

RESOLUTION NO. 2023-18

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF TURLOCK
RECOMMENDING THE CITY COUNCIL APPROVE
PLANNED DEVELOPMENT 282 AND REZONE 2023-01
(NIVEL RESTAURANT)**

PROPERTY OWNER: Jose Pulido
16680 Meadowlark Drive
Sonora CA, 95370

APPLICANT: Same as above

SITE ADDRESS: 309 North Center Street & 311 Mitchell Avenue

APN: 061-024-065 & 061-024-064

WHEREAS, the applicant is proposing to construct a 11,331 square foot, two-story restaurant with live entertainment at 309 N. Center Street; and

WHEREAS, the applicant is requesting a Planned Development to construct the restaurant building and eliminating the 5-foot interior side yard setback, the 10-foot front yard, and the 10-foot rear yard setback established in the Transitional Commercial zoning district; and

WHEREAS, the project as proposed does not accommodate the 113 parking spaces required in the Turlock Municipal Code to support the new restaurant; and

WHEREAS, the 5,250 square foot parcel located at 311 Mitchell Avenue (Stanislaus County APN 061-024-064) will be improved to provide additional parking for the project; and

WHEREAS, TMC 9-4-103 requires any use that meets the definition of a nightclub obtain a conditional use permit; and

WHEREAS, TMC 9-2-113 encourages variety in developments by allowing greater freedom and flexibility with the use of alternative development standards; and

WHEREAS, on-site parking, landscaping, and other improvements are proposed in conformance with the development standards and design guidelines established for the Transitional Commercial Zoning District and Downtown Design Guidelines; and

WHEREAS, the properties affected by this Resolution are located at 309 North Center Street and 311 Mitchell Avenue, more specifically described as Stanislaus County Assessor's Parcel Numbers 061-024-065 and 061-024-064; and

WHEREAS, a duly noticed public hearing was held on August 3, 2023, at which time the Planning Commission heard public testimony on the proposed project and determined as follows:

1. That the proposed rezoning is consistent with the General Plan.
2. The site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity; and
3. The site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use; and

4. The proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and
5. The proposal is consistent with the Turlock General Plan, the Downtown Design Guidelines and Zoning Regulations, the Zoning Ordinance, and all other adopted plans for the site.
6. That the public necessity, convenience and general welfare require the proposed Planned Development.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Turlock as follows:

Section 1. the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEAQ) under CEQA Guidelines Section 15331 [Infill-Project]

Section 2. The Planning Commission of the City of Turlock recommends the City Council approve Planned Development 282 and Rezone 2023-01 subject to compliance with all applicable codes and ordinances and subject to the terms and conditions set forth below:

BE IT FURTHER RESOLVED the Planning Commission of the City of Turlock recommends the City Council approve Planned Development 282 and Rezone 2023-01(Nivel Restaurant) subject to compliance with all applicable codes and ordinances and subject to the terms and conditions set forth below. All conditions listed below shall be complied with prior to issuance of a Certificate of Occupancy, or equivalent, unless otherwise stipulated.

Planning Division (668-5640)

1. This resolution allows the construction of an 11,331 square foot two-story restaurant and live entertainment at 309 N. Center Street. Additional parking shall be developed on the adjacent vacant lot located at 311 Mitchell Street and a deed restriction shall be recorded on the property to limit the use of the property at 311 Mitchell Street to be used as parking for the restaurant and any subsequent use of the building at 309 N. Center Street only, unless the on-site parking requirement is satisfied elsewhere. A recorded copy of the deed restriction shall be provided to the Planning Division prior to the issuance of a Certificate of Occupancy.
2. The parking spaces shall be constructed on the property at 311 Mitchell Street prior to the issuance of a Certificate of Occupancy.
3. A copy of the signed parking agreement with the property owner of the small commercial center at 334 N. Center Street (Stanislaus County Assessor APN 061-019-024) shall be provided to the Planning Division prior to the issuance of a Certificate of Occupancy, and a current parking agreement shall be provided to the Planning Division annually thereafter.
4. This resolution does not authorize the operation of a bar or nightclub as defined in TMC 9-1-202.
5. Amplified music, dancing, DJs, karaoke and other live entertainment activities as defined in TMC 9-1-202, are prohibited in the outdoor patio areas.
6. The first and second floors may be occupied and operate simultaneously as long as a current parking agreement with the property owner of the small commercial center at 334 N. Center Street (Stanislaus County Assessor APN 061-019-024) is in effect. If at any time the parking agreement is withdrawn or a current signed agreement is not provided annually to the Planning Division simultaneous occupancy and operation of the first and second floors shall immediately cease.

7. The site shall be developed in accordance with the site plan submitted in conjunction with the application, attached hereto, except as amended herein (Attachment 1).
8. The elevations shall be developed in accordance with the elevations submitted in conjunction with the application, attached hereto, except as amended herein (Attachment 2).
9. Minor amendments to the site layout and other conditions contained within this approval may be authorized by the Development Services Director on a case-by-case basis, provided that such amendments are consistent with the overall intent and purpose of the conditions contained herein.
10. The project shall be developed consistent with the standards and uses established for the Transitional Commercial (TC) zoning district in TMC §9-4-100ART: Overlay District Regulations, and the adopted Downtown Design Guidelines, except as amended herein.
11. All mechanical equipment, including roof-mounted equipment, shall be screened from public view. Roof mounted mechanical equipment shall be located below the highest vertical element of the building. Prior to the issuance of the building permit this requirement shall be verified and approved through review of the construction plans.
12. All signage shall comply with the provisions established in the Turlock Municipal Code (TMC 9-2-500 ART). A separate sign permit reviewed and approved by the Planning Division shall be obtained prior to the installation of any signage.
13. Pole signs are prohibited.
14. All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to the site shall be installed underground within the site.
15. All above-ground utilities, such as backflow protection devices, fire department connections and transformers shall be located on the site in such a manner as to minimize the visual impact from the public right of way and adjacent properties and shall be adequately screened from public view through a combination of the use of colors and landscaping to create a continuous screen of a height comparable to the height of the equipment. Whenever possible, utilities and cabinets shall be placed to minimize exposure of the equipment to public view. A minimum three (3) foot wide path shall be provided for pedestrian clearance consisting of crushed gravel or similar material shall be provided to allow easy access to the equipment and, if applicable, the concrete base for the equipment.
16. All HVAC units, trash/recycle/refuse compactors and other mechanical equipment shall be screened from public view and adjacent properties, including adjoining rights-of-way, in accordance with TMC § 9-2-118. The method of screening such equipment shall be architecturally integrated into the main structure in terms of design, materials, colors, shape and size. Prior to issuance of the building permit, this requirement shall be verified through review of construction plans.
17. Pursuant to Turlock Municipal Code (TMC) §9-5-107 this permit shall expire one (1) year from the date of approval, if construction has not begun or the use commenced. If requested prior to the date of expiration, the Planned Development may be extended for an additional one-year period (TMC§9-5-108).
18. In the event the city determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved,

unless the city should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.

19. The project shall connect to the City's Master Water, sewer and Storm Drainage System as necessary.

Site Plan

20. Approximately 30 onsite parking spaces will be improved to support the project.
21. All parking spaces shall comply with dimensional standards for the City of Turlock. Standard parking spaces measure 9'x19' and compact spaces measures 8'x16'.
22. A maximum of 30% of the total parking spaces may be constructed as compact spaces.
23. Wheel stops and striping are required.
24. Vehicle overhangs may encroach a maximum of two (2) feet into landscape areas which are a minimum of 10-feet wide.
25. A minimum of three (3) secure bicycle parking spaces shall be provided. All bicycle racks and/or bike lockers shall meet the requirements of the California Building Code. Bicycle parking shall be provided in an open area near the building entrance(s) that allow public access to the bicycle rack and shall not interfere with pedestrian or vehicular circulation.
26. The location and angle of the trash enclosure must be approved by the City of Turlock and the city's waste hauler, Turlock Scavenger.
27. The trash and recycling enclosure shall comply with the City of Turlock Standards and Specifications for construction and materials. Each trash and recycling enclosure shall be designed to allow walk-in access without having to open the main enclosure gate. The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal. Approval must be given by Turlock Scavenger for the trash enclosure to be covered.
28. On-site security lighting shall be located and directed so as not to spill over onto adjoining properties. A lighting plan is required for review and approval as part of the building permit and site improvement plan submittals.
29. Limit intensity, shield and/or situate all on-site lighting such that light does not spill over to adjacent properties. All lighting fixtures must be shielded to confine light spread within the site boundaries. Lighting shall not become a source of glare for adjoining properties.
30. Security lighting fixtures shall not project above the fascia or roofline of the building and are to be shielded. The shields shall be painted to match the surface to which they are attached.
31. Building illumination and architectural lighting shall be indirect. Floodlights are prohibited.
32. Light standards for parking areas shall not exceed 30-feet in height.
33. Lights shall be placed to direct and control glare.
34. Automatic shutoff or motion sensors shall be used for lighting to be used intermittently or for safety purposes.

Landscaping

35. Fully detailed landscape and irrigation plans shall be submitted to the Engineering Division for review and approval prior to the installation of any landscaping material or irrigation system and prior to the issuance of any building permits.

36. All landscaping and irrigation shall comply with the State Model water Efficient Landscape Ordinance.
37. The parking lot shall be visually screened from Mitchell Road by a continuous screen at least 36-inches high consisting of planting, or a combination of planting and low decorative walls. If shrubs are used to create the screen, the shrubs shall be at least 36-inches high after two years of growth. Solid walls used for screening should be accompanied by a minimum 5-foot wide landscaped edge facing the street.
38. All landscaped beds, including parking lot shade tree beds, shall be a minimum of five-feet in depth and width.
39. All walls and/or fences over three (3') feet in height shall be fully landscaped, including vines, shrubs, and ground cover.
40. All planting areas shall be protected with a raised concrete curb.
41. All planting areas shall include a three (3) inch top dressing of an organic mulch or equivalent material. Mulches shall be reapplied as part of a regular maintenance program to reduce evaporation, soil compaction, and weeds.
42. Parking lot shade trees shall be installed in accordance with Turlock Municipal Code Section 9-2-109(e)(7)(iv): one shade tree per five (5) parking spaces. Tree spacing shall be such that every designated parking space is within 30-feet of the trunk of a shade tree. All parking lot shade trees and City Standard Street Trees shall be planted within a deep root barrier as shown in City Standard L-1.

Noise

43. All requirements, recommendations, and assumptions for control of noise identified in the August 14, 2019 noise analysis shall be met.
44. The Acoustical Analysis shall be submitted with the building permit application to ensure compliance with the recommendations in the Acoustical Analysis.
45. The City of Turlock Noise Standards (TMC 5-28), shall be adhered to at all times.

Police Department

1. The licensee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned code section.
2. Temporary activities, events, and uses on the premises which are ancillary to the principal use, including special events provided for the enjoyment of the public, sales and promotional activities intended to serve commercial interests, seasonal activities, and similar temporary activities, events, and uses shall be permitted only upon approval of a Temporary Use Permit.
3. The business owner shall be responsible for maintaining the cleanliness of the exterior of the premises, including the parking lot areas (front and rear) and adjacent public sidewalks, and keeping the area free of litter and trash at all times.
4. The premises shall be sufficiently illuminated during all hours of darkness when the premises are open for business in a manner so that persons accessing those areas at night are identifiable by law enforcement personnel. Bright LED lighting shall be maintained in good working order outside the rear and entrance.

5. Consumption of alcohol shall only be allowed inside of the building and on premises within approved patios.
6. During operating hours, the business owner shall prohibit loitering in the parking area and within the public right-of-way.
7. After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment.
8. The Police Department and Fire Department have the authority to shut down business for the day/night if any of the Conditions of Approval set forth in this resolution are violated or if public safety issues or concerns arise.
9. The business owner shall have HD quality monitoring cameras with minimum of 4k/1080p resolution in the exterior and interior of the premises at all times to the satisfaction and approval of the Police Chief or his/her designee. The business owner shall maintain the surveillance equipment in working order and keep the video/audio recordings for 30 days to be made immediately available to law enforcement upon request. The business owner shall ensure that the date and time stamp on the surveillance video be accurate and perform daily service checks to ensure that inaccuracies are corrected immediately. Cameras shall be placed at all entrance at exit points and throughout the business to capture locations where alcohol is served, seating areas, hallways, and common areas.
10. Windows must remain clear and unobstructed.
11. The operation of the establishment shall be subject to review by the Police Chief or his/her designee if the Police Chief determines such review is necessary. The Police Chief may amend or add any conditions to this approval administratively, without Planning Commission review and approval, that he/she feels are necessary to ensure the safety of the public and to minimize the impacts to public safety caused by this establishment. The Business Owner/Operator may appeal the administrative changes to the Planning Commission in accordance with Chapter 1-4 and Section 9-5-130 of the Turlock Municipal Code.
12. The use of external speaker systems outside of the business in the designated patio areas shall not be amplified and set at an ambient level so as to not disturb and or disrupt the adjacent businesses and or their patrons of area residents.

Engineering Division

1. The developer shall pay all applicable City of Turlock city wide and specific plan development impact fees adjusted to the current Engineering News Record, prior to issuance of a building permit.
2. Developer shall provide written consent, as provided in Section 54715 of the California Government Code, to the levy of an assessment to finance the operation and maintenance of drainage, flood control, street maintenance, and street lighting service which benefits the area to be developed. As an alternative to this, the City may form a community facilities district (CFD) to finance the operation and maintenance of said improvements and services.
3. Developer shall submit on-site and off-site (Non-structural) improvement plans to the **Engineering Division** for review and approval. Please submit an improvement plan application along with current plan check fees, five (5) sets of civil improvement plans including erosion control and landscape plans, an erosion and sediment control plan

(ESCP) worksheet, one (1) copy of the soils report (California Building Code requirement) including percolation and R-Value testing as required and one (1) copy of the land use permit. Landscape plans shall meet the requirements of the Model Water Efficient Landscape Ordinance (MWELO). All projects disturbing more than one acre of land must apply for a Notice of Intent with the State of California Water Quality Control Board. The W.D.I.D. number, which is provided by the state, must be provided prior to grading permit issuance.

4. Developer shall procure a grading permit from the **Engineering Division** for all on-site (Non-Structural) work prior to issuance of any building permits. Upon approval of the on-site Improvement plans, please submit a grading permit application and a cost estimate for all on-site (Non- Structural) work.
5. Developer shall procure an encroachment permit from the **Engineering Division** for all off-site work done within existing City of Turlock right of way, proposed right of way and within any easements prior to the issuance of any building permits. Upon approval of the off-site improvement plans, please submit an encroachment permit application, a cost estimate or for all off-site work, liability insurance as detailed in the encroachment permit application listing the City of Turlock as additional insured and an improvement security equal to 110% of the valuation of the work in the form of a bond, letter of credit, cash or check.
6. Developer shall remove and replace any existing curb, gutter, sidewalk, driveway approaches, streetlights and roadway improvements along the N. Center Street, Mitchell Avenue, and Alley frontages in accordance with City of Turlock Standard Specifications and Drawings if, in the City Engineers opinion, the existing improvements do not meet current City Standards, accessibility standards or are in poor/damaged condition.
7. Driveway approaches on the N. Center Street, Mitchell Avenue, and Alley street frontage shall be C-8 or C-9 commercial type in accordance with the City of Turlock Standard Specifications and Drawings.
8. Developer shall remove any unused driveway approaches and place City Standard curb, gutter and sidewalk.
9. If the grade differential between lots or surrounding ground is between 1/2 foot and 1 foot, the developer shall use a wood type retaining wall/fence depending on the individual situation, to be approved by the City Engineer as part of the improvement plans.
10. The Public Works Director, City Engineer, or their designee reserves the right to require full roadway reconstruction or a 2" asphalt overlay from curb to curb on the N. Center Street, Mitchell Avenue, and Alley frontages if, in their opinion, the roadway is in disrepair or the integrity of the roadway has been compromised by: utility cuts (3 or more) or construction practices. Asphalt oil shall be PG 70-10.
11. Developer shall install full improvements in Alley per City Standard Drawing ST-3.
12. If Alley is desired to have 2-way traffic, a minimum of 24 feet width is required. Provide right-of-way dedications and public utility easements as required.
13. Relocate existing utility poles as necessary in the Alley for desired traffic flow.
14. Side yard fences, signs and trees shall be set back 30 feet from street corners and 15 feet from driveways per City Standards.
15. Driveway and corner visibility (clear vision triangle) shall be implemented per City Standard Drawing ST-13.
16. Developer shall install all necessary traffic signage and striping modifications to the N.

Center Street, Mitchell Avenue, and Alley frontages as required by the City Engineer and the current California MUTCD.

17. The City of Turlock standard improvements necessary for fire and safety purposes shall be installed and accepted by the Fire Department prior to the issuance of any Building Permit.
18. Any existing or new domestic, landscape, and fire water services shall be fitted with backflow prevention devices that meet the current City Standards. All water services shall have its own tap off the main.
19. Sewer, Water, and Fire Services that will not be utilized for the developed area shall be abandoned in accordance with the requirements of Municipal Services.
20. A grease interceptor will be required per City standards.
21. Developer shall repave all trenching in existing right of way per the current City Standards, including Errata 1, and pay applicable trench restoration fees in accordance with Section 7-4-203 of the City of Turlock Municipal Code.
22. Parking lot drive aisles and parking stalls shall follow the current City Standards. This requirement will not apply to areas developed for valet parking.
23. Developer shall provide a Low Impact Development (LID) design for all added and/or reconstructed impervious surfaces that includes measures for site design, sources control, runoff reduction, storm water treatment and baseline hydromodification management as defined in the Phase II MS4 General Permit in order to comply with the Phase II MS4 General Permit issued by the State Water Resources Control Board to the City of Turlock.
24. Developer shall implement source control measures consistent with recommendations from the CASQA Stormwater BMP Handbook for New Development and Redevelopment for the pollutant generating activities listed in Section E.12.d of the Phase II MS4 General Permit.
25. Developer shall incorporate all post construction BMPs necessary to comply with the Phase II MS4 General Permit issued by the State Water Resources Control Board to the City of Turlock.
26. Developer shall execute an Operations and Maintenance Agreement with the City of Turlock for all post construction best management practices (BMPs) associated with the development prior to occupancy of the building.
27. Prior to improvement plan approval, a detailed hydrology/drainage study will be required to be submitted to the City Engineer for review and approval. The study shall be prepared by a registered Civil Engineer and shall include existing and proposed conditions.
28. Accessible signage and striping for accessible parking shall meet the requirements of the current California Building Code. The additional signage required under Section 11B-502.8 shall notify owners that towed vehicles may be reclaimed at: Turlock Police Department or by telephoning (209) 668-5550.
29. Developer shall provide an accessible pedestrian path from the entrance of all buildings to an accessible parking stall and to the public way. Handrails for pedestrian ramps shall not extend into the public right of way.
30. Developer shall provide a new crosswalk and ramps for the pedestrian path of travel across N. Center Street to access the parking lot located at 334 N. Center Street, APN 061-019-024.

31. Developer shall provide agreements and easements with the property located at 311 Mitchell Avenue, APN 061-024-064, shall be required for access, parking, utilities, and maintenance.
32. Developer shall provide agreements with the property located at 334 N. Center Street, APN 061-019-024, shall be recorded for access, parking, and maintenance.
33. Trash enclosures shall be per the current City Standards, located within the development as directed by Turlock Scavenger. A pedestrian path from an entrance for each building to a trash enclosure, meeting all accessible requirements, shall be indicated on the plans.
34. Developer shall install street trees spaced 30'-35' apart along the N. Center Street and Mitchell Avenue frontages per the City Standard Specifications and Drawings.
35. If any survey monuments will be at risk during construction activities, the City of Turlock will require that there is an individual in responsible charge of the Land Surveying activities within the bounds of proposed development as follows:
 - **Acknowledgement of Monument Responsibility** certificate signed and sealed by a Licensed Land Surveyor or a Professional Engineer authorized to perform Land Surveying in the State of California, will be required prior to issuance of the grading and/or encroachment permit.
 - **Acknowledgement of Monument Preservation** certificate signed and sealed by a Licensed Land Surveyor or a Professional Engineer authorized to perform Land Surveying in the State of California, will be required prior to final sign acceptance of the grading and/or encroachment permit.

Fire Department

1. The project shall be required to meet the current California Fire Code, National Fire Code (NFPA), California Mechanical Code, and the City of Turlock Municipal Code in effect at the time of building permit application. THIS IS NOT A PLAN REVIEW. Additional requirements may be applicable upon Fire Dept. review of building plans.
2. Before vertical construction begins: 1) Onsite fire hydrant shall be in service; 2) Blue hydrant markers shall be in street; 3) Fire access roadway shall be installed to support the imposed load of fire apparatus weighing at least 75,000 pounds; 4) Temporary address signage shall be clearly visible from the primary roadway.
3. Buildings or structures shall have an approved asphalt or concrete fire access road installed and accepted prior to final inspection.
4. Address numerals shall be a minimum of 6" tall with $\frac{3}{4}$ " stroke, contrast with background, be clearly visible from the primary roadway and be illuminated either internally or externally between dusk and dawn daily.
5. Permanent all weather signage shall be installed: (minimum 3" letters/numbers)
 - a. MAIN ELECTRICAL DISCONNECT
 - b. MAIN GAS SHUT OFF
 - c. FIRE CONTROL ROOM
 - d. FDC (address numerals)
 - e. ELECTRICAL ROOM
 - f. HVAC units shall be numbered (coordinating with breakers and fire alarm systems)
6. A Knox Box key safe may be installed to the right of the main entrance door. Safe shall be securely mounted between 4 feet and 8 feet above finished grade. Safe may be ordered online at www.knowbox.com or by visiting our office.

7. A Knox Box key safe shall be installed on each suite and at the Fire Control Room. Boxes shall be installed to the right of the main entrance door between 4 feet and 8 feet above finished grade. Boxes may be ordered online at www.knoxbox.com or by visiting our office.
8. Two Locking FDC plugs (2 – 2 1/2”) shall be installed. Plugs may be ordered at www.knoxbox.com or by visiting our office. Please allow 7 to 10 days for delivery.
9. Fire sprinklers shall be required. Four (4) sets of fire sprinkler plans, architectural plans and calculations shall be submitted by a licensed C-16 fire sprinkler contractor to the Fire Department in accordance with NFPA 13 and City of Turlock Municipal Code.
10. On-site fire hydrant required. Location and number to be determined at civil plan review. Fire hydrant shall be within 75 feet of the FDC.
11. Four (4) sets of fire alarm system plans shall be submitted to fire department by a licensed C-10 fire alarm professional. System shall be U.L certified and monitored by a U.L. central station for the life of the building. U.L. certificate required at final.
12. Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall or in cabinets, such that the top of the extinguisher is no more than four (4') feet above floor level.
13. Electrical disconnect shall be accessible from the exterior of the building or in a secure electrical room that opens directly to the outside. Disconnect or electrical room will be identified with an approved all-weather sign.
14. Standpipes may be required to be installed in accordance with TMC 4-3-219.
15. Fire lane requirements shall be met. Fire lanes shall be painted throughout project.
16. Gates shall have Knox pad lock or Knox Key switch access (automatic).
17. Dementions for the dead-end fire apparatus access road identified on the site plan are not compliant with CFC Appendix D. Hammerhead turn-around not required. Attachment XX of this resolution.

Municipal Services

1. Prior to issuance of a building permit, water and sewer utilities shall be reviewed and approved by Municipal Services (668-5590).

Public Works - Parks (668-5594)

1. Street trees shall be installed in accordance with City of Turlock standards TMC §7-7-500 and §9-2-109(8)(ii). The variety of tree to be installed is *Chinese Pistache “Keith Davey”*. Any variation from the listed street tree requirement must first be approved by the City of Turlock Parks, Recreation & Public Facilities Maintenance Department. The property owner or developer shall contact the department for review of tree layout and inspection prior to installation of street trees.

Building Department (668-5560)

1. A building permit is required for any structure (electric gates, site lighting, etc.) associated with the project.
2. Plans must be submitted electronically. Plans shall be prepared by a licensed California design professional.

3. The project shall comply with the current 2022 California Building Codes and the Turlock Municipal Code in effect at the time of building permit application.
4. Additional requirements may be applicable upon review of the submitted building plans.
5. Energy compliance documents required. Documents to be part of the plan set. HERS testing will be required.
6. PV required by the 2022 California Energy Code is to be part of the plan set. Not by separate permit and not by deferred submittal.
7. Demolition permit is required by separate permit for the removal of existing structures. Contact Stanislaus County Environmental Resources and the San Joaquin Valley Air Pollution Control District for demolition release. Release must be received by the City of Turlock prior to the demo permit issuance.
8. A separate permit is required for any site lighting.
9. Accessibility parking upgrades will be required.
10. Code Analysis is required.
11. Clearly identify which section of the project is to comply with 2022 CBC 11A or 11B.
12. Detail compliance with 2022 CBC Chapter 11. Provide plans for compliant units.

Turlock Scavenger (668-7274)

1. Trash and waste enclosures shall be located and angled to accommodate easy collection by the City's waste/recycling provider, Turlock Scavenger and Recycling. Approximate location and angles are shown on the site plan; however, precise locations and angles shall be coordinated with Turlock Scavenger prior to construction.

Turlock Irrigation District (883-8367 Irrigation System, 883-8659 Electric Utility)

1. The District has no comments concerning irrigation facilities on the above referenced project.
2. The District served the previous building from the overhead 12kV line running along the alley. Should any pole need relocation due to the project, please contact Electrical Engineering to request a facility change. An application for service can be completed at the same time. Facility Changes are performed at developer's expense.

San Joaquin Valley Air Pollution Control District (559-230-5808, Eric McLaughlin)

1. The developer shall comply with all of the rules and regulations of the San Joaquin Valley Air Pollution Control District, including but not limited to District Rule 9510 (Indirect Source Rule), Regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and Rule 4702 (Internal Combustion Engines).

Section 3. That said Rezoning is hereby recommended for approval subject to compliance with all applicable codes and ordinances, and subject to the terms and conditions set forth herein. All conditions listed shall be complied with prior to issuance of a Certificate of Occupancy, or equivalent, unless otherwise stipulated.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 3rd day of August, 2023, by the following vote:

AYES: Souza, Anderson, Davis, Deol, Reape, Reese, Johnson
NOES: None
ABSTAIN: None
ABSENT: None
NOT PARTICIPATING: None

ATTEST: _____
ADRIENNE WERNER
PLANNING MANAGER & SECRETARY OF
THE TURLOCK PLANNING COMMISSION
CITY OF TURLOCK