PLANNING COMMISSION AGENDA

CHAIRPERSON: Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

COMMISSIONERS: Mary Beatie, Chris Tavarez, Chris Gomez, Adam Peck, Marvin Hansen

MONDAY, SEPTEMBER 12, 2022 VISALIA COUNCIL CHAMBERS LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA MEETING TIME: 7:00 PM

- 1. CALL TO ORDER -
- 2. THE PLEDGE OF ALLEGIANCE -
- 3. CITIZEN'S COMMENTS This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.
 - The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
- 4. CHANGES OR COMMENTS TO THE AGENDA -
- CONSENT CALENDAR All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No items on the Consent Calendar
- 6. PUBLIC HEARING (Continued from August 22, 2022) Josh Dan, Associate Planner

Variance No. 2022-03: A request to allow Roofline Supply a variance to the maximum fence height limit of seven feet to eight-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. The project site is located at 1424 East Tulare Avenue (APN: 100-010-025). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2022-41.

7. PUBLIC HEARING – Rafael Garcia, Senior Planner

Tentative Parcel Map 2022-04: A request by M&L Land Surveying to subdivide a 2.81-acre parcel into 3 lots for residential use, in the R-1-5 (Single Family Residential) Zone. The project site is located at 3307 East Houston Avenue on the south side of East Houston Avenue approximately 1,300 feet east of North Lovers Lane (APN: 103-330-100). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-31.

8. PUBLIC HEARING – Josh Dan, Associate Planner

Tentative Parcel Map No: 2022-05: A request by Coreval LLC to subdivide two parcels into four parcels and a Remainder in the O-PA (Office / Admin. Professional) Zone to facilitate the develop and construction of phase two of the Mission Oaks Office Complex. The project site is located 365-feet south of the intersection of South Peppertree Street and West Hillsdale Avenue. (Address: N/A) (APNs: 000-014-852, 000-014-853, and 000-014-854). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2022-43.

9. PUBLIC HEARING - Josh Dan, Associate Planner

Conditional Use Permit No. 2022-07: A request by J5 Infrastructure Partners to bring a preexisting nonconforming wireless telecommunication facility on a parcel measuring less than five acres. The project site is located at 214 South Giddings Avenue, approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2022-19.

Variance No. 2022-02: A request by J5 Infrastructure Partners to relocate existing telecommunications equipment currently on a California Water Service water tower to a new 151-foot monopine telecommunication tower not meeting the fall zone setback requirements of Section 17.32.163(D)(1)&(2). The project site is located at 214 South Giddings Avenue, approximately 324-feet north of West Mineral King Avenue (APN: 093-210-002). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2022-19.

10. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2022-02: A request by Mike Hamzy and Javier Gomez to construct a 1,088 square building with a double drive-thru lane to accommodate 10 vehicles, an escape lane providing access to the parking lot, and a third lane for online pick up, on a 33,167 square foot / 0.76-acre parcel in the Riverbend Village Shopping Center. The project site is zoned C-MU (Commercial Mixed Use) and is located at 2800 North Dinuba Boulevard, along the east side of North Dinuba Boulevard, approximately 405 feet south of West Riggin Avenue (APN: 091-010-060). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant, subject to mitigation, and that Negative Declaration No. 2022-15 (State Clearinghouse # 2022080232) be adopted.

11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION -

- a. The next Planning Commission meeting is scheduled for Monday September 26, 2022.
- b. The City Council approved the Shepherd Ranch GPA and COZ on September 6, 2022.
- c. Housing Element Update Work Session on Housing Element Update to be presented to City Council at their September 19, 2022, meeting.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 22, 2022, BEFORE 5:00 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 26, 2022



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 12, 2022

(CONTINUED FROM August 22, 2022)

PROJECT PLANNER: Josh Dan, Associate Planner

Phone: (559) 713-4003

E-mail: josh.dan@visalia.city

SUBJECT: Variance No. 2022-03: A request to allow a variance to the maximum fence height

limit of seven-feet to eight-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. The project site is located at 1424 E. Tulare

Avenue (APN: 100-010-025).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2022-03 based upon the findings and conditions in Resolution No. 2020-41. Staff's recommendation is based on the required variance findings and the project's consistency with the policies and intent of the City's General Plan and Zoning Ordinance.

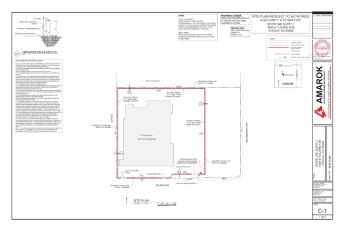
RECOMMENDED MOTION

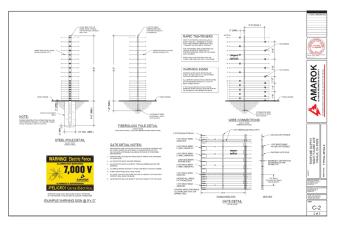
I move to approve Variance No. 2022-03, based on the findings and conditions in Resolution No. 2022-41.

PROJECT DESCRIPTION

The proponent is requesting to erect an electrified eight-foot-tall fence behind an existing chain link fence that encompasses the Roofline Supply facility and open storage yard located at the northwest corner of South Ben Maddox Way and East Tulare Avenue (see Exhibit "A"). The applicant states that the taller electrified fence is necessary to preclude illegal entry onto the site during non-business hours.

The proposed installation consists of placing the electrified fence behind the existing chain link fence at a spacing of six to 12-inches from the chain link fence. The new electrified fence will have a height of eight feet and would rise approximately two feet above the top of the existing chain link fence. The site plan identifies an existing chain link fence with six-foot height around the perimeter; however, a field visit to the site identified that barbed wire and razor wire are installed along the top of the chain link fence resulting in an overall fence height of eight feet. Additional improvements include yellow-colored





9-inch by 12-inch warning signs placed at 30-foot intervals along the full length of the electrified fence. Entrance ways and gates along Century Street and Placer Avenue are proposed to remain the same.

The issue that precipitates the Variance request is the City's application of Zoning Ordinance Section 17.36.070. The existing chain link fence utilizes barbed along a majority of the site's perimeter which results in the overall existing fence exceeding the seven-foot height limit. In addition, the applicant's request to install an eight-foot-tall electric fence results in additional fencing exceeding the height limits along the property lines.

In addition, the City has strictly applied to all zone districts the specific prohibition on electrified fences and barbed wire that are applied to residential zones, as cited in Section 17.36.010. However, the request for electrified fences has, in recent years, been approved by the Planning Commission and the City Council. Most recently, the Planning Commission received a request for an electrified fence around the perimeter of an equipment rental yard in the industrial zone.

The applicant has prepared responses to the five required variance findings to support their request. The applicant's responses to the variance findings are included as Exhibit "C". The applicant's findings are centered on the need for this system to deter extensive illegal entry and theft that other security measures have failed to curb.

BACKGROUND INFORMATION

General Plan Land Use Designation I (Industrial)

Zoning I (Industrial)

Surrounding Zoning and Land Use North: C-S (Service Commercial) / Auto Dealer

South: R-M-3 (Multi-Family Residential, 1,200 sq. ft.

minimum site area per unit) / Farmed Field

East: C-MU (Commercial Mixed Use) / Various

Commercial Uses

West: QP (Quasi-Public) / Railroads / Dog Park

Environmental Review Categorical Exemption No. 2022-41

Special District None
Site Plan Review N/A

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies pertaining to Fences, Walls, and Hedges.

RELATED PROJECTS

Variance No. 2021-02, a request to install an electrified fence measuring 8-feet along the full perimeter of a rental facility yard in the I (Industrial) Zone District, was approved by the Planning Commission on July 26, 2021.

Variance No. 2019-05, a request to install an electrified fence measuring 8 ½ feet along the full perimeter of a rental facility yard in the C-S (Service Commercial) Zone District, was denied by the Planning Commission on June 24, 2019. The denial was appealed by the applicant to the City Council. On August 19, 2019, the City Council voted to not uphold the Planning Commission's denial and approve the electrified fence as requested.

PROJECT EVALUATION

Staff's recommended conclusion is that the findings to justify the Variance satisfy the general requirement that the site or the circumstances regarding its use are unique to an extent that the Zoning Code can support its necessity, and therefore compel the City to grant the Variance.

Background on Previous Electrified Fence Request

The proponent requesting the installation of an electric fence also requested approvals of electric fences at the United Rentals site in 2019 at 925 North Ben Maddox Way and at the Sunbelt Rentals site in 2021 at 1220 North Century Street. A synopsis of the two projects, staff's position, and how the Commission voted are provided below.

2019 Request:

At the meeting, staff had recommended denial of Variance No. 2019-05 and the Planning Commission supported the recommendation and denied the variance. The applicant filed an appeal, and the City Council subsequently overturned the denial and approved the use of an electric fence at 8-1/2 feet height as requested by the applicant. The City Council's decision to approve the use of an electric fence was a result of the applicant demonstrating the need to use this measure because of the constant theft of equipment that was occurring at the United Rental site, and due to the design and low visibility of the electric fence that was placed behind the existing fence. The City Council also stated in their decision to approve this request that they did not wish to create a policy change that would consent to the use of electric fences in specific zones. The City Council discussion on this matter favored giving consideration on a case-bycase basis, resulting in individual requests being heard and reviewed by the Planning Commission first.

2021 Request:

At the meeting, staff recommended denial of Variance No. 2021-02, but also offered an alternative motion in-lieu of the staff recommendation to approve the placement and use of an electrified fence for the Planning Commission's consideration. During the meeting, the Planning Commission heard the presentation from staff detailing the previous denial and appeal to Council, as well as testimony from the applicant. Based on the information contained in the report and presented during the public hearing, the Planning Commission voted to approve the item as detailed in the alternative motion subject to the recommended conditions for the approval as provided in the staff report.

Required Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided responses to the variance findings (included in Exhibit "C") and staff has included the analysis for each finding below.

 That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

Applicant's Findings:

RoofLine Supply has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and building materials. At present, RoofLine Supply's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing or vandalizing valuable equipment, tools, and materials stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion

detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for RoofLine Supply, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, RoofLine Supply has incurred practical difficulties in being able to serve its customers when contracted building materials, equipment and tools are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its customers' construction schedules as well. One singular event of theft has a cascading affect, creating hardships beyond just those of RoofLine Supply. And finally, there are the intangible hardships of RoofLine Supply's reputation being damaged from being unable to deliver building materials, equipment and tools, and the degradation of employee morale. RoofLine Supply employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Light Industrial (I-L).

Staff Analysis:

Staff concurs with the applicant's request for an electrified fence that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage, however this property's zoning, I-L (Light Industrial), would most appropriately support the request and would not incur similar concerns of blight and safety to pedestrians, as the area is not heavily trafficked by pedestrians.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;

Applicant's Findings:

RoofLine Supply is a reputable company and is one of the West Coast's largest roofing companies with 13 locations in California, and several other locations throughout the West Coast. The exceptional circumstance for their operation is that more than 75% of their assets (building materials, equipment and tools) must be stored in an outdoor yard, thereby fully exposed to criminals.

Extraordinary conditions unique to the property are:

a. Parcel Shape/Configuration: Parcel is square-shaped, with two street frontages along E. Tulare Ave. and S. Ben Maddox Way. The street frontage sides have dense shrubbery or vacant space/retention pond, providing concealment for criminals to break into the property unseen by law enforcement or concerned citizens passing by. The longest, nonviewable property boundaries are on the north and west boundaries. These portions of the property abut a neighboring unsecured property or a railroad corridor, providing thieves easy access to the site unforeseen by anyone driving down Tulare Ave. or S. Ben Maddox Way.





(Multiple areas of the property boundary are breached through the existing fence)

- b. High Value of Inventory: the inventory of high-value building materials, equipment and tools need to be secured behind a secure perimeter barrier. Due to the large size and nature of most building materials and equipment, they must be stored in the outdoor yard and cannot be stored inside a building.
- c. No "Effective" Alternative Means of Theft Deterrence: Since the storage area is over 1,500 linear feet around the perimeter, it is not feasible for a security guard or video surveillance cameras to continually and effectively monitor the entire lot. RoofLine Supply has experienced numerous breaches and trespass from various areas of the property, especially through their chain-link perimeter fence.
- d. Locational Contributing Factors to Crime: More than half of the perimeter is not accessible via road frontage. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours. Due to the geographic location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets (Ben Maddox Way) and by crossing the railroad tracks.



Neighboring property being used by criminals as a gateway entry/exit point

Staff Analysis:

The City finds that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff concurs with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone:

Applicant's Findings:

This variance is essential for preserving substantial property rights possessed by other properties in the area. First and foremost, the right to protect and secure property and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.) As experienced, this property has incurred excessive theft and associated losses from the same. RoofLine Supply is in dire need to improve the security of this property with the proposed AMAROK security system which effectively deters criminal trespass and theft.

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage of building materials. RoofLine Supply has no option other than to store its valuable material assets in their outdoor storage area.

Staff Analysis:

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone:

Applicant's Findings:

The granting of the variance will not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and RoofLine Supply's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by RoofLine Supply.

Much more effective and reliable than other forms of security, AMAROK will provide RoofLine Supply with an affordable solution to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, continued employment, and an increased tax base for the community as a whole. With RoofLine Supply's extensive theft and loss history, they require our effective security system immediately to remain a viable business serving the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

Staff Analysis:

Staff concurs that the applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Applicant's Findings:

The proposed amendment will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

First, the proposed perimeter security system is installed entirely on the interior of the property and behind the property's existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make a concerted effort to trespass by first breaching through or scaling over the existing perimeter fence.

Next, the security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited police resources to redirect their time and energy toward more serious crime or community needs. The variance will promote the best long-term interests of the nearby community by deterring criminal activity at RoofLine Supply and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.

Candidly speaking, criminals "window shop" during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove RoofLine Supply as a burglary target, and surrounding properties will benefit due to the absence of the criminal element "visiting" the area. Most thefts are crimes of opportunity, so removing a criminal's "opportunity" (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points,

Based on the information and evidence presented above, we respectfully request the granting of this variance for RoofLine Supply. Much appreciated.

Staff Analysis:

Staff agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

Environmental Review

The project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-29). However, projects that are denied are not subject to CEQA.

RECOMMENDED FINDINGS

That strict or literal interpretation and enforcement of the specified regulation would not result
in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning
ordinance.

The City finds that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage, however this property's zoning, I-L (Light Industrial), would most appropriately support the request and would not incur similar concerns of blight and safety to pedestrians, as the area is not heavily trafficked by pedestrians or along a major throughfare.

2. That there <u>are not</u> exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone.

The City finds is that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

 That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

4. That the granting of the variance <u>will</u> constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

The City makes this finding for the same reasons explained in Finding No. 3.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The City agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

6. That the project is considered Categorically Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2021-29).

RECOMMENDED CONDITIONS OF APPROVAL

Conditions are not applicable if the request for Variance is denied. However, should the Planning Commission approve the request, staff would recommend the following conditions be adopted:

- 1. That Variance No. 2021-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
- 2. That a change to the electric fence design will require staff review and may require a subsequent review and approval by the Planning Commission for consistency.
- 3. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
- 4. If the site/building are vacant for more than 180 days, the electric fence shall be removed by the property owner.
- 5. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2022-41
- Exhibit "A" Site Plan
- Exhibit "B" Fence Details
- Exhibit "C" Variance/Exception Findings submitted by applicant
- Exhibit "D" Public Response Letters
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

Zoning Ordinance

17.20.060 Development standards in the I-L and I zones.

- A. The I-L and I zone districts include streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape and achieve a high quality visual impact necessary to sustain an attractive and viable industrial area. The following development standards shall apply to property located in the I-L and I zones:
- A. Minimum site area: five (5) acres.
- B. Maximum building height: seventy-five (75) feet.
- C. Minimum required yards (building setbacks):
 - 1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);
 - 2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);
 - 3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);
 - 4. Rear: zero (0) feet;
 - 5. Rear yards abutting an R-1 or R-M zone district: twenty (20) feet;
 - 6. Side: zero (0) feet;
 - 7. Side yards abutting an R-1 or R-M zone district: twenty (20) feet;
 - 8. Side abutting railroad right-of-way: twenty-five (25) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);
 - Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);
 - 3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);
 - 4. Rear: zero (0) feet;
 - 5. Rear yards abutting an R-1 or R-M zone district: ten (10) feet;
 - 6. Side: zero (0) feet;
 - 7. Side vards abutting an R-1 or R-M zone district: ten (10) feet:
 - 8. Side abutting railroad right-of-way: twenty-five (25) feet.
- E. Additional standards:
 - 1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.
 - 2. An eight-foot masonry wall is required along property line where a site abuts an R-1 or R-M zone district.

Chapter 17.36 FENCES, WALLS AND HEDGES

17.36.010 Purpose.

The purpose of this chapter is to control location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property and public welfare. Fences may be constructed of

any generally acceptable material except that barbed wire and electric charged fences are specifically prohibited in any R-1 or R-M zone.

17.36.015 Fence, wall or hedge height measurement.

The height of a fence or wall shall be measured from the adjacent finished grade, excluding raised planters or berms, to the top of the fence, wall or hedge.

17.36.070 Planned industrial.

The following standards shall apply to sites within an I-L or I zone:

- A. Where a site within an I-L or I zone adjoins an R-A, R-1 or R-M zone a concrete block or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained.
- B. A use not conducted entirely within an enclosed structure, on a site across a street or alley from an R-A, R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than seven feet in height, if the site plan review committee finds said use to be unsightly.
- C. Open storage of materials and equipment shall be permitted only within an area screened by a concrete block or masonry wall not less than six feet in height, which is adjacent to a public street or a residence provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
- D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed to a height of four feet; provided, that the additional one-foot height is not of a solid material.
- E. Exceptions may be granted in accordance with Chapter 17.42.

Chapter 17.42

VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17,12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

- 1. Name and address of the applicant;
- 2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
- 3. Address and legal description of the property;

- 4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
- 5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
- 6. Additional information as required by the historic preservation advisory board;
- 7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

- A. The city planning commission shall hold a public hearing on an application for a variance.
- B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the city planning commission.

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

17.42.090 Variance action of the city planning commission.

- A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:
- 1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
- 2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone:
- 3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
- 4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
- 5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

- C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.
- D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

17.42.120 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site that was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure that was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance.

17.42.130 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

17.42.140 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

REVISED RESOLUTION NO. 2022-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2022-03, A REQUEST TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT LIMIT OF SEVEN FEET TO 8-FEET ALONG THE FULL PERIMETER OF AN INDUSTRIAL FACILITY IN THE I-L (LIGHT INDUSTRIAL) ZONE DISTRICT. THE PROJECT SITE IS LOCATED AT 1424 E. TULARE AVENUE (APN: 100-010-025).

- **WHEREAS,** Variance No. 2022-03 is a request to allow a variance to the maximum fence height limit of seven feet to eight-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. The project site is located at 1424 East Tulare Avenue (APN: 100-010-025); and,
- **WHEREAS,** the Planning Commission of the City of Visalia, after duly published notice held a public hearing on August 22, 2022; and
- WHEREAS, during the August 22, 2022, the Planning Commission continued the project at the applicant's request to the September 12, 2022, Planning Commission meeting; and
- **WHEREAS**, the Planning Commission of the City of Visalia held and concluded said public hearing before the Planning Commission on September 12, 2022; and
- **WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2022-03, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and
- **WHEREAS,** the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.
- **NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15301.
- **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:
 - 1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.
 - The City finds that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an

electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage, however this property's zoning, I-L (Light Industrial), would most appropriately support the request and would not incur similar concerns of blight and safety to pedestrians, as the area is not heavily trafficked by pedestrians or along a major throughfare.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone.

The City finds is that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

4. That the granting of the variance will not will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

The City makes this finding for the same reasons explained in Finding No. 3.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The City agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

6. That the project is considered Categorically Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2021-29).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

- 1. That Variance No. 2021-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
- 2. That a change to the electric fence design will require staff review and may require a subsequent review and approval by the Planning Commission for consistency.
- 3. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
- 4. If the site/building are vacant for more than 180 days, the electric fence shall be removed by the property owner.
- 5. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

Resolution No. 2022-41

EXHIBIT "A"

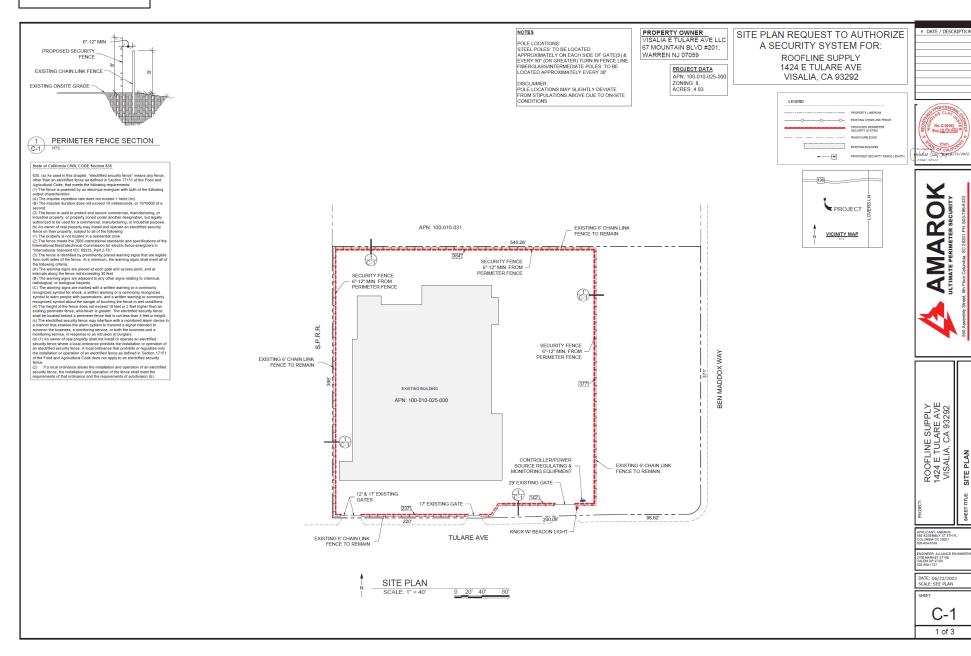
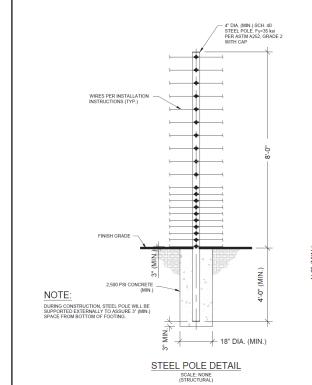


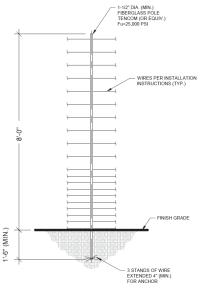
EXHIBIT "B"



AMAROK ALARMADO Y SUPERVISADO PELIGRO! Cerca Eléctrica

WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE OF THE PROPERTY AND 30 FEET ON CENTER THEREAFTER

EXAMPLE WARNING SIGN @ 9"x12"



FIBERGLASS POLE DETAIL

SCALE: NONE (NON-STRUCTURAL, NON-LOAD BEARING WIRE SEPARATOR)

GATE DETAIL NOTES:

- . BRACE BANDS ARE INSTALLED AS HIGH AS POSSIBLE UNDER #3 AND #9, 2" (MIN.) UNDER #12, #15, AND #17, UNDER #19 AND AS HIGH ON THE GATE AS POSSIBLE. MAXIMUM DISTANCE OF 2" BETWEEN BRACE BANDS.
- SPRINGS ARE LOCATED ON HINGE SIDE OF SWING GATE AND REAR OF SLIDE GATE.
- 3. ALL CONTACTS MUST INCLUDE SPRINGS.
- ALL CONTACTS MUST HAVE BOLT THROUGH FIBERGLASS (NO SET SCREWS).
- 5. ALL BRACE BANDS HOOKED TO CHAIN LINK MUST HAVE SET SCREW.
- 6. EVERY GATE PANEL MUST HAVE A SIGN.
- 8. GATE MOUNTS WILL NOT IMPACT THE FUNCTIONALITY OF THE GATE.

7. ALL GATE CONTACTS MUST BE SECURE IN A MANOR THAT ENSURES CONTACT WILL EASILY BE MADE

RAPID TIGHTENERS

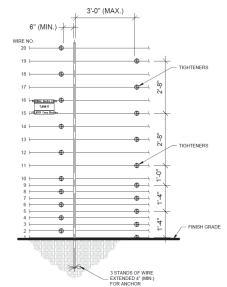
RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION - BETWEEN 6" INCHES AND 3 FEET FROM A FIBERGLASS POLE - TOWARD THE CENTER OF THE RUN.

THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT.

WARNING SIGNS

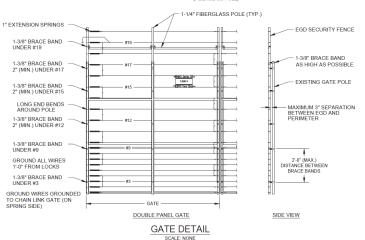
WARNING SIGNS MUST BE INSTALLED EVERY 30 FEET, WHICH IS THE MAXIMUM DISTANCE BETWEEN SIGNS.

IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.



WIRE CONNECTIONS

SCALE: NONE (FIBERGLASS POLE)



C-2

DATE / DESCRIPTION



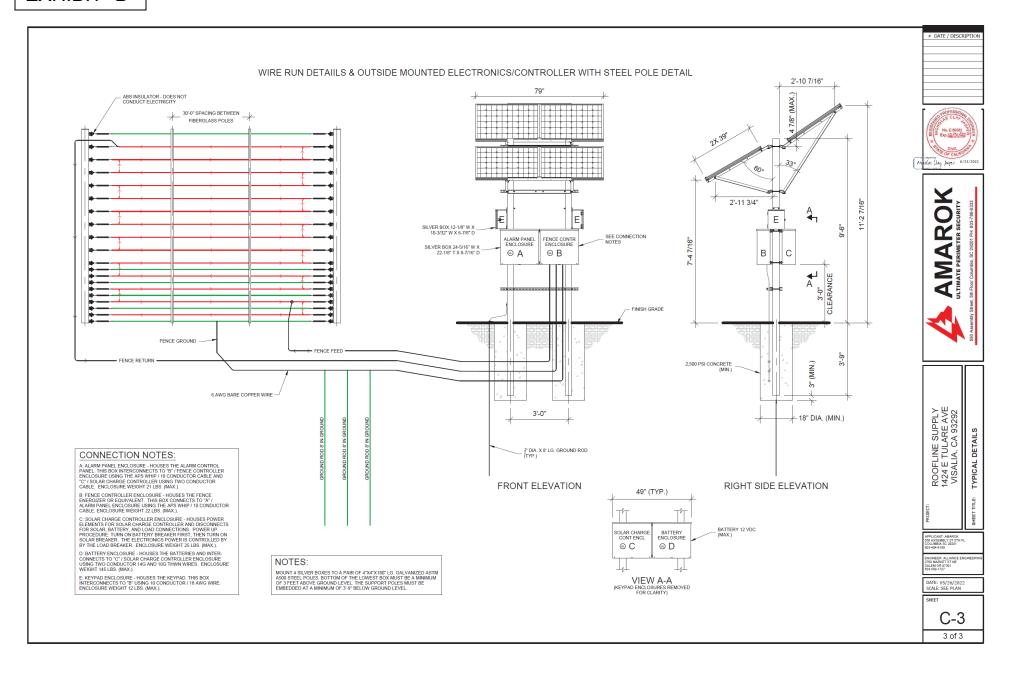


ROOFLINE SUPPLY 1424 E TULARE AVE VISALIA, CA 93292 TYPICAL DETAILS

DATE: 05/26/2022 SCALE: SEE PLAN

2 of 3

EXHIBIT "B"





Justification for Variance Approval (Electrified Security Fence) 1424 E TULARE AVE – ROOFLINE SUPPLY AND DELIVERY

AMAROK, LLC (AMAROK) on behalf of RoofLine Supply and Delivery (RoofLine Supply), seeks to install a low voltage, battery powered (12V DC) 8' tall perimeter security fence (i.e. electrified security fence) per CA Civil Code Section 835, which will be safely located inside of the existing 6'-0" tall chain link fence, to secure the property during non-business hours. The AMAROK system consists of the aforementioned security system and has proven to be the most effective theft and crime deterrent for businesses across the country such as RoofLine Supply. Even in cases where businesses were experiencing frequent theft and loss, the installation of this security system immediately results in the prevention of any further attempted break-ins and theft by criminals.

Summary of Variance Proposal

- Proposed electrified security fence to be located running concurrent with the existing perimeter barrier (6-12-inch separation between perimeter fence and electrified security fence)
- Proposed electrified security fence height to be 8' tall inside of the existing perimeter fence
- Chapter 17.36.010 is being used as the basis for the variance. Electric charged fences
 are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned
 Light Industrial (I-L).



Fence repairs are a financial hardship due to ongoing criminal breach into the property.



Below are statements justifying the need for this Variance and how the findings have been met:

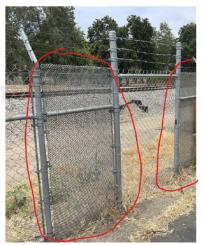
(1) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

RoofLine Supply has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and building materials. At present, RoofLine Supply's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing or vandalizing valuable equipment, tools, and materials stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for RoofLine Supply, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, RoofLine Supply has incurred practical difficulties in being able to serve its customers when contracted building materials, equipment and tools are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its customers' construction schedules as well. One singular event of theft has a cascading affect, creating hardships beyond just those of RoofLine Supply. And finally, there are the intangible hardships of RoofLine Supply's reputation being damaged from being unable to deliver building materials, equipment and tools, and the degradation of employee morale. RoofLine Supply employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Light Industrial (I-L).





Multiple cuts and secondary repairs/reinforcements are constantly required



(2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zone.

RoofLine Supply is a reputable company and is one of the West Coast's largest roofing companies with 13 locations in California, and several other locations throughout the West Coast. The exceptional circumstance for their operation is that more than 75% of their assets (building materials, equipment and tools) must be stored in an outdoor yard, thereby fully exposed to criminals.

Extraordinary conditions unique to the property are:

a. Parcel Shape/Configuration: Parcel is square-shaped, with two street frontages along E. Tulare Ave. and S. Ben Maddox Way. The street frontage sides have dense shrubbery or vacant space/retention pond, providing concealment for criminals to break into the property unseen by law enforcement or concerned citizens passing by. The longest, non-viewable property boundaries are on the north and west boundaries. These portions of the property abut a neighboring unsecured property or a railroad corridor, providing thieves easy access to the site unforeseen by anyone driving down Tulare Ave. or S. Ben Maddox Way.





(Multiple areas of the property boundary are breached through the existing fence)

- b. High Value of Inventory: the inventory of high-value building materials, equipment and tools need to be secured behind a secure perimeter barrier. Due to the large size and nature of most building materials and equipment, they must be stored in the outdoor yard and cannot be stored inside a building.
- c. No "Effective" Alternative Means of Theft Deterrence: Since the storage area is over 1,500 linear feet around the perimeter, it is not feasible for a security guard or video surveillance cameras to continually and effectively monitor the entire lot. RoofLine Supply has experienced numerous breaches and trespass from various areas of the property, especially through their chain-link perimeter fence.
- d. Locational Contributing Factors to Crime: More than half of the perimeter is not accessible via road frontage. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours. Due to the geographic location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets (Ben Maddox Way) and by crossing the railroad tracks.





Neighboring property being used by criminals as a gateway entry/exit point

(3) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

This variance is essential for preserving substantial property rights possessed by other properties in the area. First and foremost, the right to protect and secure property and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.) As experienced, this property has incurred excessive theft and associated losses from the same. RoofLine Supply is in dire need to improve the security of this property with the proposed AMAROK security system which effectively deters criminal trespass and theft.

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage of building materials. RoofLine Supply has no option other than to store its valuable material assets in their outdoor storage area.

(4) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties or improvements in the vicinity.



The granting of the variance will not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and RoofLine Supply's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by RoofLine Supply.

Much more effective and reliable than other forms of security, AMAROK will provide RoofLine Supply with an affordable solution to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, continued employment, and an increased tax base for the community as a whole. With RoofLine Supply's extensive theft and loss history, they require our effective security system immediately to remain a viable business serving the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

(5) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed amendment will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

First, the proposed perimeter security system is installed entirely on the interior of the property and behind the property's existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make a concerted effort to trespass by first breaching through or scaling over the existing perimeter fence.

Next, the security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited police resources to redirect their time and energy toward more serious crime or community needs. The variance will promote the best long-term interests of the nearby community by deterring criminal activity at RoofLine Supply and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.

Candidly speaking, criminals "window shop" during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove RoofLine Supply as a burglary target, and surrounding properties will benefit due to the absence of the criminal element "visiting" the area. Most thefts are crimes of opportunity, so removing a criminal's "opportunity" (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points,

Based on the information and evidence presented above, we respectfully request the granting of this variance for RoofLine Supply. Much appreciated.

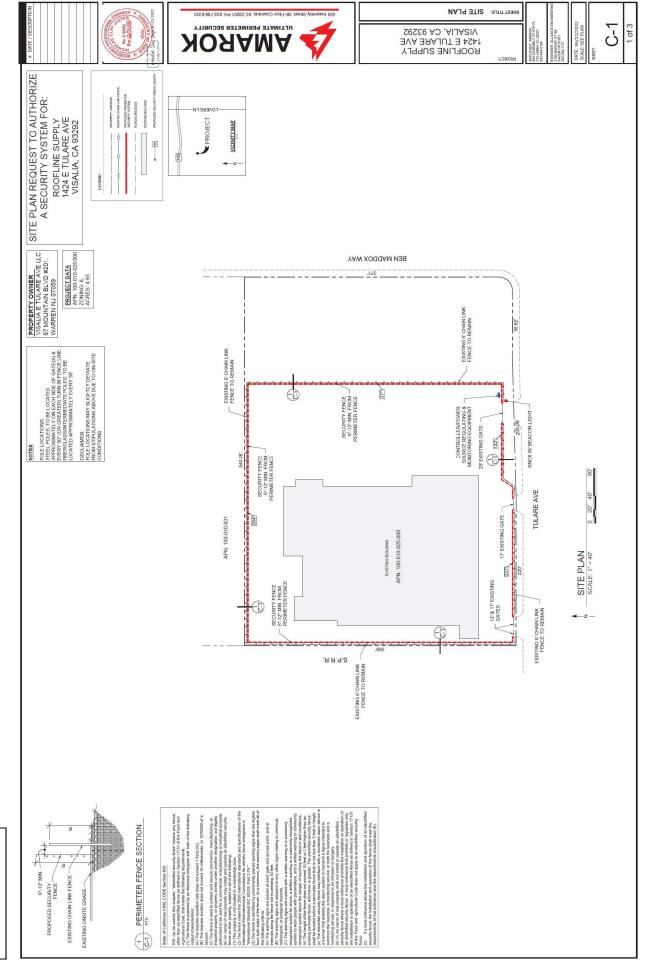
NOTICE OF EXEMPTION

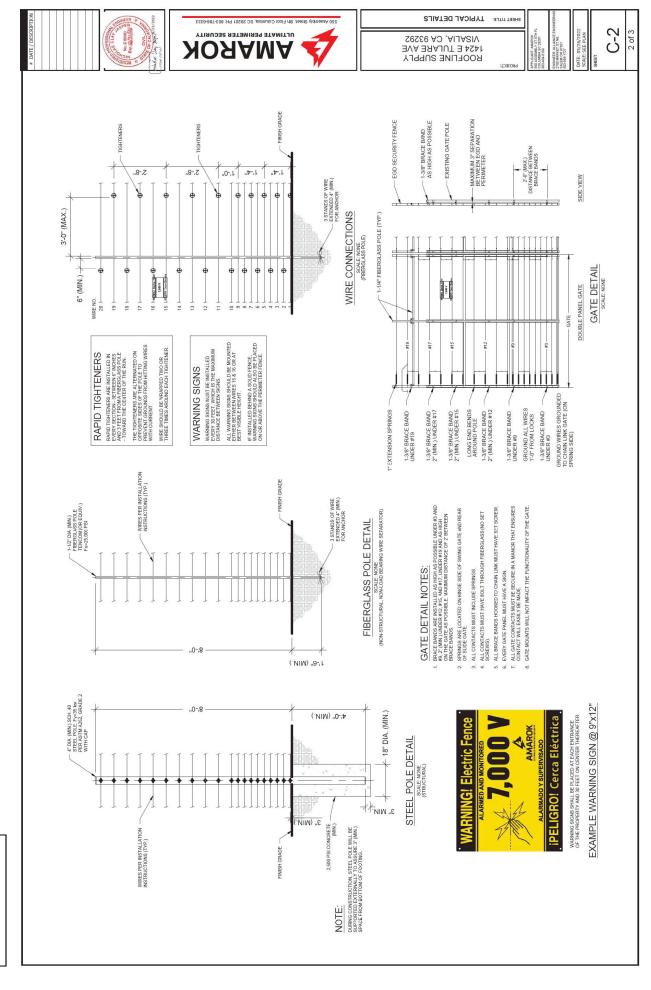
City of Visalia 315 E. Acequia Ave. Visalia, CA 93291

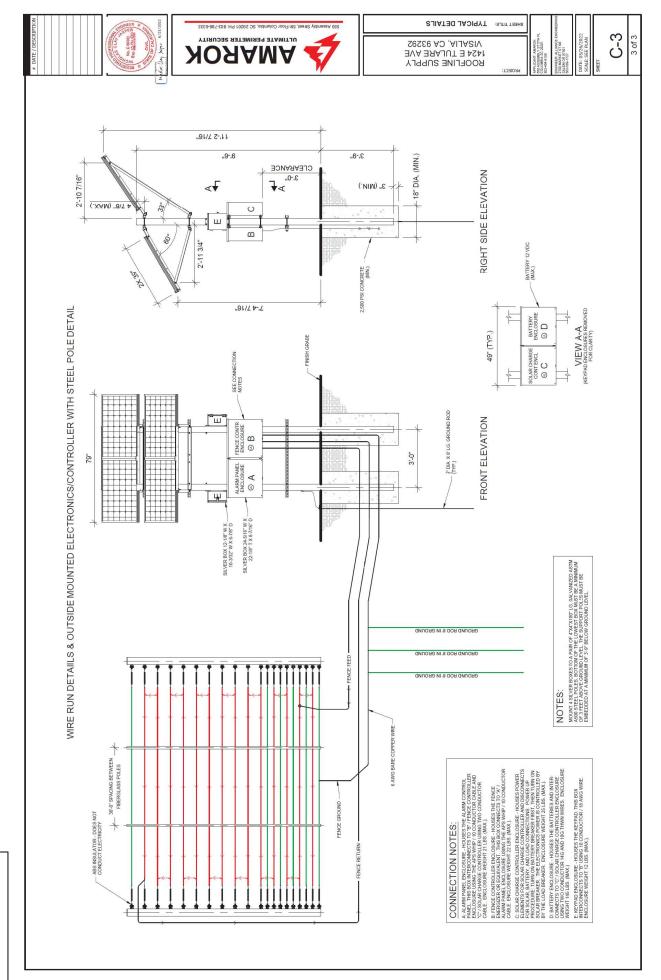
To: County Clerk County of Tulare County Civic Center Visalia, CA 93291-4593 Variance No. 2022-03 PROJECT TITLE The project site is located at 1424 E. Tulare Ave. (APN: 100-010-025) **PROJECT LOCATION** Visalia Tulare **PROJECT LOCATION - CITY** COUNTY A request to allow a variance to the maximum fence height limit of seven feet to 8-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District. **DESCRIPTION - Nature, Purpose, & Beneficiaries of Project** City of Visalia NAME OF PUBLIC AGENCY APPROVING PROJECT Parsh Davis and/or Keith Kaneko, Amarok LLC., 550 Assembly St. 5th fl, Columbia, SC, 29201 803-603-6606 NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT Parsh Davis and/or Keith Kaneko, Amarok LLC., 550 Assembly St. 5th fl, Columbia, SC, 29201 803-603-6606 NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT **EXEMPT STATUS:** (Check one) Ministerial - Section 15073 Emergency Project - Section 15071 Categorical Exemption - State type and Section number: Section 15301 Statutory Exemptions- State code number: A request is considered a minor alteration to an existing private structure, but not an expansion to the existing use. REASON FOR PROJECT EXEMPTION Josh Dan. Associate Planner **(**559) 713-4003 **CONTACT PERSON AREA CODE/PHONE** August 22, 2022 **Brandon Smith, AICP** DATE

Environmental Coordinator

EXHIBIT "A"









Justification for Variance Approval (Electrified Security Fence) 1424 E TULARE AVE – ROOFLINE SUPPLY AND DELIVERY

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 are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned
 Light Industrial (I-L).



Fence repairs are a financial hardship due to ongoing criminal breach into the property.



Below are statements justifying the need for this Variance and how the findings have been met:

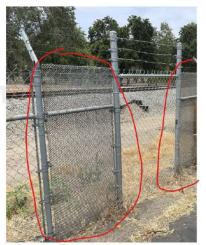
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RoofLine Supply has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and building materials. At present, RoofLine Supply's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing or vandalizing valuable equipment, tools, and materials stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for RoofLine Supply, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, RoofLine Supply has incurred practical difficulties in being able to serve its customers when contracted building materials, equipment and tools are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its customers' construction schedules as well. One singular event of theft has a cascading affect, creating hardships beyond just those of RoofLine Supply. And finally, there are the intangible hardships of RoofLine Supply's reputation being damaged from being unable to deliver building materials, equipment and tools, and the degradation of employee morale. RoofLine Supply employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Light Industrial (I-L).





Multiple cuts and secondary repairs/reinforcements are constantly required



(2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zone.

RoofLine Supply is a reputable company and is one of the West Coast's largest roofing companies with 13 locations in California, and several other locations throughout the West Coast. The exceptional circumstance for their operation is that more than 75% of their assets (building materials, equipment and tools) must be stored in an outdoor yard, thereby fully exposed to criminals.

Extraordinary conditions unique to the property are:

a. Parcel Shape/Configuration: Parcel is square-shaped, with two street frontages along E. Tulare Ave. and S. Ben Maddox Way. The street frontage sides have dense shrubbery or vacant space/retention pond, providing concealment for criminals to break into the property unseen by law enforcement or concerned citizens passing by. The longest, non-viewable property boundaries are on the north and west boundaries. These portions of the property abut a neighboring unsecured property or a railroad corridor, providing thieves easy access to the site unforeseen by anyone driving down Tulare Ave. or S. Ben Maddox Way.







(Multiple areas of the property boundary are breached through the existing fence)

- b. High Value of Inventory: the inventory of high-value building materials, equipment and tools need to be secured behind a secure perimeter barrier. Due to the large size and nature of most building materials and equipment, they must be stored in the outdoor yard and cannot be stored inside a building.
- c. No "Effective" Alternative Means of Theft Deterrence: Since the storage area is over 1,500 linear feet around the perimeter, it is not feasible for a security guard or video surveillance cameras to continually and effectively monitor the entire lot. RoofLine Supply has experienced numerous breaches and trespass from various areas of the property, especially through their chain-link perimeter fence.
- d. Locational Contributing Factors to Crime: More than half of the perimeter is not accessible via road frontage. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours. Due to the geographic location of the property, it is easy for criminals to steal and make a quick escape on various arterial streets (Ben Maddox Way) and by crossing the railroad tracks.



Neighboring property being used by criminals as a gateway entry/exit point

(3) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

This variance is essential for preserving substantial property rights possessed by other properties in the area. First and foremost, the right to protect and secure property and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.) As experienced, this property has incurred excessive theft and associated losses from the same. RoofLine Supply is in dire need to improve the security of this property with the proposed AMAROK security system which effectively deters criminal trespass and theft.

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage of building materials. RoofLine Supply has no option other than to store its valuable material assets in their outdoor storage area.

(4) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties or improvements in the vicinity.



The granting of the variance will not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and RoofLine Supply's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by RoofLine Supply.

Much more effective and reliable than other forms of security, AMAROK will provide RoofLine Supply with an affordable solution to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, continued employment, and an increased tax base for the community as a whole. With RoofLine Supply's extensive theft and loss history, they require our effective security system immediately to remain a viable business serving the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

(5) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed amendment will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

First, the proposed perimeter security system is installed entirely on the interior of the property and behind the property's existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make a concerted effort to trespass by first breaching through or scaling over the existing perimeter fence.

Next, the security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited police resources to redirect their time and energy toward more serious crime or community needs. The variance will promote the best long-term interests of the nearby community by deterring criminal activity at RoofLine Supply and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.

Candidly speaking, criminals "window shop" during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove RoofLine Supply as a burglary target, and surrounding properties will benefit due to the absence of the criminal element "visiting" the area. Most thefts are crimes of opportunity, so removing a criminal's "opportunity" (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points,

Based on the information and evidence presented above, we respectfully request the granting of this variance for RoofLine Supply. Much appreciated.

From: <u>Parshandatha Davis</u>

To: <u>Josh Dan</u>

Subject: RE: Roofline Variance

Date: Wednesday, August 17, 2022 1:00:04 PM

Attachments: <u>image001.png</u>

Hi Josh,

I really appreciate you for letting me know about Roofline Variance – Planning Commission Meeting scheduled for this upcoming Monday, 8/22/22. Unfortunately, our Director, who would be attending this in-person meeting, is on vacation next week. Due to the short notice, we are unable to attend next week's meeting.

Lunderstand Planning Commission meets every 2nd and 4th Monday.

Please move this item to the September 12, 2022 Planning Commission Meeting and confirm once complete.

In the meantime, please provide me with the agenda and also advise if there is anything additional I need to do in order to get this item continued.

Thank you,

Parsh

From: Josh Dan <Josh.Dan@visalia.city> **Sent:** Wednesday, August 17, 2022 15:53

To: Parshandatha Davis <pdavis@amarok.com>

Subject: Roofline Variance

(External Sender)

Parsh,

The electric fence variance will be going before the Planning Commission this Monday evening (8/22/22). The meeting will be held at the City's Council Chamber located at 707 E. Acequia Ave. and will begin at 7:00 PM.

Thanks,

Josh Dan
Associate Planner
Community Development Dept. / Planning Division
559-713-4003
josh.dan@visalia.city

August 18, 2022

From: Larry D. & Renee A. Glick

6209 Hancock Ave., San Jose, CA 95123

To: City of Visalia Planning Division

315 East Acequia Ave., Visalia, CA 93291

RE: Variance No. 2022-03 for 1424 East Tulare Ave.

Dear Planners:

We own the parcel across Tulare Avenue from the subject property and received your Notice of Public Hearing on 8/17/22.

Pursuant to your Notice of Public Hearing, we strongly object to the granting of Variance 2022-03 for "the placement of an eight-foot tall, electrified fence" at the subject address.

Having been provided no details such as pictures, renderings, detailed description or composition of materials, we can only imagine what the "fence" will look like and fear it will impact the aesthetics of the area, pose a risk to public safety, affect real estate values, and give the perception of an unsafe neighborhood.

Sincerely,

Larry D. Glick & Renee A. Glick (TRS)

s/ Renee A Glick

s/ Larry D Glick

Hardcopy being sent via USPS

