

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

September 26, 2017

DESIGN REVIEW 1098

PROJECT PLANNER:	Steven Sopp, Associate Planner
APPLICANT:	LRG Investors LLC.
LOCATION:	969 E. Prosperity Avenue
APN:	170-370-007
ZONING CLASSIFICATION:	C-3 (Retail Commercial)
GENERAL PLAN DESIGNATION:	Community Commercial
SURROUNDING LAND USES AND ZONING:	North: IHOP C-3 South: Retail Shopping Ctr C-3 West: Hwy 99 East: Chase Bank C-3

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Design Review 1098 subject to the findings and conditions in Resolution No.5253. Staff's recommendation is based on the findings and the projects consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST:

Design Review 1098 is a request by LRG Investors LLC. to develop an approximately 3,044 square foot restaurant with a drive thru and outdoor dining area located at 969 E. Prosperity Avenue (APN 170-370-007), on the site of the former Long John Silver's. The parcel is currently zoned C-3. The current Long John Silver's building is proposed to be demolished as part of the re-development of the site.

DETAILS OF THE PROPOSAL:

The project will consist of the demolition and re-development of a 3,044 square foot Habit Burger restaurant with drive thru service and outdoor dining area at the former Long John Silver's located at 969 E. Prosperity Avenue. Access to the site will be provided by an existing drive approach off of Prosperity Avenue. Landscaping at the parcels frontage along Prosperity Avenue will be maintained or improved and will meet

the 5% minimum of the developed gross lot area as required by the Landscape Ordinance.

Standard hours of operation for Habit Burger restaurants is 11:00am to 10:00pm Saturday through Thursday and 11:00am to 10:30pm on Friday. The number of employees per shift is yet to be determined.

The site plan depicts a total 35 parking spaces for the site, which exceeds the 24 required for a restaurant with a drive thru. Required parking breakdown is as follows:

Restaurant with drive-thru or drive-up service:

$$1 \text{ per } 125 \text{ sq. ft.} - 3,044 \text{ total sq. ft.} / 125 = \mathbf{24 \text{ spaces}}$$

STAFF COMMENTS:

The proposed site is designated as Community Commercial and zoned C-3 (Retail Commercial". The proposed restaurant with a drive-through is a permitted use within the C-3 zone district. The proposed development is surrounding by other commercial retail uses and the proposed use and site can operate in a compatible manner with the surrounding uses.

The project is subject to the Design Review approval process to move forward with the project (*Chapter 10.120 – Design Review*).

Proposed elevations depict architectural features consistent with the commercial district design guidelines found within the City's adopted Zoning Ordinance.

The Site Plan Review Committee reviewed the project with the applicant on September 6, 2017 and prepared comments and conditions for the applicant. The site plan and elevations were reviewed by the Committee for compliance with the City's adopted Zoning Ordinance and Municipal Code.

ENVIRONMENTAL FINDINGS:

This project is categorically exempt pursuant to (Section 15332 "Infill Development Projects") of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Design Review No. 1098:

- 1) That the proposed project is consistent with the purpose and objectives of this chapter and the zone district in which the project is located.
- 2) That the proposed project will not be detrimental to the public interest, health, safety, convenience or welfare or materially injurious to properties or improvements in the vicinity.

- 3) That the proposed project is consistent with the Tulare General Plan.
- 4) That this project is categorically exempt pursuant to (Section 15332 “Infill Development Projects”) of the California Environmental Quality Act of 1970, as amended.

RECOMMENDATIONS:

Based on the approved findings, staff recommends that Design Review No. 1098, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) The conceptual site plan and elevations for the proposed building are approved as shown in the attachments hereto.
- 3) In accordance with Section 10.120.130, this Design Review approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.
- 4) All roof mounted equipment shall be screened from public view by materials similar to those used in overall structure and approved by the City Planner at time of Building Permit review.
- 5) Landscape and irrigation plans shall be prepared by a licensed Landscape Architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system and approved prior to building permits being issued.
- 6) Applicant shall comply with San Joaquin Valley Air Pollution Control District regarding dust control during construction as required by SJVAPCD.
- 7) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments V, VI, VII, and VIII).
- 8) Approval does not authorize any deviation from Fire and Building Codes.
- 9) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community & Economic Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
- 10) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written

notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

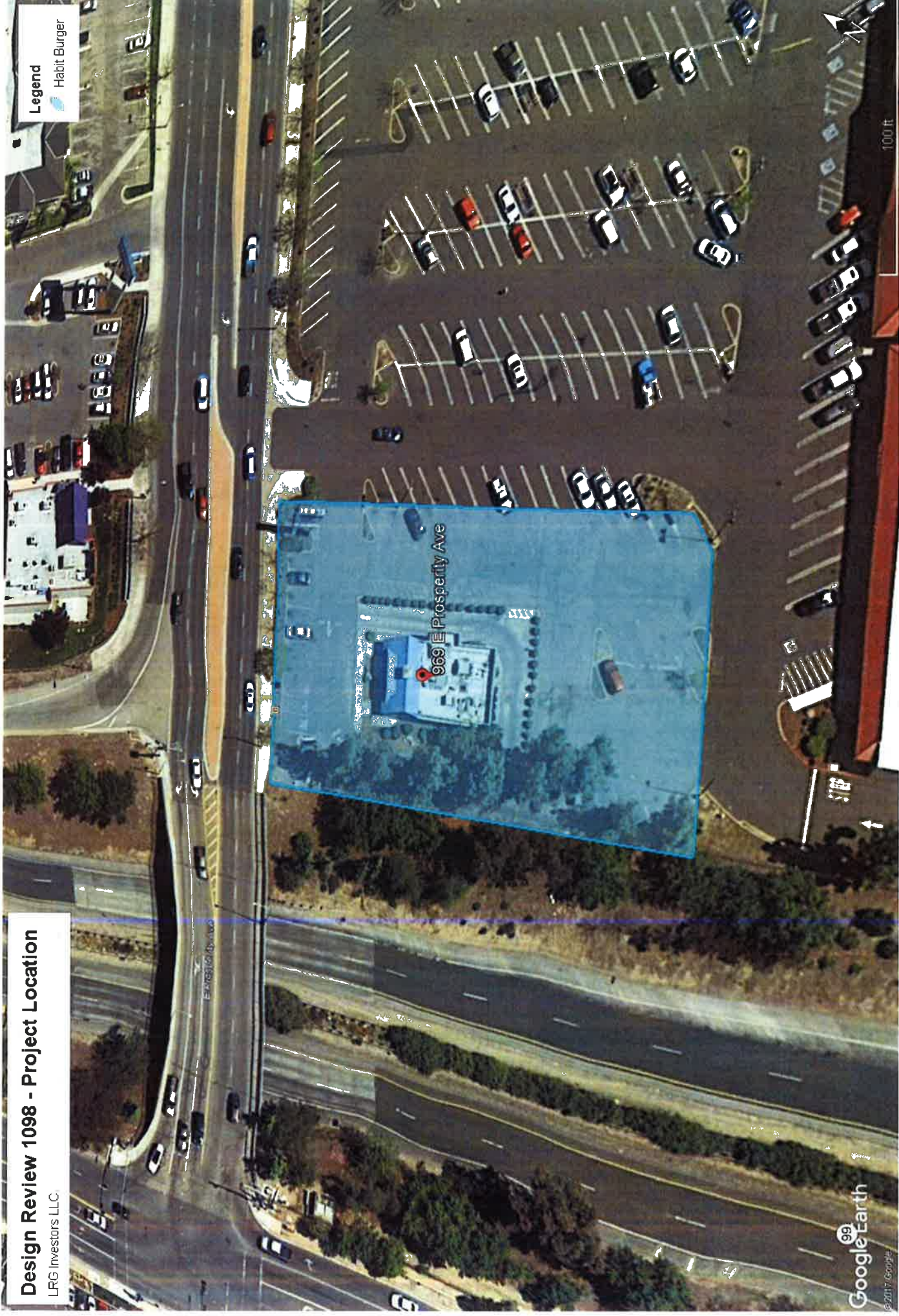
- I. Project Vicinity Map
- II. Site Plan
- III. Floor Plan
- IV. Exterior elevations
- V. Engineering Comments
- VI. Fire Department Comments
- VII. Solid Waste Comments
- VIII. Parks Comments
- IX. Resolution

Design Review 1098 - Project Location

LRG Investors LLC

Legend

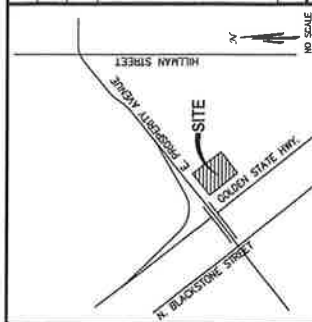
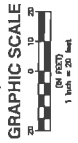
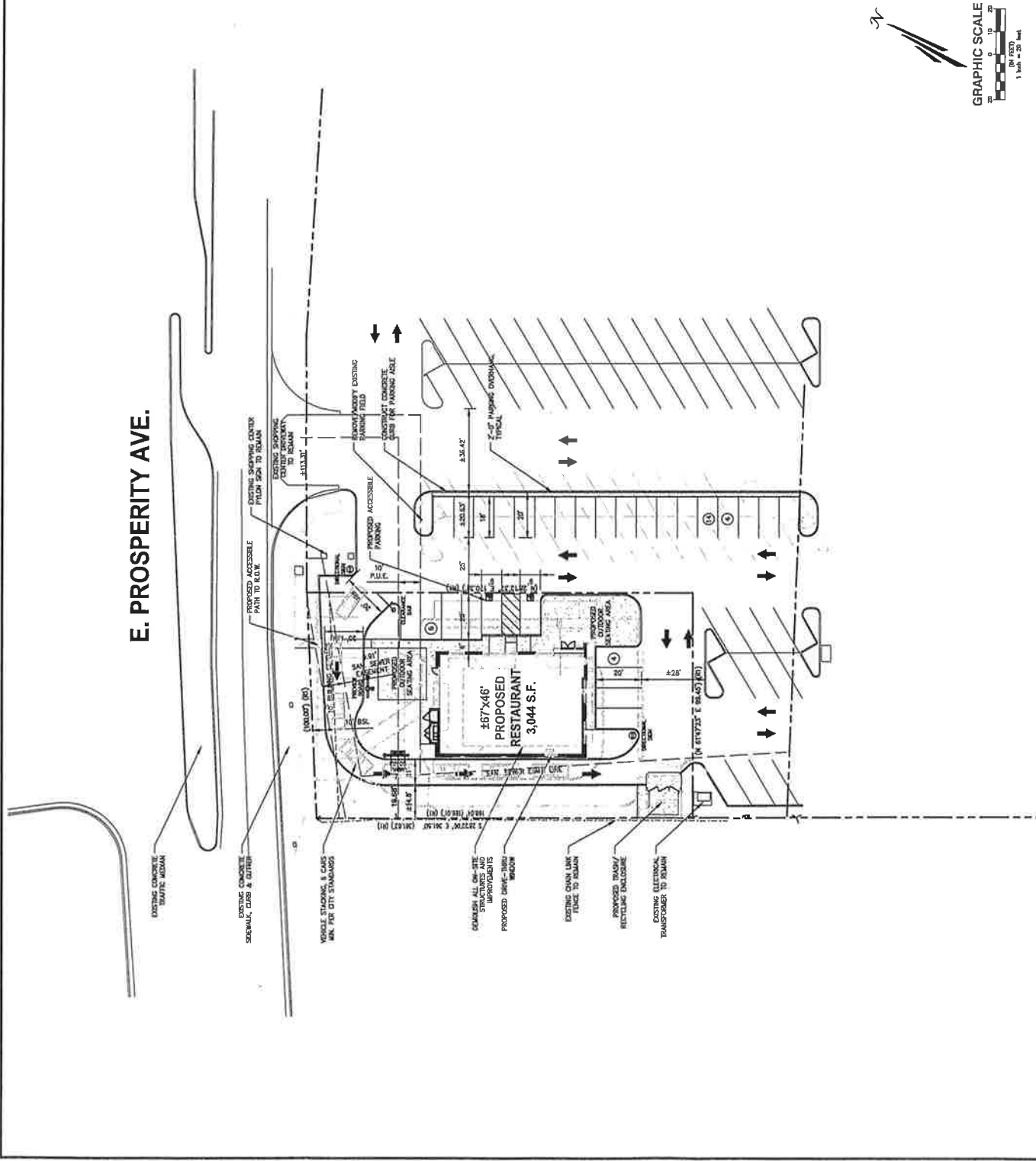
Habit Burger



Google Earth

© 2017 Google

100 ft



VICINITY MAP

SITE DATA

SITE ADDRESS: 868 E. PROSPERITY AVENUE
TULARE, CA 96202
APN: 170-370-007-000
SITE AREA: 31,330 S.F. (0.726 ACRES)
EXISTING SITE ZONING: S-3 (SINGLE-FAMILY RESIDENTIAL)
PROPOSED FLOOR AREA: 33,044 S.F. (0.76 ACRES)
PARKING REQUIRED: 1,725 S.F. (39 SPACES)
PARKING PROVIDED: 24 SPACES (4 IN SHARED SHOPPING CENTER PARKING FIELD)

PROJECT SUMMARY

- 1. DEMOLISH ALL ABOVE AND BELOW GROUND SITE IMPROVEMENTS.
- 2. CONSTRUCT NEW 3,044 S.F. RESTAURANT WITH DRIVE-THRU WINDOW AND ASSOCIATED SITE IMPROVEMENTS.

RISK ASSESSMENT NOTES

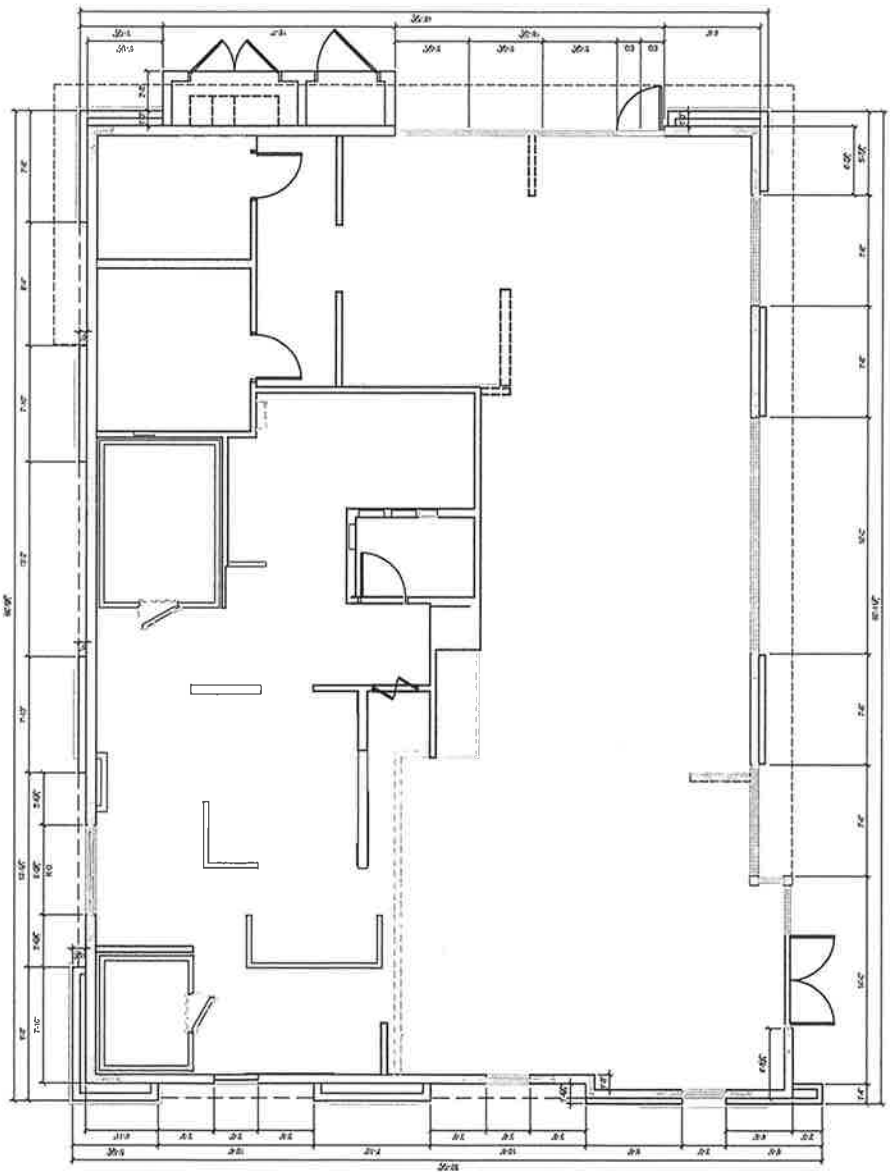
- 1. LIMITS ON AVAILABLE AREA DUE TO EXISTING UTILITY EASMENTS RESTRICT PLACEMENT OF BUILDING AND PARKING AREAS. DIMENSIONS SHOWN SHALL BE ADJUSTED TO SHARED PARKING FIELD WITH SHOPPING CENTER.

NO.	DESCRIPTION	DATE	BY	APP'D.

TAT
TAT & ASSOCIATES, INC.
1820 Ross Drive
Folsom, CA 95630
(916) 853-2444
www.tat.com

CONCEPTUAL SITE PLAN
LOCKHOUSE RETAIL GROUP, INC.
427 9TH AVENUE, SUITE 1100
SAN ANTONIO, TX 78207
512.515.6600

DATE:	08/22/17
CHECKED BY:	JM
DATE:	08/22/17
FILE NAME:	SPAZZO
DATE:	
REV. NO.:	
DATE:	
DRAMA BR:	00



Drawings prepared by Chris Brown
 Checked by: _____
 Drawn By: _____
 Date: 08/23/17
 Scale: AS NOTED
 Job#: SP2180

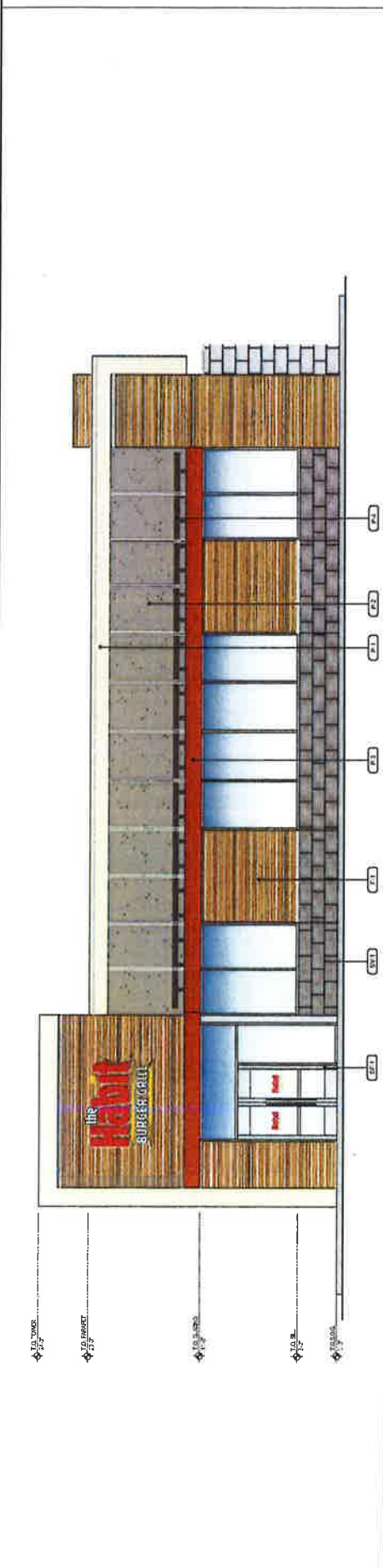


TAIT Architecture
 11111 Wilshire Blvd
 Suite 400
 Los Angeles, CA 90025
 Phone: (310) 206-1111
 Fax: (310) 206-1112
 Website: www.tait.com



THE HABIT BURGER GRILL
 908 S PROSPERITY AVE
 FULLERTON, CA 92724
 FLOOR PLAN W/ INTERIOR WALLS

REV. #	DATE	DESCRIPTION



MAIN ENTRY ELEVATION

Level 3

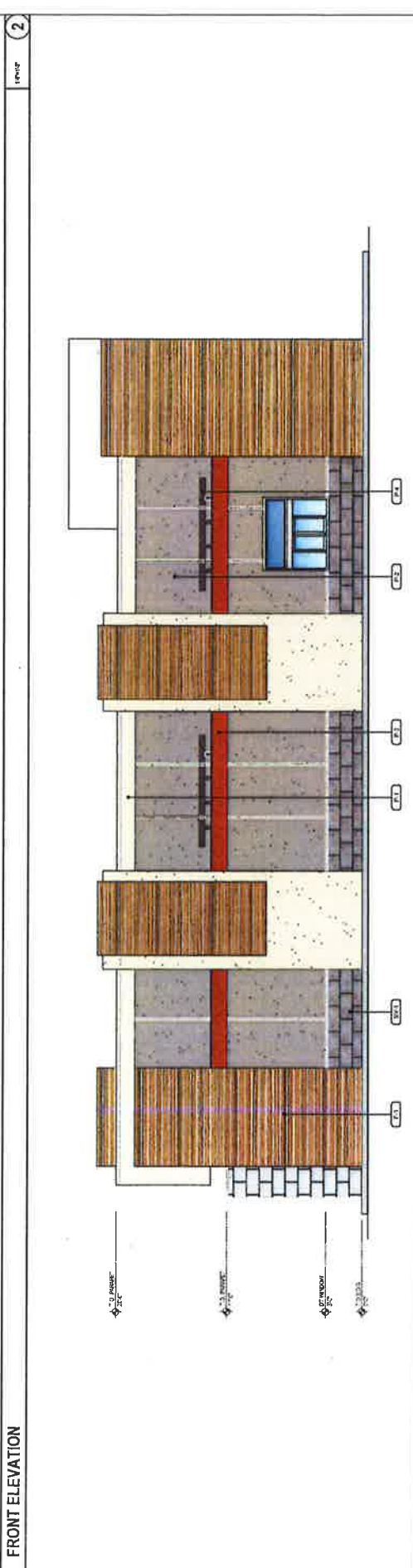
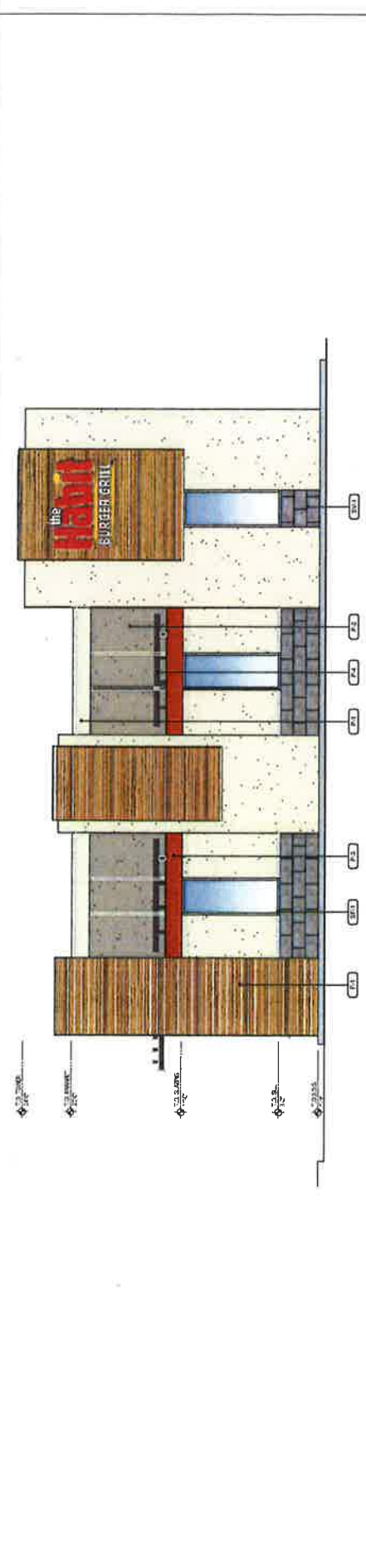


REAR ELEVATION ELEVATIONS

Level 4

EXTERIOR FINISH SCHEDULE

ITEM#	MATERIAL	MANUFACTURER	ID #	COLOR	NOTES
P-1	PAINT	BENJAMIN MOORE	HC-1	MANCHESTER TAN	EXTERIOR WALLS
P-2	PAINT	BENJAMIN MOORE	AC-36	SHEPHERD TAPPE	EXTERIOR WALLS
P-3	PAINT	BENJAMIN MOORE	HC-59	NAVY LOWERED	EXTERIOR TRIM
P-4	PAINT	BENJAMIN MOORE	HC-6	MIDDLEBURY BROWN	DECORATIVE WOOD BEAMS
SV-1	STONE VENEER	CORONA CO. STONE	6' LIMESTONE	SUMMIT GREY	SUMMIT GREY
F-1	COMPOSITE SIDING	WOODSTONE	RUSTIC SERIES	ROSEWOOD	EXTERIOR SIDING
SF-1	ALUMINUM STOREFRONT	GANVEER	44	CLEAR	DOORS & WINDOWS



EXTERIOR FINISH SCHEDULE

ITEM#	MATERIAL	MANUFACTURER	ID #	COLOR	NOTES
P-1	PAINT	BEUMANN MOORE	HC-21	MANCHESTER TAN	EXTERIOR WALLS
P-2	PAINT	BEUMANN MOORE	AC-36	SHENANDOAH TAPE	EXTERIOR WALLS
P-3	PAINT	BEUMANN MOORE	HC-49	WAVFLOWERED	EXTERIOR TRIM
P-4	PAINT	BEUMANN MOORE	HC-81	WICKLEBERRY BROWN	DECORATIVE WOOD BEAMS
SM-1	STONE VENEER	CORONADO STONE	6' LINGSTONE	SUMMIT GREY	SUMMIT GREY
F-1	COMPOSITE SIDING	WOODTOE	RUSTIC-SERIES	ROSENWOOD	EXTERIOR SIDING
SF-1	ALUMINUM STOREFRONT	SAVWEB	#74	CLEAR	DOORS & WINDOWS



SITE PLAN REVIEW COMMENTS

Engineering Department

Michael W. Miller, City Engineer

TO: Planning Division

FROM: Engineering Division

MEETING DATE: September 6, 2017

PROJECT: Design Review Application No.: 1098

PROJECT LOCATION: South side of Prosperity Avenue east of Highway 99

OWNER/DEVELOPER: LRG Investors, LLC

The Engineering Division recommends the following Site Plan Review Status for the subject project:

- Resubmit: Additional Information Required, Redesign Required
 Revise and Proceed, comply with comments checked below

Engineering Comments:

- All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
- Master Plan drawings are needed for: Water, Sewer, Storm Drain, Streets
- Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: Hwy 99 sight-of-way, if applicable, Tulare Irrigation District.
- All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary

for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

- Easements will be required for all utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.
- Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Applicant shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- New City standard curb and gutter shall be installed along the following street frontage(s): < Insert Locations >. Any unused depressed curb along project frontages shall be replaced with City standard barrier curb or, subject to City Engineer approval, a full City standard drive approach.
- New City standard sidewalk shall be constructed as indicated below. For adjacent sidewalk pattern, sidewalk shall transition behind driveway approaches and maintain a minimum width of 4 feet while doing so. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

<u>Street Frontage</u>	<u>Configuration</u>	<u>Sidewalk Width (ft)</u>
	< Select Pattern >	< Select Width >
	< Select Pattern >	< Select Width >

- New City standard ramped curb returns and/or pedestrian ramps shall be installed at < Insert Locations >.
- New City standard driveway approach(es) shall be constructed at Blackstone Street.
- Construct cross gutter at < Insert Locations >.
- Construct vee gutter at < Insert Locations >.
- The following minimum street improvements are required:
 - a. Full paveout from lip of gutter to the existing edge of pavement along the project's frontages of < Insert Location >.
 - b. Reconstruction or rehabilitation of the existing pavement by methods approved by the City Engineer on < Insert Location >.
 - c. Install medians (curbing only) < Insert Location >.
 - d. Provide at least < Insert Width > feet of paving on the opposite side of the median on < Insert Location >.
 - e. Provide < Select Width > stabilized shoulders on the opposite side of the street in accordance with the City of Tulare's adopted PM-10 control guidelines along < Insert Location >.

Roadway structural section design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the design criteria provided below:

<u>Roadway</u>	<u>Classification, Design T.I.</u>
< Insert Roadway Name >	< Select Classification >

- On-site A.C. pavement design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the following traffic index requirements: 4.0 for parking areas, 4.5 for travel lanes, and 6.5 for truck routes (including solid waste collection vehicles).
- Street Lights (Standard Concrete Marbelite Pole) shall be installed at locations designated by the City Engineer, and shall comply with the following general requirements:
 - LED, SCE Owned/Maintained on a metered service. Design of the LED street lighting system shall be approved by City Engineer. The following street light design criteria shall be used:
 - Minimum 5,800 Lumen with cut-off luminaires with 26' mounting height and 6' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >.
 - Minimum 9,500 Lumen with cut-off luminaires with 29' pole height and 8' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >.
 - Minimum 16,000 Lumen with cut-off luminaires with 29' pole height and 8' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >
 - Minimum 16,000 Lumen with cut-off luminaires installed in median on 25'-9" single octagonal poles with dual mast arms with a length of 8' each to be installed in accordance with City standards on: < Insert Roadway Name >
 - LED, City Owned/Maintained on a separate metered service. Design of the LED street lighting system shall be approved by City Engineer. The following street light design criteria shall be used:
 - Minimum 5,800 Lumen with cut-off luminaires with 26' mounting height and 6' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >.
 - Minimum 9,500 Lumen with cut-off luminaires with 29' pole height and 8' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >.
 - Minimum 16,000 Lumen with cut-off luminaires with 29' pole height and 8' mast arm to be installed in accordance with City standards on: < Insert Roadway Name >
 - Minimum 16,000 Lumen with cut-off luminaires installed in median on 25'-9" single octagonal poles with dual mast arms with a length of 8' each to be installed in accordance with City standards on: < Insert Roadway Name >
- Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
- The following right-of-way dedications are required for street/alley purposes:
 - a. 20' property corner radius: _____
 - b. Chamfer property corner: _____
 - c. Alley:
 - d. Street:
- Waiver of direct access rights is required at the following locations: _____.
- The proposed development shall incorporate the following traffic calming measures: _____.
- The proposed development shall incorporate the following bicycle/pedestrian facilities: Bike Racks.
- The proposed development shall incorporate City standard bus turnout(s) at the following location(s): _____.
- Project trip generation data based upon the ITE Trip Generation Manual is required. A Transportation Impact Study identifying the project impacts and proposed mitigation measures may be required as a condition of project approval, and shall be subject to the approval of the City Engineer. Traffic impact

studies shall conform to current CEQA "state of the practice" standards, the Caltrans "Guide For The Preparation of Traffic Impact Studies", and City of Tulare General Plan requirements. Traffic impact studies shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating project impacts to existing roadway facilities, traffic impact studies shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments (TCAG), and shall specifically address the project impacts and any appropriate mitigations to facilities identified by the City Engineer.

- All costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements shall be the responsibility of the project. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.160 (B) 3 of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the bonding provided for the project.
- The proposed development shall be responsible for the following water main extensions and connections: _____
- Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- Water sampling stations shall be installed as follows: _____
- Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- The proposed development shall be responsible for the following sanitary sewer main extensions and connections: _____
- The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- A sewer monitoring station, oil/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
- Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- The proposed development shall be responsible for the following storm drain line extensions and connections: _____
- A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is required not required.

A letter verifying that lot grading was completed according to the approved grading / drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of any final occupancy permits or notice of completion for public improvements. The Engineer or Architect shall affix their stamp and seal to the letter.

- All unused culverts shall be abandoned and plugged in a manner acceptable to the City Engineer.

- A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
- A Public Works Inspection Fee is required prior to the construction of improvements.
- A City Clerk's Certificate is required on the Parcel Map for required dedications.
- A Public Works Certificate required on the Parcel Map if improvements are not constructed prior to recordation. This provision would require an engineer's estimate and an improvement security.
- A landscaping plan subject to the review and approval of the Director of Parks and Community Services shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
- If applicable, existing irrigation ditches and/or canals shall be piped, developed into a trail, or relocated outside the project boundaries per the direction of the City Engineer and affected irrigation district. Related irrigation facilities shall be subject to the same requirements for piping or relocation.
- In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
- Fugitive dust shall be controlled in accordance with the applicable rules of the San Joaquin Valley Air Pollution Control District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application shall be provided to the City.
- If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City.
- The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.
- All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ 25.00 per front foot for frontages on _____.
 - Sewer lift station fee of \$ _____ per acre.
 - Water front foot charges of \$ 17.50 per front foot for frontages on _____.
 - Street front foot charges of \$ _____ per front foot for frontages on _____.
 - Benefit district creation fee (if applicable): \$ 1,008.19 per district.
 - Traffic signal in-lieu fee of \$ _____.

- TID ditch piping In-lieu fee of \$ _____.
- Sewer main construction in-lieu fee of \$ _____.
- Water main construction in-lieu fee of \$ _____.
- Street construction in-lieu fee of \$ _____.
- Engineering inspection fee based on a percentage of the estimated cost of construction.
- Development impact fees to be paid with building permit.
- Engineering plan check fee to be paid at time of plan submittal.
- Final map plan check fee to be paid at time of map submittal.
- Other: _____

Additional Conditions:

- _____

Prepared By: Michael W. Miller, City Engineer

SITE ADDRESS: 969 E. Prosperity Ave

DATE: September 5, 2017

OWNER: LRG Investors L.L.C

ARCHITECT/ENGINEER: TAIT & Associates

SITE PLAN REVIEW COMMENTS

The Fire Prevention Bureau conveys the following comments regarding DR #1098:

The project must comply with latest applicable codes.

Based on the occupancy classification/square/occupant load footage of building an automatic fire sprinkler system and/or fire alarm system may be required.

When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.

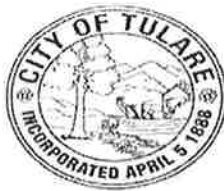
For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within *50 feet* of the Fire Department connection. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

All fire suppression systems shall be approved by the City of Tulare Fire Prevention Bureau. Such Systems shall be reviewed for access, redundancy, reliability and quality.

Where access to or within a structure or an area is restricted because of secured openings immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required the Fire Code Official. An application is available at www.knoxbox.com using the department search, *Tulare Cit.*

Shelli Vinson
Fire Inspector III

Solid Waste Division
Site Plan Refuse & Recycling Service
 Frank Rodriguez, Solid Waste Manager
 Office: 559-684-4328 Fax:559-685-2378
 frodriguez@tulare.ca.gov



Location: 99 and Prosperity (old Long Johns Silver)
 Name: Habit Burger Restaurant
 Date: 9/6/2017
 Plan #: DR 1098

TYPE OF SERVICE

Commercial Residential Roll Off Mandatory Recycling / Composting

- Revisions required prior to submitting final plans. See comments below.

- Customer responsible for setting can's out for service by 6:00 am and removing can's from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.

- Mandatory Commercial Recycling AB 341. All Commercial Businesses, Multi Family and Residential customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.

- Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers
 Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.

- Mandatory Food Waste and Compost Recycling AB 1826. Green containers for food scraps/compostable materials are required.
 Additional single wide enclosure is required to store up to a 3 cubic yard container, as shown in option on enclosure specs.

- A concrete slab/apron is required in front of enclosure as shown in enclosure specifications. The apron shall be the width of the enclosure by 10 feet in front and be a minimum of eight inches thick to withstand truck weight..

- All refuse/recycle enclosures must be Double Wide by City Standards with exception of restaurants for food waste containers.

- Location of bin enclosure not acceptable. See comments below.

- Bin enclosure are to be built to city standardse.

- Inadequate number of Trash/Recycling containers to provide sufficient service. See comments below.

- Drive approach too narrow for refuse truck access. Minimum of 36 feet is required for all driveways, gated entrances and paths

- Area not adequate for allowing refuse truck turning radius of :
 Commercial () 50 ft. outside 36 ft. inside; Residential () 50 ft. outside, 36 ft. inside.

- Paved areas should be engineered to withstand a 60,000 lb. refuse truck.

- Enclosure gates are (X) required () optional. () Lockable
 (Gates and poles to be constructed as shown in City of Tulare enclosure specifications.)

- Gates shall be equipped with heavy duty hinges and cane bolts/sleeves attached to hold the gate in the open and closed positions. Gate shall shall open 180 degrees from closed position.

- Hammerhead turnaround must be built per city standards.

- All bin enclosures are for city refuse containers only. Grease drums or any other items or equipment are not allowed to be stored inside any trash/recycling/compost enclosures.

- Area in front of refuse enclosure must be marked off indicating "No Parking"

- Enclosure will have to be designed and located for a STAB service (Direct Access). Roll out service is not acceptable.

- Customer will be required to roll container out to curb/alley for service.

Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or greenwaste and metal are to be provide by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code (

Comments:

INTEROFFICE MEMORANDUM

TO: Development Services Division
FROM: Parks Division
SUBJECT: Design Review No. 1098 (Habit Burger)
DATE: September 11, 2017

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to this chapter shall comply with the following development standards.

(A) *General standards.*

(1) All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of this chapter. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

(2) All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped. A minimum of 5% of the gross lot area shall be landscaped, unless the district in which the project is located does not require yard areas in which case only street trees are required.

(3) Landscaping shall be used to screen storage areas, trash enclosures, parking, public utilities and other similar elements. The landscaping shall screen these elements within three years of installation.

(4) Planting and irrigation shall conform to the water use efficiency sections of this code in such a manner that the site-wide estimated total water use (ETWU) will be less than the maximum applied water allowance (MAWA). Landscape plans shall document compliance with the ordinance by submitting a Landscape Documentation Package and providing supporting documentation as required in the ordinance.

(5) All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Recreation, Parks and Library Department Improvements Standards; City of Tulare Parking Lot Tree Shading Design and Maintenance Guidelines; area specific plans and other applicable documents, as may be updated from time to time.

(6) Certain landscapes (see § 10.196.040) are exempt from the water efficiency documentation requirements of this section. These landscapes must still comply with the development standards in § 10.196.070 as much as is practical.

(B) *Trees.*

(1) Fifteen-gallon street trees shall be planted in the right-of-way along all public streets. The number of street trees required shall be determined by dividing the total street frontage measured at the property line by 30. Round

up to whole trees. Actual spacing of trees can vary to accommodate driveways, buried and overhead utilities and other obstructions. Trees shall be spaced at reasonable mature canopy width.

(2) Street tree location can be in the landscape parkway between the curb and sidewalk, in tree wells if approved in the site plan, or on the property-side of the sidewalk as appropriate for the particular situation. The species selection shall respect the available root area in the planting zone.

(3) The front, rear and side setbacks facing public streets shall be planted with trees and shrubs to provide an attractive buffer between the building and/or parking and the adjacent roadways and shade for walks and parking lots.

(4) Trees in the setback area, yards and around the parking lot shall be 15 gallon or larger.

(5) Trees planted near sidewalks, curbs or other hardscape shall be appropriately sized for the root area of the trees and shall be irrigated on a dedicated irrigation valve. If the center of the trunk of the tree is within eight feet of a curb, sidewalk, building, trash enclosure or other hardscape improvement the tree shall be installed with an 18-inch by 10-foot root barrier installed in a linear fashion adjacent to the concrete improvement.

(6) Trees shall be planted in locations where they do not interfere with service lines, basic property rights of adjacent owners, or the right of solar access.

(C) *Shrubs.*

(1) Shrubs and living ground covers shall be used in the city right-of-way in lieu of turf. Spacing of shrubs shall not exceed 120% of the mature size stated for the shrubs in the current edition of the Sunset Western Garden Book.

(2) Front, side and rear setback areas that abut public streets shall be planted with a combination of shrubs, groundcovers and mulches in such a manner that the landscape meets the water efficiency requirements elsewhere in this section.

(3) Shrubs and ground covers in setbacks shall be spaced at no more than 120% of the mature size stated in the current edition of the Sunset Western Garden Book.

(4) Unplanted mulch areas may comprise no more than 30% of the planter area. Tree canopy over unplanted mulch areas is encouraged.

(5) Fifty of the shrubs and ground covers shall from be five-gallon containers or larger, the remainder shall be from one-gallon containers.

(6) Vines that self-cling shall be planted on all frontage masonry walls for graffiti control.

(D) *Turf.*

(1) Turf (as defined in § 10.196.030) is only allowable in cases where the water budget will demonstrate that adequate irrigation water is available.

(2) Concrete mow strips shall separate all turf areas from planter beds on city-owned property.

(3) Turf beds shall be a minimum of ten feet in width unless irrigated with subsurface irrigation; turf may not be used in storm drainage ponds with slopes steeper than 1:6 or on mounds or berms with slopes steeper than 1:8, except as provided for by the Recreation and Parks Department.

(4) Use of artificial turf on city-owned property may be used subject to approval by the Recreation and Parks Director.

(E) *Irrigation.*

(1) All components of the irrigation system and the irrigation design must meet the water efficiency requirements elsewhere in this section, including:

(a) Low-volume systems (drip, low volume sprays, or individual bubblers) shall be used whenever feasible. In city-owned shrub areas low-volume irrigation shall be installed using hard pipe underground with low volume sprays or bubblers above grade.

(b) Irrigation for sports turf and recreational turf may use overhead irrigation subject to the restrictions elsewhere in this chapter.

(c) All irrigation systems shall be equipped with an automatic Smart-controller with ET sensing, weather-sensing and with multiple cycle capabilities and a flexible calendar program.

(d) Plants shall be grouped into hydro zones of like water requirements.

(e) Sprinkler heads must have matched application rates within each control valve.

(f) Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of 50% of the diameter of throw for square spacing and 60% for triangular spacing.

(g) Overhead sprays shall not throw water onto hardscape, bare ground areas, or other non-planted areas, including sidewalks between landscaped areas. Irrigation water must stay in landscape areas and not drain off to storm drains or gutters.

(h) Pop-up sprinklers must have a six-inch pop-up height and must clear all plant material and obstacles in their throw zone.

(i) Automatic rain shut-off devices shall be required on all irrigation systems.

(j) One valve shall be dedicated to tree irrigation and shall be able to run independently of any other irrigation valve.

(F) *Mulch.*

(1) As required elsewhere in this chapter, a minimum of three inches of mulch is required in all non-turf planters.

(2) Mulch may be organic (such as bark, compost or straw) or mineral (such as cobble or decomposed granite).

(3) Mulch on city-owned property must be course ground cedar or redwood bark product. Dyed products are prohibited.

(4) Plastic or other non-porous sheeting is prohibited in city-owned and landscape and lighting District planters and discouraged elsewhere.

(G) *Mounding.*

(1) Mounds that contain turf or groundcover shall be no steeper than 1:8 and 1:5, respectively. Slopes steeper than 1:8 may contain shrubs if this material is irrigated with a drip or other low-volume system.

(2) Incorporate compost into the mounds prior to compaction per § 10.196.063(A)(3). Mounds shall be compacted prior to planting.

(H) *Corner lots.* Landscape and irrigations plans for any development involving corner lots at project entries shall include additional special design requirements, including but not limited to the following:

(1) Incorporate significant landscape or hardscape feature, including specimen trees; wall breaks, angled walls or walls with different material treatment; special signing or lighting or statue.

(2) Specimen trees.

(3) Corner landscape and irrigation plans shall be designed so that proper sight lines across the corner are maintained consistent with the Traffic Safety Sight Area as defined in § 10.212.030 (Definitions).

(I) *Walls*. Plans for development project walls facing public streets should include the following special design requirements, including but not limited to the following:

(1) Wall material should vary. Caps, pilasters or corner segments of the wall should vary in appearance from the primary portion of the wall.

(2) Masonry walls shall be planted with vines in order to soften the appearance of the wall and discourage graffiti.

(3) Non-masonry fences facing public streets or property shall be set back from the back of walk a minimum of three feet and planted with shrubs or other plant materials.

(J) *Parking lots*. Parking lot plans for nonresidential developments serving 20 parking stalls or greater should include the following design requirements. These requirements will promote an attractive visual environment, promote a transition between land uses, reduce energy consumption in buildings adjacent to parking lots, and decrease glare and high summer temperatures community-wide by reducing the amount of exposed pavement.

(1) A combination of landscaping and/or low walls and/or mounding shall be installed between the parking lot and the street to screen the parking lot from view from the public right-of-way.

(2) All parking lots with a capacity of 20 cars or more shall contain shade trees, which within ten years from installation, shall shade 50% of the parking lot. All surfacing on which a vehicle can drive is subject to shade calculation, including parking stalls, drive aisles, and all maneuvering areas. Guidelines for shade calculations and a list of approved parking lot trees are contained in the Parking Lot Tree Shading Design Manual.

(3) For each ten parking spaces, a minimum of one 15-gallon or larger shade tree shall be installed, but more may be required to meet the 50% shading requirement. Trees shall be contained in tree wells or planters with an outside measurement of not less than five feet by five feet that are enclosed with a concrete curb not less than six inches high. Continuous planting islands between rows of cars are encouraged to allow for multiple tree plantings and increased soil volume for tree roots.

(4) Shade trees planted within a parking lot should be evenly distributed throughout the lot.

(5) Shrubs and trees shall be planted in locations that do not conflict with the front of cars that extend into a planter area. If within eight feet of the curb, trees shall be located aligned with parking lot stripes and shall be provided with root barriers as in division (B)(5) above.

A complete copy of the City's landscape standards may be viewed on-line at www.ci.tulare.ca.us. If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Recreation and Parks Department at 559-684-4310.

RESOLUTION NO. 5253

**A RESOLUTION OF THE CITY OF TULARE
PLANNING COMMISSION APPROVING
DESIGN REVIEW NO. 1098**

WHEREAS, the City of Tulare Planning Commission at a special meeting held on September 26, 2017 considered a request by LRG Investors LLC. to develop an approximately 3,044 square foot restaurant with drive thru and outdoor dining area located at 969 E. Prosperity Avenue with associated parking lot and landscaping.

WHEREAS, the City of Tulare Planning Commission determined that the proposed location of the project is consistent with the purpose and objectives of this chapter and the zone district in which the project is located; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed project will not be detrimental to the public interest, health, safety, convenience or welfare or materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed project is consistent with the Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that this project is categorically exempt pursuant to Section 15332 (“Infill Development Projects”) of the California Environmental Quality Act of 1970, as amended; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Design Review Application No. 1098 is hereby approved subject to the following conditions:

Planning:

- 1) All requirements of Title 10 shall be met.
- 2) The conceptual site plan and elevations for the proposed building are approved as shown in the attachments hereto.
- 3) In accordance with Section 10.120.130, this Design Review approval shall lapse and become void (3) years from the effective date of approval, unless a building permit is issued by the City and construction is being diligently pursued.
- 4) All roof mounted equipment shall be screen from public view by materials similar to those used in overall structure and approved by the City Planner at time of Building Permit review.
- 5) Landscape and irrigation plans shall be prepared by a licensed Landscape Architect, certified irrigation designer, licensed landscape contractor, or any other person authorized

to design an irrigation system and approved prior to building permits being issued.

- 6) Applicant shall comply with San Joaquin Valley Air Pollution Control District regarding dust control during construction as required by SJVAPCD.
- 7) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments V, VI, VII, and VIII).
- 8) Approval does not authorize any deviation from Fire and Building Codes.
- 9) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
- 10) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

Engineering:

1. All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
2. Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: Hwy 99 right-of-way, Tulare Irrigation District.
3. All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless

specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.

4. Easements will be required for all utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements will be required along all street frontages, unless otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.
5. Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
6. The proposed development shall incorporate the following bicycle/pedestrian facilities: Bike Racks.
7. Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
8. The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
9. The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
10. A sewer monitoring station, oil/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
11. A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
12. A Public Works Inspection Fee is required prior to the construction of improvements.
13. In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
14. Fugitive dust shall be controlled in accordance with the applicable rules of the San Joaquin Valley Air Pollution Control District's Regulation VIII. Copies of any required permits will be provided to the City.
15. If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air Pollution Control District's Rule 9510 indirect Source Review per the

rule's applicability criteria. A copy of the approved AIA application shall be provided to the City.

16. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.
17. All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - Sewer front foot charges of \$ 25.00 per front foot for frontages on _____.
 - Sewer lift station fee of \$ _____ per acre.
 - Water front foot charges of \$ 17.50 per front foot for frontages on _____.
 - Street front foot charges of \$ _____ per front foot for frontages on _____.
 - Benefit district creation fee (if applicable): \$ 1,008.19 per district.
 - Traffic signal in-lieu fee of \$ _____.
 - TID ditch piping In-lieu fee of \$ _____.
 - Sewer main construction in-lieu fee of \$ _____.
 - Water main construction in-lieu fee of \$ _____.
 - Street construction in-lieu fee of \$ _____.
 - Engineering inspection fee based on a percentage of the estimated cost of construction.
 - Development impact fees to be paid with building permit.
 - Engineering plan check fee to be paid at time of plan submittal.
 - Final map plan check fee to be paid at time of map submittal.
 - Other: _____

Parks:

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained. All projects that require a landscaping and irrigation plan pursuant to this chapter shall comply with the following development standards.

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(3) Landscaping shall be used to screen storage areas, trash enclosures, parking, public utilities and other similar elements. The landscaping shall screen these elements within three years of installation.

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(5) All landscaping on city-owned property shall conform to city landscaping and irrigation standards including the City of Tulare Recreation, Parks and Library Department Improvements Standards; City of Tulare Parking Lot Tree Shading Design and Maintenance Guidelines; area specific plans and other applicable documents, as may be updated from time to time.

(6) Certain landscapes (see § 10.196.040) are exempt from the water efficiency documentation requirements of this section. These landscapes must still comply with the development standards in § 10.196.070 as much as is practical.

(B) *Trees.*

(1) Fifteen-gallon street trees shall be planted in the right-of-way along all public streets. The number of street trees required shall be determined by dividing the total street frontage measured at the property line by 30. Round up to whole trees. Actual spacing of trees can vary to accommodate driveways, buried and overhead utilities and other obstructions. Trees shall be spaced at reasonable mature canopy width.

(2) Street tree location can be in the landscape parkway between the curb and sidewalk, in tree wells if approved in the site plan, or on the property-side of the sidewalk as appropriate for the particular situation. The species selection shall respect the available root area in the planting zone.

(3) The front, rear and side setbacks facing public streets shall be planted with trees and shrubs to provide an attractive buffer between the building and/or parking and the adjacent roadways and shade for walks and parking lots.

(4) Trees in the setback area, yards and around the parking lot shall be 15 gallon or larger.

(5) Trees planted near sidewalks, curbs or other hardscape shall be appropriately sized for the root area of the trees and shall be irrigated on a dedicated irrigation valve. If the center of the trunk of the tree is within eight feet of a curb, sidewalk, building, trash enclosure or other hardscape improvement the tree shall be installed with an 18-inch by 10-foot root barrier installed in a linear fashion adjacent to the concrete improvement.

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(C) *Shrubs.*

(1) Shrubs and living ground covers shall be used in the city right-of-way in lieu of turf. Spacing of shrubs shall not exceed 120% of the mature size stated for the shrubs in the current edition of the Sunset Western Garden Book.

(2) Front, side and rear setback areas that abut public streets shall be planted with a combination of shrubs, groundcovers and mulches in such a manner that the landscape meets the water efficiency requirements elsewhere in this section.

(3) Shrubs and ground covers in setbacks shall be spaced at no more than 120% of the mature size stated in the current edition of the Sunset Western Garden Book.

(4) Unplanted mulch areas may comprise no more than 30% of the planter area. Tree canopy over unplanted mulch areas is encouraged.

(5) Fifty of the shrubs and ground covers shall from be five-gallon containers or larger, the remainder shall be from one-gallon containers.

(6) Vines that self-cling shall be planted on all frontage masonry walls for graffiti control.

(D) *Turf.*

(1) Turf (as defined in § 10.196.030) is only allowable in cases where the water budget will demonstrate that adequate irrigation water is available.

(2) Concrete mow strips shall separate all turf areas from planter beds on city-owned property.

(3) Turf beds shall be a minimum of ten feet in width unless irrigated with subsurface irrigation; turf may not be used in storm drainage ponds with slopes steeper than 1:6 or on mounds or berms with slopes steeper than 1:8, except as provided for by the Recreation and Parks Department.

(4) Use of artificial turf on city-owned property may be used subject to approval by the Recreation and Parks Director.

(E) *Irrigation.*

(1) All components of the irrigation system and the irrigation design must meet the water efficiency requirements elsewhere in this section, including:

(a) Low-volume systems (drip, low volume sprays, or individual bubblers) shall be used whenever feasible. In city-owned shrub areas low-volume irrigation shall be installed using hard pipe underground with low volume sprays or bubblers above grade.

(b) Irrigation for sports turf and recreational turf may use overhead irrigation subject to the restrictions elsewhere in this chapter.

(c) All irrigation systems shall be equipped with an automatic Smart-controller with ET sensing, weather-sensing and with multiple cycle capabilities and a flexible calendar program.

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(e) Sprinkler heads must have matched application rates within each control valve.

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(j) One valve shall be dedicated to tree irrigation and shall be able to run independently of any other irrigation valve.

(F) *Mulch.*

(1) As required elsewhere in this chapter, a minimum of three inches of mulch is required in all non-turf planters.

(2) Mulch may be organic (such as bark, compost or straw) or mineral (such as cobble or decomposed granite).

(3) Mulch on city-owned property must be course ground cedar or redwood bark product. Dyed products are prohibited.

(4) Plastic or other non-porous sheeting is prohibited in city-owned and landscape and lighting District planters and discouraged elsewhere.

(G) *Mounding.*

(1) Mounds that contain turf or groundcover shall be no steeper than 1:8 and 1:5, respectively. Slopes steeper than 1:8 may contain shrubs if this material is irrigated with a drip or other low-volume system.

(2) Incorporate compost into the mounds prior to compaction per § 10.196.063(A)(3). Mounds shall be compacted prior to planting.

(H) *Corner lots.* Landscape and irrigations plans for any development involving corner lots at project entries shall include additional special design requirements, including but not limited to the following:

(1) Incorporate significant landscape or hardscape feature, including specimen trees; wall breaks, angled walls or walls with different material treatment; special signing or lighting or statue.

(2) Specimen trees.

(3) Corner landscape and irrigation plans shall be designed so that proper sight lines across the corner are maintained consistent with the Traffic Safety Sight Area as defined in § 10.212.030 (Definitions).

(I) *Walls.* Plans for development project walls facing public streets should include the following special design requirements, including but not limited to the following:

(1) Wall material should vary. Caps, pilasters or corner segments of the wall should vary in appearance from the primary portion of the wall.

(2) Masonry walls shall be planted with vines in order to soften the appearance of the wall and discourage graffiti.

(3) Non-masonry fences facing public streets or property shall be set back from the back of walk a minimum of three feet and planted with shrubs or other plant materials.

(J) *Parking lots.* Parking lot plans for nonresidential developments serving 20 parking stalls or greater should include the following design requirements. These requirements will promote an attractive visual environment, promote a transition between land uses, reduce energy consumption in buildings adjacent to parking lots, and decrease glare and high summer temperatures community-wide by reducing the amount of exposed pavement.

(1) A combination of landscaping and/or low walls and/or mounding shall be installed between the parking lot and the street to screen the parking lot from view from the public right-of-way.

(2) All parking lots with a capacity of 20 cars or more shall contain shade trees, which within ten years from installation, shall shade 50% of the parking lot. All surfacing on which a vehicle can drive is subject to shade calculation, including parking stalls, drive aisles, and all maneuvering areas. Guidelines for shade calculations and a list of approved parking lot trees are contained in the Parking Lot Tree Shading Design Manual.

(3) For each ten parking spaces, a minimum of one 15-gallon or larger shade tree shall be installed, but more may be required to meet the 50% shading requirement. Trees shall be contained in tree wells or planters with an outside measurement of not less than five feet by five

feet that are enclosed with a concrete curb not less than six inches high. Continuous planting islands between rows of cars are encouraged to allow for multiple tree plantings and increased soil volume for tree roots.

(4) Shade trees planted within a parking lot should be evenly distributed throughout the lot.

(5) Shrubs and trees shall be planted in locations that do not conflict with the front of cars that extend into a planter area. If within eight feet of the curb, trees shall be located aligned with parking lot stripes and shall be provided with root barriers as in division (B)(5) above.

A complete copy of the City's landscape standards may be viewed on-line at www.ci.tulare.ca.us. If there are questions regarding the above requirements or how they impact the specific project, please contact the City of Tulare, Recreation and Parks Department at 559-684-4310.

Fire:

1. The project must comply with latest applicable codes.
2. Based on the occupancy classification/square/occupant load footage of building an automatic fire sprinkler system and/or fire alarm system may be required.
3. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.
4. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within *50 feet* of the Fire Department connection. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
5. All fire suppression systems shall be approved by the City of Tulare Fire Prevention Bureau. Such Systems shall be reviewed for access, redundancy, reliability and quality.
6. Where access to or within a structure or an area is restricted because of secured openings immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required the Fire Code Official. An application is available at www.knoxbox.com using the department search, *Tulare Cit.*

Solid Waste:

1. Revisions required prior to submitting final plans. See comments below.
2. Mandatory Commercial Recycling AB 341. All Commercial Businesses and Multi Family customers must have a blue recycle Bin, Roll Off, or Can for clean paper, cardboard, cans, bottles etc.

3. Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.
4. Mandatory Food Waste and Compost Recycling AB 1826. Green containers for food scraps/compostable materials are required. Additional single wide enclosure is required to store up to a 3 cubic yard container, as shown in option on enclosure specs.
5. A concrete slab/apron is required in front of enclosure as shown in enclosure specification. The apron shall be the width of the enclosure by 10 feet in front and be a minimum eight inches thick to withstand truck weight.
6. All refuse/recycle enclosures must be Double Wide by City Standards with exception of restaurants for food waste containers.
7. Bin enclosure are to be built to city standards.
8. Paved areas should be engineered to withstand a 60,000 lb. refuse truck.
9. Enclosure gates are required. Gates and poles to be constructed as shown in City of Tulare enclosure specifications.
10. Gates shall be equipped with heavy duty hinges and cane bolts/sleeves attached to hold the gate in the open and closed positions. Gate shall pen 180 degrees from closed position.
11. All bin enclosures are for city refuse containers only. Grease drums or any other items or equipment are not allowed to be stored inside any trash/recycling/compost enclosures.
12. Area in front of refuse enclosure must be marked off indicating "No Parking."
13. Enclosure will have to be designed and located for a STAB service (Direct Access)
14. Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or green waste and metal are to be provided by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code (No Exceptions).

PASSED, APPROVED AND ADOPTED this twenty sixth day of September, 2017 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

JOSH MCDONNELL, SECRETARY
City of Tulare Planning Commission