

# City Council Special Meeting Agenda



NOVEMBER 27, 2012

7:00 p.m.

City of Turlock Yosemite Room  
156 S. Broadway, Turlock, California



Mayor  
John S. Lazar

Council Members  
William DeHart, Jr.      Mary Jackson  
Forrest White          Amy Bublak  
   Vice Mayor

City Manager  
Roy W. Wasden  
City Clerk  
Kellie E. Weaver  
City Attorney  
Phaedra A. Norton

**SPEAKER CARDS:** To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**EQUAL ACCESS POLICY:** If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

**NOTICE:** Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

**AGENDA PACKETS:** Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at [www.cityofturlock.org](http://www.cityofturlock.org) and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

## 1. CALL TO ORDER

## 2. PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting before or during consideration of that item. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

## 3. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

## 4. PUBLIC HEARINGS:

- A. Request to approve Minor Discretionary Permit 2012-16 (Yosemite Farm Credit) following approval of an Ordinance Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-02 (Yosemite Farm Credit)]. (*Pitcock*)

### **Recommended Action**

**Resolution:** Establishing conditions of approval for Minor Discretionary Permit 2012-16 (Yosemite Farm Credit)

**5. ADJOURNMENT**

The foregoing meeting is hereby called by Mayor John S. Lazar at the above mentioned date and time pursuant to California Government Code §54956.



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JOHN S. LAZAR, Mayor

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ESTABLISHING }  
CONDITIONS OF APPROVAL FOR }  
MINOR DISCRETIONARY PERMIT 2012-16 }  
(YOSEMITE FARM CREDIT) }  
\_\_\_\_\_ }

RESOLUTION NO. 2012-

**WHEREAS**, Yosemite Farm Credit is requesting the development of an approximately 17,000 square foot professional office building and an approximately 4,000 square foot addition to an existing bank building at 900 W. Monte Vista Ave. [Stanislaus County Assessor's Parcel Numbers (APNs) 071-006-019 & 020], and the two-acre, eastern portion of the vacant lot at 800 W. Monte Vista Ave., (APN 071-006-014); and

**WHEREAS**, on-site parking landscaping and other improvements will be included in the proposal in conformance with the development standards and design guidelines established for the Community Office zoning district; and

**WHEREAS**, the approval of this Minor Discretionary Permit is contingent upon the approval of General Plan Amendment 2012-02 and Rezone 2012-02 to allow for the change in designation of the sites from Medium Density Residential to Office; and

**WHEREAS**, after public hearing held on October 4, 2012, the Planning Commission voted to recommend approval of the project request; and

**WHEREAS**, on November 13, 2012 the City Council considered the request, the Planning Commission recommendation, and the Environmental Review documentation, and public testimony, and subsequently found that Minor Discretionary Permit 2012-016, will not have a significant adverse impact upon the environment and directed that a Notice of Determination for a Mitigated Negative Declaration be filed and the City of Turlock adopts a Mitigation Monitoring Program, having determined that the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the appropriate findings; and

**WHEREAS**, on November 13, 2012 the City Council determines that all of the following findings can be made for Minor Discretionary Permit 2012-16

1. The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site.
2. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining property.
3. The proposal is consistent with the development plan, terms, conditions, and/or intent of any planned development or conditional use permit currently in effect on the property.
4. Any structural elements contained within the proposal is of high quality design

consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.

5. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health and welfare of the neighborhood and community.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Turlock does hereby approve Minor Discretionary Permit 2012-016, in accordance with the plan filed as part of the Planning Commission consideration, referred to above, and which is on file in the office of the Deputy Development Director, Planning Division. The following conditions shall apply, as well as compliance with all applicable laws, regulations, codes and ordinances:

**PLANNING (668-5640)**

1. This project shall be constructed in accordance with the revised site plan dated August 29, 2012 (Attachment 1), and the building elevations included in this project (Attachment 2).
2. Minor amendments to the site layout and other conditions contained within this approval may be authorized by the Community Development Director on a case-by-case basis, provided that such amendments are consistent with the overall intent and purpose of the conditions contained herein.
3. The approval of Minor Discretionary Permit 2012-16 (Yosemite Farm Credit) is contingent upon the approval of General Plan Amendment 2012-02 and Rezone 2012-02.
4. All "Standard Conditions of Approval" contained in Turlock Planning Commission Resolution 91-54 are conditions of approval for this project.
5. Pursuant to Turlock Municipal Code (TMC) §9-5-314.1 this approval shall expire one (1) year from the date of issuance, if construction has not begun or the use commenced. If requested prior to the date of expiration, the minor discretionary permit may be extended upon a finding of good cause when the applicant presents proof of unusual conditions not of his own making.
6. 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.
7. The project shall be developed consistent with the standards and uses established for the Commercial Office (C-O) zoning district in TMC §9-3-300ART: *Commercial Districts* and the adopted Design Guidelines.
8. In accordance with TMC §9-2-115(c)(1) 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.

9. 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.
10. 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.
11. All above ground structures located, such as backflow protection devices, fire department connections and transformers, shall be located on the site to minimize visual impact and shall be screened from public view by landscaping approved by the City of Turlock Planning Division.
12. Bicycle racks, accommodating a minimum of sixteen (16) bicycles shall be provided in a visible location within 30 feet from all main entrances.
13. Fully detailed landscape and irrigation plans shall be submitted to the Engineering Division for review and approval as part of the improvement plan submittal process. The landscape and irrigation plans shall comply with TMC 9-2-109 and the Water Efficient Landscape Ordinance (WELO). Please contact the Planning or Engineering Division for information and required WELO documentation.
14. All planting areas shall be protected with raised concrete curbs.
15. An average three (3) foot high [minimum 2½ foot and maximum 3½ foot] continuous screen shall be installed between all parking areas and public streets. A screen shall consist of one or any combination of the following: a) walls; b) landscaped berms; c) fences; and / or d) plant materials.
16. Deciduous non-fruiting trees shall be incorporated into the planting plan within the parking lot and around the building to provide shade relief from the summer sun.
17. A variety of plant types and species shall be incorporated into the planting scheme to provide interest and color. No one (1) species of plant shall exceed 20 percent (20%) of the plant material. Turf shall be limited to 25 percent (25%) of the total landscaped area.
18. 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.
19. All parking spaces shall comply with dimensional standards for the City of Turlock. Standard parking spaces measure 9 feet x 19 feet and compact spaces measure 7½ feet x 15 feet. No more than 30 percent, or 4 spaces, of the required parking spaces may be compact spaces.
20. Wheel stops are required whenever the abutting landscape or sidewalk is less than ten (10) feet in width.
21. Parking lot shade trees shall be installed along all parking areas in accordance with TMC §9-2-109: one shade tree per five (5) parking spaces. Parking lot shade trees shall be planted in landscape islands within the parking lot. Tree spacing shall be such that every tree trunk is within 30 feet of the trunk of a tree.

22. Limit intensity, shield and/or situate all on-site lighting such that light does not spill over to adjacent properties.
23. No signs have been approved as part of this permit. All signage shall comply with the provisions established in the Turlock Municipal Code (TMC 9-2-500 ART) and the General Sign Guidelines contained in the City of Turlock's adopted Design Guidelines, as required by TMC §9-5-1002 and shall obtain the appropriate permits.
24. A reciprocal access and parking agreement shall be recorded on all parcels in this project. A copy of this recorded agreement shall be submitted to the Planning Division prior to occupancy of any new construction associated with this project.
25. Construction shall be limited to the hours allowed in the Municipal Code of 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends. The standards of Turlock's Noise Ordinance (TMC 9-2-300ART) are applicable to the development during construction and occupancy.

**ENGINEERING SERVICES (668-5520)**

26. 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.
27. Provide minimum 10 foot Public Utility Easement behind property along all street frontages.
28. Prior to issuance of a building permit, the developer shall provide written consent, as provided in Section 54717 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.
29. Provide written consent, as provided in Section 22608 of the Streets and Highways Code, to the formation of an assessment district to finance the maintenance of landscaping.
30. The developer will be required to pay the development impact fees adjusted to the current Engineering News Record.
31. 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.
32. If the grade differential between lots or surrounding ground is 1 foot or greater a retaining wall shall be required per City of Turlock standards. 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 subdivision improvement plans.
33. All building pads shall be 1/2 foot higher than the nearest flow-line high point. This condition may be waived by the City Engineer if upon review of the hydrology study he deems it is not necessary.
34. Each parcel shall have access to a water service prior to the issuance of any Building Permits as reasonably approved by the City Engineer and Fire Marshall.

35. A grading permit is required before you move any dirt or before any building permit is issued. Provide the quantity of dirt to be moved, as well as (6) sets of improvement plans including proposed on-site improvements, landscaping, grading and erosion control plans for review and approval under the grading permit process. Because this project will disturb more than 1 acre of land, the developer will need to apply to the State of California Water Resource Control Board for a Notice of Intent. The grading permit will not be issued without a WDID number.
36. Full frontage improvements (curb, gutter, sidewalk, street trees, pave-out, fire hydrants, electroliers, etc.) must be installed along property frontages. These off-site improvements, as well as all public streets must be designed and installed per City of Turlock standard specifications and drawings. Please provide a cost estimate of the value of all public works, as well as (6) sets of improvement plans for review and approval.
37. All trench repaving and pave-outs must be installed per City of Turlock standard drawing T-1 unless otherwise approved by the City Engineer.
38. Monument signs, fences and trees shall be back thirty-feet (30') from street intersections, per City Standard Drawing ST-13 "Clear Vision Triangle," and 15' from driveways.
39. Developer shall install ten-foot (10') wide commercial sidewalk with City standard tree wells along Monte Vista Avenue and the commercial frontage of Del's Lane.
40. Any access driveways along Monte Vista Avenue shall be restricted to a right turn entrance and exit only.
41. Driveways shall be commercial type in accordance with standard C-6 of the City of Turlock Standard Specifications and Plans.
42. The City Engineer reserves the right to require full roadway reconstruction or a 2" asphalt overlay from curb to curb on Del's Lane and Monte Vista Avenue if in the City Engineer's opinion the integrity of the roadway has been compromised by utility cuts or construction practices. Asphalt oil shall be PB 70-10.
43. If any on-site public utilities are proposed, easements over these utilities must be dedicated to the City of Turlock prior to any permits being issued.
44. Reciprocal access agreements for the project parcels must be recorded prior to the occupancy of any structure.
45. City of Turlock utilities shall be installed as follows (As Required):
  - a. 1 – Sewer service per parcel, sized to provide capacity for all buildings.
  - b. 1 – Domestic water service per parcel, sized to provide capacity for all buildings. Install a reduced pressure backflow device in accordance with City of Turlock Standard Plan W-9.
  - c. 1 – Irrigation water service per parcel, sized to provide capacity for all landscaping. Install a reduced pressure backflow device in accordance with City of Turlock Standard Plan W-9.
  - d. Minimum 1 – Fire water service per parcel, sized to provide capacity for all sprinkled buildings. Install a double check detector check backflow device in accordance with City of Turlock Standard Plan W-11. Additional fire water services may be allowed if a looped system is required.

- e. If an on-site fire hydrant is required by the City of Turlock Fire Department, a separate fire water service sized to provide capacity for all fire hydrants shall be installed. Install a double check detector check backflow device in accordance with City of Turlock Standard Plan W-11. Additional fire water services for the fire hydrant system may be allowed if a looped system is required.

**FIRE SERVICES (668-5580)**

- 46. The project shall be required to meet the 2007 California Fire Code, National Fire Code (NFPA), 2007 California Mechanical Code, and the City of Turlock Municipal Code.. THIS IS NOT A PLAN REVIEW. Additional requirements may be applicable upon Fire Dept. review of building plans.
- 47. 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, supporting the imposed load of fire apparatus weighing at least 75,000 pounds; 4) Temporary address signage shall be clearly visible from the primary roadway.
- 48. Address numerals shall be a *minimum* of 6" tall, contrast with background, be clearly visible from the primary roadway and be illuminated either internally or externally between dusk and dawn daily.
- 49. 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
- 50. Two Locking FDC plugs (2 – 2 1/2") shall be installed. Plugs may be ordered at [www.knoxbox.com](http://www.knoxbox.com) or by visiting our office.
- 51. 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.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. 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.

56. Fire lane requirements shall be met. Fire lanes shall be painted throughout project, and shall read, "No Parking, Fire Lane."

**MUNICIPAL SERVICES (668-5590)**

57. Street trees shall be installed in the sidewalk in accordance with City of Turlock standards (TMC §7-7-500 and §9-2-109(8)(ii)). The variety of street tree to be installed is Chinese Pistache, "Keith Davey" variety. Any variation from the above listed street tree requirement must first be approved by the City of Turlock Municipal Services. The property owner or developer shall contact the City of Turlock Municipal Services at 668-5590 for review of tree layout and inspection prior to installation of street trees.
58. The property owner shall be responsible for providing water/sewer/G.I. for all tenants. If the property owner will not be the responsible party for these services, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to establish an acceptable agreement/organization to be responsible for providing such services.
59. Prior to issuance of a building permit, water and sewer utilities shall be reviewed and approved by Municipal Services (668-5590).
60. Prior to issuance of a building permit, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to determine whether a grease interceptor shall be required. If required, the grease interceptor shall be incorporated into the building plans, prior to the issuance of a building permit.
61. Prior to issuance of a building permit, storm water facilities shall be reviewed and approved by Municipal Services (668-5590).

**BUILDING DIVISION (668-5560)**

62. The project shall provide an accessible path of travel from the building to the public right of way.
63. A building permit shall be obtained.
64. Property lines shall not pass through buildings and utilities shall not cross property lines.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (DAVID MC DONOUGH 559-230-5920)**

65. The project would be subject to District Rule 9510 (Indirect Source Review). Information on how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.
66. The project may also be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).
67. In order to identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5818. Current District rules can be found at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

**TURLOCK IRRIGATION DISTRICT**

68. An irrigation pipeline and 12.5 foot irrigation easement, runs from north to south along the west side of APN 071-006-020. The pipeline continues south across APN 071-006-014, along the west edge of the proposed site improvements.
69. This pipeline, which is fed by Improvement District No. 1230A located in the 15-foot irrigation easement along Monte Vista Avenue, only serves parcel 071-006-014, so if the entire parcel abandons from the improvement district, then the pipeline along the west side of the project could be removed as part of the site improvements. However, if the remainder of this parcel continues to maintain membership in the improvement district, then the pipe must be upgraded to district standards. In that case, it will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.
70. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.
71. The District shall review and approve all maps and plans of the project. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District Board approved time and material fee associated with this review.
72. Work on irrigation facilities can only be performed during the non-irrigation season which typically runs from November 1<sup>st</sup> through March 1<sup>st</sup>, but can vary.
73. Electric utility maps show existing conduits designed to feed future parcels in close proximity or under the proposed building. The owner/developer must apply for a facility change for any electrical facility relocation. Facility changes are performed at developer's expense.
74. The District's electric utility also has an existing underground power line within this project. A 10-foot PUE or electrical easement must be dedicated to cover this line.

**BE IT FURTHER RESOLVED** that the City Council intends the Minor Discretionary Permit be administered pursuant to Article 3 of Chapter 9-5 of the Turlock Municipal Code.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 27<sup>th</sup> day of November, 2012, by the following vote:

AYES:

NOES:

NOT PARTICIPATING:

ABSENT:

ATTEST:

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Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California