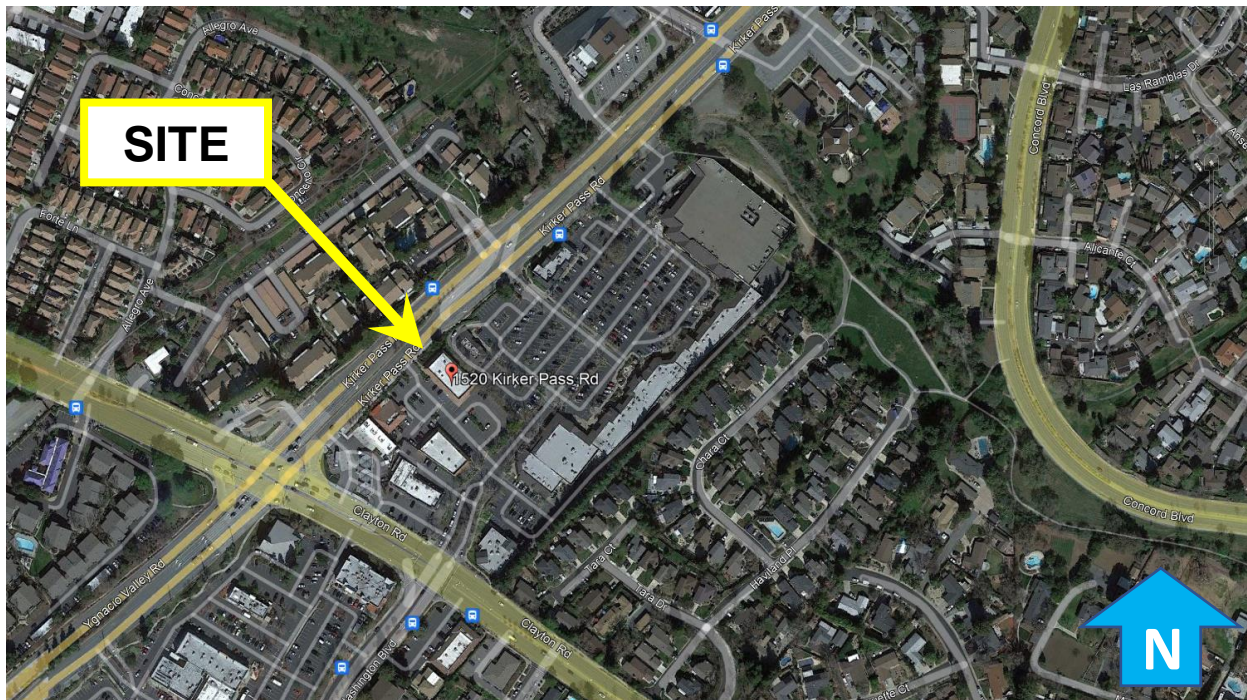
ABSENT:

APPROVED:

ATTEST:

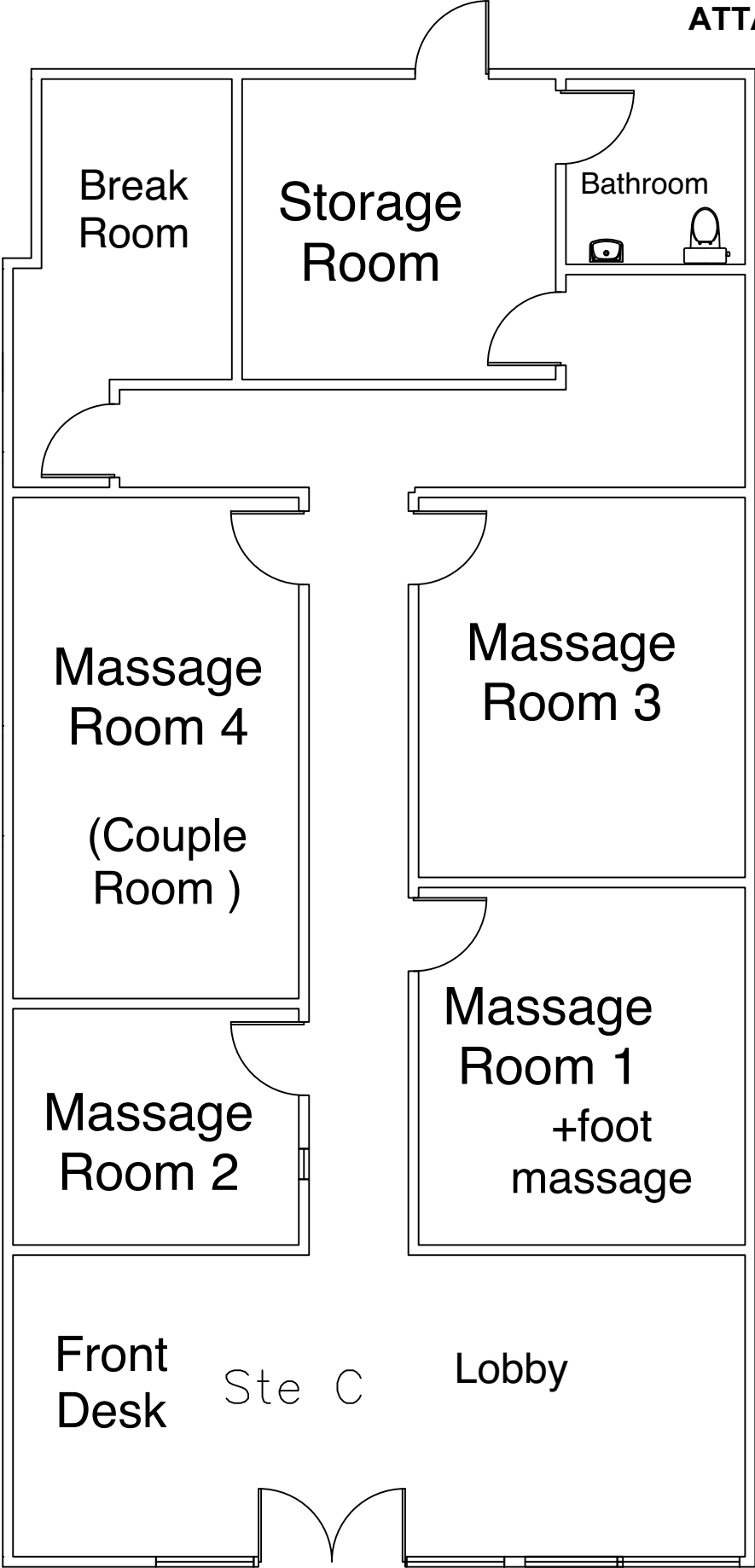
Terri Denslow, Chair

Dana Ayers, AICP, Secretary



VICINITY MAP

EVERGREEN HEALING CENTER
USE PERMIT UP-03-2021
1520 KIRKER PASS ROAD, SUITE B
APN 118-031-037



1520 Kirker Pass Road
±1,823 SF

Business Statement:

Evergreen Healing Center will have at least 2 - 4 massage therapists at any one time with a maximum number of 4. Our hours of operations will be daily from 10am to 8:30pm, open to all public. The maximum number of clients at any one time will be 4, depending on how many therapists are working at the same time.

Acupressure provides an ancient remedy of Chinese traditional medicine known to relieve pain in specific areas of the body, and it is often the choice for people who prefer a natural form of pain relief instead of using medication. Usually, this type of massage is applied by an Acupuncturist or a Practitioner. Therapeutic massage is beneficial for the enhancement of health and well-being to health-minded individuals. We are dedicated to provide our clients with nurturing treatments and continuing education to promote relaxation and self-healing. The success of Evergreen Healing Center is built on trust, expertise, and professionalism that always puts the health and well-being of our clients first.

Code of Ethics

National Certification Board for Therapeutic Massage and Bodywork

Acupuncturist and massage therapists shall act in a manner that justifies public trust and confidence, enhances the reputation of the profession, and safeguards the interest of individual clients. To this end, acupuncturist and massage therapists in the exercise of accountability will:

- I. Have a sincere commitment to provide the highest quality of care to those who seek their professional services.
- II. Represent their qualifications honestly, including education and professional affiliations, and provide only those services that they are qualified to perform.
- III. Accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline.
- IV. Acknowledge the limitations of acupressure and massage and refer clients to appropriate health professionals.
- V. Provide treatment only where there is reasonable expectation that it will be advantageous to the client.
- VI. Consistently maintain and improve professional knowledge and competence, striving for professional excellence through regular assessment of personal and professional strengths and weaknesses and through continued education training.
- VII. Conduct their business and professional activities with honesty and integrity, and respect the inherent worth of all persons.
- VIII. Refuse to unjustly discriminate against clients or health professionals.
- IX. Safeguard the confidentiality of all client information, unless disclosure is required by law or necessary for the protection of the public.
- X. Respect the client's right to treatment with informed and voluntary consent. The certified practitioner will obtain and record the informed consent of the client, or client's advocate, before providing treatment. This consent may be written or verbal.
- XI. Respect the client's right to refuse, modify, or terminate treatment regardless of prior consent given.

- XII. Provide draping and treatment in a way that ensures the safety, comfort, and privacy of the client.
- XIII. Exercise the right to refuse to treat any person or part of the body for just and reasonable cause.
- XIV. Refrain, under all circumstances, from initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship.
- XV. Avoid any interest, activity, or influence which might be in conflict with the practitioner's obligation to act in the best interests of the client or the profession.
- XVI. Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and the client's reasonable expectations of professional behavior. Practitioners will respect the client's autonomy.
- XVII. Refuse any gifts or benefits that are intended to influence a referral, decision, or treatment, or that are purely for personal gain and not for the good of the client.
- XVIII. Follow all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the National Certification Board for Therapeutic Massage and Bodywork.

American Massage Therapy Association Code of Ethics for Massage Therapists

This Code of Ethics is a summary statement of the standards by which massage therapists agree to conduct their practices and is a declaration of the general principles of acceptable, ethical, professional behavior.

Acupuncturist and Massage Therapists shall:

- Demonstrate commitment to provide the highest quality massage therapy/bodywork to those who seek their professional service.
- Acknowledge the inherent worth and individuality of each person by not discriminating or behaving in any prejudicial manner with clients and/or colleagues.
- Demonstrate professional excellence through regular self-assessment of strengths, limitations, and effectiveness by continued education and training.
- Acknowledge the confidential nature of the professional relationship with clients and respect each client's right to privacy.
- Conduct all business and professional activities within their scope of practice, the law of the land, and project a professional image.
- Accept responsibility to do no harm to the physical, mental, and emotional well-being of self, clients, and associates.
- Refrain from engaging in any sexual conduct or sexual activities involving their clients.



CALIFORNIA MASSAGE THERAPY COUNCIL

*By authority of the State of California Code B&P Section 4600,
the California Massage Therapy Council hereby awards to*

Wenxue Miao

the designation of

CERTIFIED MASSAGE THERAPIST

*Let it be known by all that, having met the standards set forth by the California Massage Therapy Council and having demonstrated knowledge of applicable disciplines related to the practice of massage therapy, **Wenxue Miao** is recognized as a **CMT** in good standing, including all the rights and privileges pertaining thereto, as witnessed by the signature below.*

Given at Sacramento, California, Tuesday, April 20, 2021.



*Jeffrey Forhan, Chairman of the Board
California Massage Therapy Council
CAMTC, One Capitol Mall, Suite 800, Sacramento, CA 95814*

**CERTIFICATE # 80537
EXPIRES: 6/28/2023**

The validity and authenticity of this certificate may be verified online
by entering the name and certificate number at: www.camtc.org

Therapeutic Massage Certificate

Issued by

Milpitas Massage College

106 South Abel St., Milpitas, CA. 95035

Institution Code #60985589

THIS IS TO CERTIFY THAT

SONHANG WONG

Has successfully completed the

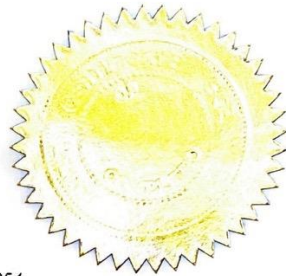
500 hour Therapeutic Massage- Intermediate Certified Course

As approved by the

California State Department of Private

Post- Secondary Education

On 31st day of May 2017



No. 2954


Supervising Instructor (Ninh Thi Nguyen)


Director (Ninh Thi Nguyen)