PLANNING COMMISSION AGENDA

CHAIRPERSON:
Adam Peck

VICE CHAIRPERSON:
Mary Beatie

COMMISSIONERS: Marvin Hansen, Chris Tavarez, Bill Davis, Mary Beatie, Adam Peck

MONDAY, SEPTEMBER 25, 2023
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 TO THE AGENDA –

5. 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 – Josh Dan, Senior Planner

   Variance No. 2023-03: A request by Michael Germaine LLC to allow a variance to the maximum fence height limit of four feet to six feet within the required 15-foot yard setbacks along the perimeter of a Commercial Mixed Use (C-MU) zoned property. The project site is located at 2439 West Whitendale Avenue (APN: 121-090-052). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2023-32.

7. PUBLIC HEARING – Josh Dan, Senior Planner

   Zoning Text Amendment No. 2023-01: A request by the City of Visalia to amend Title 17 (Zoning) Chapter 17.32 Special Provisions to regulate Short-Term Rentals in residential zones, Citywide. A Notice of Exemption was prepared in accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15183 (Public Resources Code §21083.3). Notice of Exemption No. 2023-45 disclosed that the zoning code amendment to Section 17.32 will have no significant effect on the environment because the proposed ordinance will establish codified objective performance standards that regulate Short-Term Rentals in residential zones.

8. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

   a. Update on pending Zoning Ordinance revisions to address Sente Bill 1186.

   b. American Planning Association State Conference Update.

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, OCTOBER 5, 2023, 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, OCTOBER 9, 2023

REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 25, 2023

PROJECT PLANNER: Josh Dan, Senior Planner
Phone:(559) 713-4443
E-mail: josh.dan@visalia.city

SUBJECT: **Variance No. 2023-03:** A request by Michael Germaine LLC to allow a variance to the maximum fence height limit of four feet to six feet within the required 15-foot yard setbacks along the perimeter of a Commercial Mixed Use (C-MU) zoned property. The project site is located at 2439 West Whitendale Avenue (APN: 121-090-052).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2023-03 based on the conditions and findings in Resolution No. 2023-33. Staff's recommendation is based on 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. 2023-03, based on the findings and conditions in Resolution No. 2023-33.

PROJECT DESCRIPTION

The proponent is requesting a variance to permit a six-foot-tall wrought iron fence along both road frontages and portions of the eastern property boundary, adjoining the project site, within the 15-foot front yard setback of the C-MU (Mixed-Use Commercial) Zone (see Exhibit "A" and Figure 1, to the right). The section of wrought fencing along the West Whitendale Avenue frontage has already been installed, as shown in attached Exhibit "B". The wrought iron fence along Whitendale Avenue matches the existing fencing previously installed along the southern end of the property (i.e., West Monte Vista Avenue frontage). This existing wrought iron fence was initially installed around the parking field but has since expanded to the back of the public sidewalk along Monte Vista Avenue. The fence installation was discovered by the Neighborhood Preservation Division who notified the property owner that the wrought iron fence was illegally erected without approvals.

Figure 1

The existing wrought iron fence is intended to block public access to existing landscape areas located along West Whitendale Avenue and West Monte Vista Avenue. The applicant states that the fencing is necessary to prevent trespassers from congregating and loitering in those areas and to increase overall safety for the tenants operating within the building due to an increase in crime in the area. The applicant has prepared responses to the five required variance findings to support the request to retain the wrought iron fence as installed. The applicant's findings are included in Exhibit "C".

If the variance request is approved, the applicant will be required to submit plans and obtain a Building Permit for the wrought iron fence. Please note where the wrought iron gates are located at the back of the existing drive approaches, the gates shall be required to be relocated at least 20-feet from face of curb, as noted per the Traffic Engineering requirements. This requirement permits a vehicle to queue onsite rather than from the right-of-way while the gates are being opened. This requirement is included as Condition No. 4.

BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Mixed Use
Zoning	C-MU (Mixed-Use Commercial)
Surrounding Zoning and Land Use	North: Whitendale Avenue and R-M-2 (Multi-family residential, 3,000 sq. ft. minimum site area) / Duplex residences South: Monte Vista Avenue and C-MU (Mixed-Use Commercial) / Residences East: C-MU (Mixed-Use Commercial) / Convenience store and gas station West: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) / Single family residences
Environmental Review	Categorical Exemption No. 2023-35
Special District	None
Site Plan Review	N/A

RELATED PROJECTS

Variance No. 2018-05: A request for a variance to allow a six-foot high wrought iron fence within the required 15-foot front yard setback in the OC (Office Conversion) zone, on a site located at 201 E. Noble Avenue (APN: 097-052-009). On May 29, 2018, the Planning Commission approved this item as requested.

Variance No. 2021-02: A request to allow the placement of an eight-foot tall, electrified fence along the full perimeter of a rental facility yard in the Industrial Zone, located at 1220 North Century Street (APNs: 081-100-021, 081-100-022, & 081-100-024). On August 9, 2021, the Planning Commission approved this item with changes to conditions of approval.

Variance No. 2021-04: A request by the George Family Trust to allow a variance to fence height standards for the placement of a six-foot-tall fence in the front yard setback of three parcel in the C-S (Service Commercial) Zone District. The project site is located at 600, 602, 650, 700, and 702 South Bridge Street (APNs: 097-074-003, 004, 005)

Variance No. 2023-02: A request to allow a variance to the maximum fence height limit of seven feet to eight-feet along the perimeter of a service commercial site in the C-S (Service Commercial) Zone District. The project site is located at 243 and 235 South Cotta Court (APNs: 094-212-042, 094-212-041).

PROJECT EVALUATION

Staff recommends approval of the variance request as analyzed below. Staff's recommendation is based on approval of a similar fence variance request to setbacks based upon similar site security concerns.

Commercial Mixed-Use Setbacks / Fence Height Standards

The front yard setback for the C-MU zone is 15-feet and is applied along both the West Whitendale and West Monte Vista Avenue street frontages of the project site; this is due to the parcel having double street frontages. Per Section 17.36.050.D of the Visalia Municipal Code (VMC), fencing located within the front yard setback of the C-MU zone shall not exceed a height of three feet if made of solid material, or four feet if made of material that is not solid (i.e., wrought iron, picket, chain link fencing). The applicant, as noted under the Project Description, has installed the six-foot-tall wrought iron fence along the north and south property boundaries of the project site, which are defined as front yard setback areas.

Furthermore, staff's assessment of the wrought iron fence location based on the City GIS mapping system appears to depict the wrought iron fence to be installed within the public right-of-way and not on the property line. If approved, the wrought iron fence shall be relocated on the property line and outside of the City's right-of-way. Given the above, staff recommends approval of Condition of Approval No. 3 requiring the applicant to relocate the wrought iron fence on the property line.

Findings for the Variance

Variances are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. The applicant has provided proposed variance findings in Exhibit "C" intended to justify their goal of placing a six-foot-tall fence within the required front yard setback of a site in the C-S Zone. The findings and accompanying analysis are provided below:

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;*

   Applicant's Findings:

   The 4' height is insufficient in keeping trespassers, from the adjacent property to the east, from entering the applicant's property and creating trash, noise and disturbance nuisances for the businesses and patrons operating on the site; thereby creating a practical difficulty in maintaining the property and an unnecessary hardship on this owner applicant that is not incumbent on other properties within the same zone. Without the granting of the variance the problems will most likely persist and may, even, escalate; resulting in significant property damage, loss of revenues, or liability issues for the owner/applicant and their tenants.

   Staff Analysis:

   Staff concurs. Neighborhood Preservation staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, resulting in increased

maintenance and visual impacts due to loitering of unauthorized persons within landscape areas. Enforcement of the specific fence zoning regulation would allow for this condition to persist. The Visalia Police Department has also informed staff that there has been an increase for calls for service due to crime and other illicit activities that have been documented in the area. Due to the circumstances in the area, allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved. In addition, the Conditions of Project Approval will ensure that vehicles entering the site while the gates are closed is done in a safe manner by requiring that the gates be setback 20-feet from public improvements thereby allowing a vehicle to queue onsite rather than from the public street.

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:

   The extraordinary conditions that uniquely affect this property is the existing liquor / convenience store located immediately to the east of the applicant's property that attracts persons that tend to gather and linger in the area while consuming purchased beverages. These individuals have been documented to be the source of damages and security threats experienced by the applicant's tenants and patrons. The well-maintained lawn areas and shade of the building of the applicant's property are attractive to them. The City standard 4' fence has proven insufficient at keeping trespassers off the property.

   Staff Analysis:

   Staff concurs. As noted above, Neighborhood Preservation Division staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, and the loitering of persons at the convenience store next door has led to a variety of calls for service due to crime and other illicit activities that have been documented in the area. While this is not specific to the zoning in question, it is a condition unique to the area in which the project site is located. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved by use of an open wrought iron fence.

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:

   The applicant is already incurring additional expenses in additional property maintenance for cleanup and trash removal, repairs to damaged water lines and added security; notably the fence and future security cameras (if required). These expenses were not anticipated when the applicant originally purchased the property. The inability to secure the property and reassure tenants and patrons that they can feel safe on the site is indeed a detriment to the applicant's business venture, depriving the applicant of potential income and livelihood that others similar business owners do not have to bear.

   Staff Analysis:

   Staff concurs the activity occurring within the neighboring area has resulted in an increase in calls of service due to illicit activity. The inability for this site to provide measures to secure the property for the existing businesses/tenants and customers has severely impacted

tenants' ability to operate under normal circumstances. Although City staff has taken measures to curtail the illicit activities occurring in the area, the measures taken by the property owner provide additional security to protect the site when the businesses are closed.

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:

   No special privileges are being granted to the applicant; on the contrary, the property owner, in order to secure the site is incurring greater costs and expenses in maintenance and security, and potential loss of revenues from tenants, that similar business owners, in different locations, would not be subject to. Property owners removed from the vagrancy, trash and disturbances that this property has become subject to, enjoy higher occupancy and visitation rates as well as increased property values due to a higher perception of 'security' at their sites. The need to install security fencing around the property sends the wrong kind of message to customers and future tenants. It indicates that the property needs 'extra' security, and the area must not be 'safe', calling doubt into the minds of prospective tenants or patrons of the existing businesses, and ultimately affecting a decrease in business opportunity at the site.

   Staff Analysis:

   The wrought iron fencing is consistent with existing structures and fencing already located throughout the city. Additionally, approving the variance permits the applicant to secure landscaping areas and businesses onsite, as other businesses in the city have been able to do through their existing fencing approvals.

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:

   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 area. It is but the fence adjustment to the front property line.

   Staff Analysis:

   The wrought iron fence height does not create issues that would be detrimental to public health, safety, or welfare, but does afford additional security measures for the existing businesses and patrons of the site.

Environmental Review

The Variance is considered Categorically Exempt under Section 15303 (Class 3) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) as amended, based on the project's installation of perimeter fencing i.e.: small structures (Categorical Exemption No. 2023-35). Adoption of an environmental finding is not required if an action is denied. If the action is approved the Categorical Exemption would be utilized.

RECOMMENDED FINDINGS

1. *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.*

   Staff concurs. Neighborhood Preservation staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, resulting in increased maintenance and visual impacts due to loitering of unauthorized persons within landscape areas. Enforcement of the specific fence zoning regulation would allow for this condition to persist. The Visalia Police Department has also informed staff that there has been an increase for calls for service due to crime and other illicit activities that have been documented in the area. Due to the circumstances in the area, allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved. In addition, the Conditions of Project Approval will ensure that vehicles entering the site while the gates are closed is done in a safe manner by requiring that the gates be setback 20-feet from public improvements thereby allowing a vehicle to queue onsite rather than from the public street.

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.*

   Staff concurs. As noted above, Neighborhood Preservation Division staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, and the loitering of persons at the convenience store next door has led to a variety of calls for service due to crime and other illicit activities that have been documented in the area. While this is not specific to the zoning in question, it is a condition unique to the area in which the project site is located. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved by use of an open wrought iron fence.

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.*

   Denial of the Variance would result is a loss of privileges that have been afforded to others. The activity occurring in the neighboring parcel has proven a burden on the area and have been required to enter into a stipulated agreement with the Neighborhood Preservation Division in an effort to curb illicit activity and the site's impact on neighboring uses. The long standing inability for this site to provide a secure workplace for it's tenants and customers has severely impacted the tenants and their ability to operate in normal function.

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.*

   The proposed fencing would be consistent with existing structures and fencing already located on the project site and properties within the vicinity. The proposed fencing would permit the applicant to secure landscaping areas and businesses onsite.

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.*

   Staff finds that the requested fence variance will not be detrimental to the public well-being or surrounding sites. Fencing will assist the property owner in curbing loitering onsite, thereby reducing maintenance and visual impacts to the property. Fencing will also assist in reducing instances of trespassing onto the project site, for the benefit of occupants and businesses alike.

6. That the project is considered Categorically Exempt under Section 15303 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2023-35).

RECOMMENDED CONDITIONS

1. That the project shall be developed consistent with the site plan and elevations included as Exhibits “A” and “B”.
2. That building plans for the wrought iron fence be submitted, a Building Permit be obtained, and the wrought iron fence be inspected by a City Building Inspector for the existing wrought iron fencing.
3. That the applicant shall relocate the wrought iron fence to the property lines so that it does not encroach into City of Visalia public right-of-way. The relocation shall occur prior to finalization of the Building Permit.
4. That the wrought iron fence gates at the back of the drive approaches along West Whitendale Avenue and West Monte Vista Avenue be relocated be at least 20-feet from face of curb as required by the City’s Traffic Engineer.
5. That all applicable federal, state and city laws, codes and ordinances be met.

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 with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. 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. 2021-53
- Exhibit “A” – Site Plan
- Exhibit “B” – Fence Elevation
- Exhibit “C” – Variance Findings
- Exhibit “D” – Letters from Tenants
- Categorical Exemption No. 2023-35
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

Zoning Ordinance

Chapter 17.18
COMMERCIAL ZONES

17.18.010 Purpose and intent.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;

2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;

3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;

4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;

5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;

6. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial zones are as follows:

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

2. Regional Commercial Zone (C-R). The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.

3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards

and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310)

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts. (Ord. 2017-01 (part), 2017)

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017: Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.040 Required conditions.

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in Chapter 17.28.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34. (Ord. 2017-01 (part), 2017: prior code § 7325)

17.18.080 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

A. Minimum site area: five thousand (5,000) square feet.

B. Maximum building height: sixty (60) feet.

C. Minimum required yards (building setbacks):

1. Front: ten (10) feet;
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
4. Side: zero (0) feet;
5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: ten (10) feet;
2. Rear: five (5) feet (except where a building is located on side property line);
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

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.

17.36.050 Commercial and mixed use zones.

The following standards shall apply to sites within a C-N, C-R, C-S, C-MU, or D-MU zone:

A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-1 or R-M zone, either a concrete block 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 or a landscaped buffer be provided as approved by the planning commission.

B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height, if the city planning commission finds said use to be unsightly. A landscaped buffer can be approved by the planning commission in place of a required wall as an exception.

C. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall not

less than six feet in height; 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 in a required front yard to a height of four feet provided that the additional one-foot height is not of a solid material, upon approval of the city planner.

E. Exceptions may be granted in accordance with Chapter 17.42. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7516)

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.

RESOLUTION NO. 2023-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2023-03, A REQUEST BY MICHAEL GERMAINE, LLC TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT LIMIT OF FOUR FEET TO SIX FEET WITHIN THE REQUIRED 15-FOOT YARD SETBACK ALONG THE PERIMTER OF THE COMMERCIAL MIXED USE (C-MU) ZONED PROPERTY. THE PROJECT SITE IS LOCATED AT 2439 WEST WHITENDALE AVENUE (APN: 121-090-052).

WHEREAS, Variance No. 2023-03 is a request by Michael Germaine LLC to allow a variance to the maximum fence height limit of four feet to six feet within the required 15-foot yard setbacks along the perimeter of a Commercial Mixed Use (C-MU) zoned property. The project site is located at 2439 West Whitendale Avenue (APN: 121-090-052); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice held a public hearing on September 25, 2023; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2023-03, 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 15303 (Class 3).

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 not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

   Neighborhood Preservation staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, resulting in increased maintenance and visual impacts due to loitering of unauthorized persons within landscape areas. Enforcement of the specific fence zoning regulation would allow for this condition to persist. The Visalia Police Department has also informed staff that there has been an increase for calls for service due to crime and other illicit activities that have been documented in the area. Due to the circumstances in the area, allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved. In addition, the Conditions of Project Approval will ensure that vehicles entering the site while the gates are

closed is done in a safe manner by requiring that the gates be setback 20-feet from public improvements thereby allowing a vehicle to queue onsite rather than from the public street.

2. That there are not 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.

   As noted above, Neighborhood Preservation Division staff confirmed that the specific area in question is heavily impacted by persons experiencing homelessness, and the loitering of persons at the convenience store next door has led to a variety of calls for service due to crime and other illicit activities that have been documented in the area. While this is not specific to the zoning in question, it is a condition unique to the area in which the project site is located. Allowance of the variance request will assist in the reduction of maintenance and visual impacts, and protection of the businesses onsite, while allowing street views of landscaping and buildings to be preserved by use of an open wrought iron fence.

3. 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.

   Denial of the Variance would result is a loss of privileges that have been afforded to others. The activity occurring in the neighboring parcel has proven a burden on the area and have been required to enter into a stipulated agreement with the Neighborhood Preservation Division in an effort to curb illicit activity and the site's impact on neighboring uses. The long standing inability for this site to provide a secure workplace for it's tenants and customers has severely impacted the tenants and their ability to operate in normal function.

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

   The proposed fencing would be consistent with existing structures and fencing already located on the project site and properties within the vicinity. The proposed fencing would permit the applicant to secure landscaping areas and businesses onsite.

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.

   Staff finds that the requested fence variance will not be detrimental to the public well-being or surrounding sites. Fencing will assist the property owner in curbing loitering onsite, thereby reducing maintenance and visual impacts to the property. Fencing will also assist in reducing instances of trespassing onto the project site, for the benefit of occupants and businesses alike.

6. That the project is considered Categorically Exempt under Section 15303 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2023-35).

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 the project shall be developed consistent with the site plan and elevations included as Exhibits “A” and “B”.
2. That building plans for the wrought iron fence be submitted, a Building Permit be obtained, and the wrought iron fence be inspected by a City Building Inspector for the existing wrought iron fencing.
3. That the applicant shall relocate the wrought iron fence to the property lines so that it does not encroach into City of Visalia public right-of-way. The relocation shall occur prior to finalization of the Building Permit.
4. That the wrought iron fence gates at the back of the drive approaches along West Whitendale Avenue and West Monte Vista Avenue be relocated be at least 20-feet from face of curb as required by the City’s Traffic Engineer.
5. That all applicable federal, state and city laws, codes and ordinances be met.


N
0
Feet
50
Proposed Fence


VISALIA LIQUOR
LUCKY
LUCKY RETAILER
2022
2407
Google Earth
© 2023 Google
5.04 ft


Allstate
Google Earth
© 2023 Google
N
5.87 ft


BIKE
LANE
Google Earth
© 2023 Google
5.54 ft

Variance Findings

Fence Height variance request for altering City Standard 4' fence height to a proposed 6' height, ensuring the safety of the property tenants and clientele by reducing incidents of trespassing, loitering and vagrancy.

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

   The 4' height is insufficient in keeping trespassers, from the adjacent property to the east, from entering the applicant's property and creating trash, noise and disturbance nuisances for the businesses and patrons operating on the site; thereby creating a practical difficulty in maintaining the property and an unnecessary hardship on this owner applicant that is not incumbent on other properties within the same zone. Without the granting of the variance the problems will most likely persist and may, even, escalate; resulting in significant property damage, loss of revenues, or liability issues for the owner/applicant and their tenants.

   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:

   The extraordinary conditions that uniquely affect this property is the existing liquor / convenience store located immediately to the east of the applicant's property that attracts persons that tend to gather and linger in the area while consuming purchased beverages. These individuals have been documented to be the source of damages and security threats experienced by the applicant's tenants and patrons. The well-maintained lawn areas and shade of the building of the applicant's property are attractive to them. The City standard 4' fence has proven insufficient at keeping trespassers off the property.

2. That strict or literal interpretation or 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 already incurring additional expenses in additional property maintenance for cleanup and trash removal, repairs to damaged water lines and added security; notably the fence and future security cameras (if required). These expenses were not anticipated when the applicant originally purchased the property. The inability to secure the property and reassure tenants and patrons that they can feel safe on the site is indeed a detriment to the applicant's business venture, depriving the applicant of potential income and livelihood that others similar business owners do not have to bear.

3. 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:

No special privileges are being granted to the applicant; on the contrary, the property owner, in order to secure the site is incurring greater costs and expenses in maintenance and security, and potential loss of revenues from tenants, that similar business owners, in different locations, would not be subject to. Property owners removed from the vagrancy, trash and disturbances that this property has become subject to, enjoy higher occupancy and visitation rates as well as increased property values due to a higher perception of 'security' at their sites. The need to install security fencing around the property sends the wrong kind of message to customers and future tenants. It indicates that the property needs 'extra' security, and the area must not be 'safe', calling doubt into the minds of prospective tenants or patrons of the existing businesses, and ultimately affecting a decrease in business opportunity at the site.

4. 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:

   Installation of a 6' fence height may not conform to the 'letter of the law' it seems perfectly in tune with the 'intent of the law'. The proposed height increase creates no detrimental health, safety, welfare or material injury issues, while offering increased security and protection for the users of the site; indeed, the very purpose of a fence. The 4' it is too easily scaled and thwarted by individuals intent on trespassing, loitering or causing mischief and is therefore, not an effective barrier for providing the intended security expected from that kind of device. At the revised 6' height the fence becomes an actual deterrent to those bent on entering the property without cause or permission. The purpose is achieved, and the welfare of the applicant's tenants, patrons and property are assured.

May 30, 2023

City of Visalia
C/O Chairperson, Marvin Hansen and members of the Visalia Planning Commission.
707 W Acequia Ave
Visalia, CA 93291

Re: Property Address, 2439 W Whitendale Ave, Visalia, CA 93277
And the new metal fence

To Whom it May Concern,

I have been a tenant at the property located at: 2439 W Whitendale Ave, Visalia, CA 93277 starting September 2014.
The 9 years at this location, myself, my office employees and even some customers have had to deal with major issues related to the homeless.
Here is a list of some of the issues we have dealt with:
Homeless camping out on the property, sleeping overnight on the southside of the building, making makeshift fires to cook, breaking into the main power supply box, disrupting electrical service for periods of time, defecating, urinating and bleeding on the sidewalks, parking lot and grass area, rummaging through our trashcans and leaving the trash all over the parking lot, breaking the water faucet and sprinkler system which flooding the grass area, parking lot and streets. To my knowledge, there have been 5 times where a homeless person was aggressive towards a customer, a couple of my employees, and myself. Three times a homeless came into my office yelling and demanding us to help them. We have called the Visalia Police Department a few times over the years, they did send a patrol over to take care of the situation.
As a tenant and someone that is concerned about my customers, employees and my personal safety, we are thankful that our landlord, Michael Dias, invested in our safety by installing an iron fence. Sense the fence has been installed, we haven't had any issues or concerns with the homeless.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30th day of May 2023 at 2023 W Whitendale Ave, Suite A, Visalia, Ca., 93277.

Respectfully,

Rick Kunkleman
Allstate Insurance Company
The Kunkleman Insurance Agency, Inc.
Owner/President

CA. Lic. #0C07123

Bristol Hospice
embracing a reverence for life
VISALIA

Dear Chairperso, Marvin and Members of the Visalia Planning Commission,

I, Veronica Camarena, Declare the following. I am Current employee at Bristol 2439 W. Whitendale Ave, Ca 93277. We've had plenty of problems with homeless staying in our area doing some damages with the water bib, leaving their trash in our parking lot, setting up camping tents so that was when Office Manager decided to talk to Building Owner to install Fence which he didn't even think about it twice and went with the process but now Recently there's been a lot of crime Stabbing, Robbing, Broken into next door (Liquor Store.) I've seen a lot of homeless still hanging around in our grass area where there's no fence. We would really appreciate it if they gave us access to the grass area, It will definitely make us feel safe without getting to worrying about homeless or drug being use. Please help us by keeping our area safe.

Please don't Hesitate to reach us with any questions, our contact number is listed Below.

I Declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed this 15 day of June, 2023 at Bristol Hospice, Visalia, Tulare County.

Veronica Camarena, Business Office Specialist

2439 West Whitendale, Suite B | Visalia, CA 93277 | TEL: (559) 741-7220 | FAX: (559) 635-4869 | www.bristolhospice-visalia.com

Bristol Hospice
embracing a reverence for life
VISALIA

Dear Chairperson Marvin Hansen and Members of the Visalia Planning Commission,

I, Shauna Ramos, declare the following. I am a current employee at Bristol Hospice (2439 W. Whitendale Ave Visalia, Ca 93277). There have been issues with homelessness and crime in the past so a fence with gate was installed last year. We have a drive through parking lot so there are two gates that can roll open. Most days we keep one shut as it is a successful deterrent for people looking to walk through our parking lot.

The homeless have damaged our water bib on the exterior wall making it unusable without specific tools. We have arrived at work to a flooded mess from them turning it on and leaving it. We even had a gentleman give himself a shower while we were all in the office. Another gentleman stayed in front of our building for several days calling himself Jesus and spouting nonsensical verbiage at us. One day I witnessed a man walk through the parking lot with a lead pipe in his hand. There are grassy patches on both sides of the building that are enclosed within the fence. Since the fence has been installed this has also been a deterrent for individuals taking naps or setting up camp. It is not unusual to go into the parking lot and spot a few homeless just outside the fence gathered closely doing (what looks like) drugs.

For me personally, this is a safety issue. The fencing provides added security for all of us who work from the office. There is much less traffic through the parking lot, I have not seen any homeless people within the fence since it was installed, and we all feel a bit safer. In the past few weeks, the building next door has been broken into, robbed, and a man was fatally stabbed. If we move the fence to give access to the grassy area, I feel it is a welcome sign to be there. It will increase drug use there and increase the number of homeless individuals, which could potentially increase crime. I facilitate a support group twice a month in the evening and when I leave, I lock the gate. Some group days I would ask attendees to remain with me as there were homeless individuals in the parking lot and I did not feel safe leaving. Again, fencing has been a successful deterrent. Please do not create an unsafe environment for myself and my colleagues and allow the fence to remain where it is.

Thank you for takin the time to consider my request. If you have any questions you may contact me at the number listed.

I declare under penalty of purgery under the laws of the State of California that the foregoing is true and correct. Executed this 12 day of June, 2023 at Bristol Hospice, Visalia, Tulare County.

Ramos

Shauna Ramos, Bereavement Coordinator

Bristol Hospice
embracing a reverence for life
VISALIA

Dear Chairperson Marvin Hansen and Members of the Visalia Planning Commission,

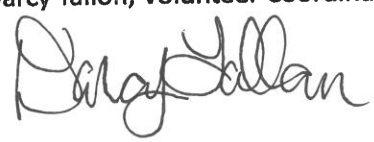
I, Darcy Tallon, declare the following. I have been an employee of Bristol Hospice for over 9 years (2439 W. Whitendale, Ste B) Visalia, CA. 93277. Over the past several years there has been an increasing number of problems with the homeless, mentally ill or drug users in our parking lot area and the grass area. It had come to the point that we did not feel safe. We asked for a fence with a locking gate to be installed to help prevent any damage to our office, cars and to provide some level of safety for employees. Since the fence and gates have been installed, there is a lot less foot traffic through our parking lot, less trash strewn about and a sense of safety.

On occasion, I had to come to the office and found a homeless person passed out in the front of our doorway. I called the police to move him. I witnessed a gentleman give himself a shower in our faucet pulling his pants completely down. Another gentleman stayed in front of our building for several days calling himself Jesus and spouting nonsensical verbiage at us. We would continuously find empty alcohol bottles in our parking lot. Trash cans were rummaged through, and trash left in the parking lot on a regular basis.

The building next door has been broken into, robbed, and a man was fatally stabbed. If we move the fence to give access to the grassy area, I feel it is a welcome sign to be there. I feel this will increase drug use there and increase the number of homeless individuals, which could potentially increase crime. Again, fencing has been a successful deterrent. Please do not create an unsafe environment for myself and my colleagues and allow the fence to remain where it is.

I declare under penalty of purgery under the laws of the State of California that the foregoing is true and correct. Executed this 12 day of June, 2023 at Bristol Hospice, Visalia, Tulare County.

Darcy Tallon, Volunteer Coordinator



Bristol Hospice
embracing a reverence for life
VISALIA

Dear Chairperson Marvin Hansen and Members of the Visalia Planning Commission,

I Robynn Farrar declare the following. I am a current employee at Bristol Hospice (2439 W. Whitendale Ave Visalia, Ca 93277). I have been the office manager for 2 years and employee of Bristol for 4 years now.

Since taking over as office manager. I have started Locking the Back gate, the small gate to enter and both Trash and Recycling bins. When they were not locked the trash would be filled with other people's trash. There have been many homeless people around our building. Due to the Liquor Store being right next door. I have come to work early in the morning and there has been a homeless man sleeping on our mat. in from of our door. They have since stolen the mat. One morning when I came to work early 1 of the 3 spickets in the front of the building., was spouting water. They had taken the piece of the spicket out which turns off the water. Another homeless guys was taking a bath with one of the spickets, down to his underwear. The landlord has since put lock on the pickets and taken the handles off.

Prior to the front gate being installed they were using our power, on the side where the power boxes were. There was an outlet and they were charging there phone. They turned the power off to the property once. They just had been a big problem.

Since the front gate has been installed, I feel much safer to come to work when nobody else is here in the office or even next door.

Thank you for takin the time to consider my request. If you have any questions you may contact me at the number listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this June 16,2023 at Bristol Hospice, Visalia, Tulare County.

Robynn Farrar Office Manger

EXPERT INVESTIGATIONS GROUP

Investigative Report

Case Number: **23-0528A** **Date: 05/28/23**

Involved Parties:

Multiple apparent homeless individuals.

Summary:

On 05/26/23 I met with Michael Dias regarding an ongoing issue with people causing problems at a commercial property he owns, located at 2439 W. Whitendale Avenue, Visalia. Michael asked if I could conduct surveillance of the property and the surrounding area for any evidence of these individuals trespassing and/or loitering.

On 05/28/23, at approximately 1000 hours, I arrived in the area of the 2200-2400 block of W. Whitendale Avenue and began conducting mobile and stationary surveillance. Immediately upon driving down W. Monte Vista Avenue, one street to the south of Whitendale Avenue, I observed a male subject sitting in an area behind two dumpsters in the parking lot of Visalia Liquor, located at 2407 Whitendale Avenue. This subject was smoking what I recognized as a "globie", which I know from my training and experience is a device commonly used to ingest methamphetamine. I passed by the subject again and was able to capture photos while he was still holding the device.

I later spoke to an individual who worked in the immediate area who wished to remain anonymous. This subject told me their business regularly has to deal with problems caused by homeless people including loitering, urinating, littering, and rummaging through dumpsters and trash cans. These subjects reportedly leave much of what they dig through on the ground rather than putting it back in the trash cans. This subject told me the police would come through occasionally and chase the homeless out of the area but they usually return within a day or two.

I then moved my surveillance to the commercial areas to the north and south of Whitendale Avenue as well as the residential area directly to the west. I took multiple photos of several individuals I observed in these areas which I believed to be homeless based on my training and experience dealing with homeless persons. The following is a list of the enumerated photos I took with a description of each photo.

Photo #1 Two apparent male subjects in the field to the south of Monte Vista Avenue. The one on left was observed walking out of the parking lot of 2235 Whitendale Avenue and the one on the right had a bike with a trailer full of personal belongings

Photos #2-6 Five male and female subjects in a parking lot south of Monte Vista Avenue with personal belongings in shopping cart. One of these subjects was the same subject with the bike and trailer from photo 1.

Photos #7-8 Male subject smoking methamphetamine behind Visalia Liquor and trash left in the area.

Photos #9-11 Female subject in parking south of Monte Vista Avenue, screaming and yelling obscenities.

Photos #12-27 Three individuals in parking lot, one apparently sleeping, with two shopping carts containing personal belongings.

Photos #28-31 Male subject pushing shopping cart full of personal belongings down sidewalk, then behind shopping center.

Photos #32-35 Male subject seen in photos 7-8 with the methamphetamine pipe in his hand.

On 05/31/23, at approximately 1800 hours, I returned to the same area and observed several additional people I suspected of being homeless. I took photos of these subjects as well. The following is a list of the enumerated photos I took with a description of each photo.

Photos #36-37 Two females subjects sitting in the grass in front of 2343 W Whitendale Avenue, next to Visalia Liquor.

Photos #38-39 Male subject sitting on raised grass area across the street from 2211 W Whitendale Avenue.

Photos #40-43 Male subject from photos 38-39 and a female subject pushing a shopping cart in the same location. This female approached myself and another individual in their vehicle asking for cigarettes.

Photos #44-49 Female subject with shopping cart full of personal belongings.

Photos #50-55 Male subject apparently under the influence of an intoxicating substance. The last photo was taken over 30 minutes after the first few with the subject acting in the same manner only moving a few dozen yards through the parking lot. This subject appeared similar to that in photos 7-8 and 32-35 but that was not confirmed.

Photos #56-62 Female subject from photos 36-37 walking through parking lot while apparently intoxicated. She stood on the sidewalk near Mooney Blvd. for some time with no apparent purpose.

Photos #63-69 Area behind Visalia Liquor dumpsters where the subject smoking methamphetamine was located. Various items of clothing, trash, alcohol containers and lids, etc. were observed in the area and it smell of urine and feces.

Photos #72-73 Shopping carts, miscellaneous trash and plastic bakery trays strewn about the empty lot behind a grocery store on Monte Vista Avenue. These bakery trays were neatly stacked behind the business three days prior and none of the carts or trash were present at that time.

Photos #74-79 Two subjects laying in the grass next to a commercial building to the south of Monte Vista Avenue. One subject got up and walked away just after I arrived in the area. The one who remained had a bike and trailer and was one of the same subjects I observed in the same area on 05/28/23. I observed this subject get up and walk behind the building out of sight. I drove behind the building and observed the subject standing behind a dumpster while he appeared to be urinating. I was unable to photograph

the subject due to his position relative to my vehicle. I turned around to try to get a better position to photograph but the subject quickly left and returned to his original location on the grass.

Photos #80-87 Four separate individuals observed in the area who appeared to be homeless, wandering aimlessly through the shopping center.

On 06/08/23, at approximately 2130 hours, I again returned to the same area and observed several additional people I suspected of being homeless.

Upon my arrival I saw several subjects in the parking lot of Visalia Liquor. I contacted two male subjects who agreed to speak with me but did not wish to be identified. Both subjects related similar information to me about the ongoing problems in the area related to homeless people using drugs and alcohol. They said the police department's HOPE Team was supposed to deal with the homeless but they didn't really do anything to fix the problem. The HOPE team is Visalia PD's Homeless Outreach and Proactive Enforcement team which essentially works to reduce the burden of transient related calls from patrol.

As I continued to conduct mobile and stationary surveillance in this area, I observed several suspected homeless subjects move on foot and on bicycle between and behind various buildings and structures. A few of these subjects were seen standing and sitting behind large dumpsters. Due to the poor lighting conditions of the locations most of these subjects chose to linger, I was unable to capture legible photographs of most of these subjects. The following is a list of the enumerated photos I was able to obtain with a description of each photo.

Photo #88 Male subject seen on both prior visits, in photos 2-3 and 76-79, with a shopping cart, bicycle and trailer full of personal belongings. This subject was lying in a sleeping bag on top of a small tarp laid out on the ground next to bushes in the parking lot of an open business.

Photo #89 Male and female subjects observed leaving a small alcove of a commercial office building from a distance.

Photo #90 Chair and couch which were found in the alcove where the male and female subject had departed just a few moments before.

I later spoke with an employee of Visalia Liquor and asked if they had been dealing with any problems related to homeless people in the area. This employee did not wish to be identified but told me they had worked at Visalia Liquor for several years and had seen the problems related to the homeless increase over time. They said they dealt with people under the influence of drugs and alcohol every day which often led to violence in and around the store.

The employee told me on 05/30/23, one homeless man, only identified as Juan Jr., was murdered in their parking lot when he attempted to break up a fight between two other homeless people. They also said prior to this incident, the police department would not always respond in a timely manner and when they did, they would usually not take any action or arrest anyone. The employee said the police would explain that they couldn't do anything about their problems unless they witnessed the events themselves. This employee said they were verbally assaulted before and had countless encounters with homeless people coming into the store in a clearly altered mental state. They also said they did not feel completely safe working when these people were around.

A simple google.com search identified several news articles and social media posts regarding a stabbing which occurred at Visalia Liquor on 05/30/23 at approximately 2130 hours. While not much information was available, the articles mentioned a 48-year-old male being stabbed after an argument and that the man died as a result of his injuries. At the time of this report, a suspect had not been identified. I read several comments posted in conjunction to these articles and noticed several people mentioned the amount of homeless people, drug users, "super shitty activity", harassment, and other reasons why they no longer patronize the store. One commenter, who identified themselves as the daughter of the victim, posted a link to a gofundme.com account which identified the stabbing victim as Juan Martinez Jr.

End of report.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ABC30 Central Valley

48-year-old man stabbed to death at Visalia liquor store, police say

22 days ago

Police are investigating a stabbing that left a 48-year-old man dead at a Visalia liquor store.

Officers were called around 9:30 p.m. Tuesday to Visalia Liquor between Whitendale and Monte Vista avenues near Mooney Boulevard.

When they arrived, they found a 48-year-old man who had been stabbed.

Comments / 0

Those wishing to remain anonymous can contact the Anonymous Tip line at 559-713-4738.

22+

Comments / 5

Add a Comment

let's think objectively 22d ago

What is going on in visalia? Not the same city I grew up in. Crime is up. Homelessness is up. Edgar haircuts a re up.

Reply(2) 5

Adam Castillo jr 21d ago

I know. We left porterville cause of crime &Now Visalia is getting bad!!! Might need to go off grid and live in th e mountains!

Reply(1) 3

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DOUBLE SHOOTING

Clerk and 16-year-old armed robbery suspect killed in shootout at Visalia liquor store, police say

Officers say the 16-year-old tried robbing the store. Both he and the clerk shot at each other multiple times.

By Elisa Navarro and ABC30 Digital Team

Monday, June 12, 2023

Visalia police say a 20-year-old liquor store clerk and a 16-year-old suspect have died following a shootout between the two during an armed robbery.

VISALIA, Calif. (KFSN) -- Visalia police say a 20-year-old liquor store clerk and a 16-year-old suspect have died following a shootout between the two during an armed robbery.

It happened around 11 pm Sunday at the EZ Mart Liquor Store on Walnut Avenue and Giddings Street.

Officers say the 16-year-old tried robbing the store.

Surveillance video from inside of the store captured the clerk, identified by his family as Krish Singh, and his co-worker standing behind the counter.

The suspect can be seen walking into the store and pointing a weapon at the clerks.

Krish grabs a gun and a few seconds later he and the suspect both open fire.

Police found the 16-year-old in the parking lot.

He was rushed to the hospital, where he died.

Krish was found dead inside the store.

Krish is the son of Partap Singh, who is the owner of the liquor store.

Partap and his wife are devastated by the loss of their only son.

"My wife is dying at home. If I don't get (Krish's) dead body in a day or two, she will be gone too," said Partap.

He is now remembering his son as a friendly and kind man who was loved by many.

"That's how he was. He was always like that and never had an enemy anywhere," explained Partap.

Partap says nothing will ease the pain of his loss, but at this moment he only wants to take his son's body to their native country as the family grieves his loss.

"I want to take him to India, I don't want to wait anymore. They said I need to do an autopsy but I don't want to do the autopsy," Partap said.

Anyone with more information is asked to contact the Visalia Police Department.

For news updates, follow Elisa Navarro on Facebook, Twitter and Instagram.

Report A Correction Or Typo

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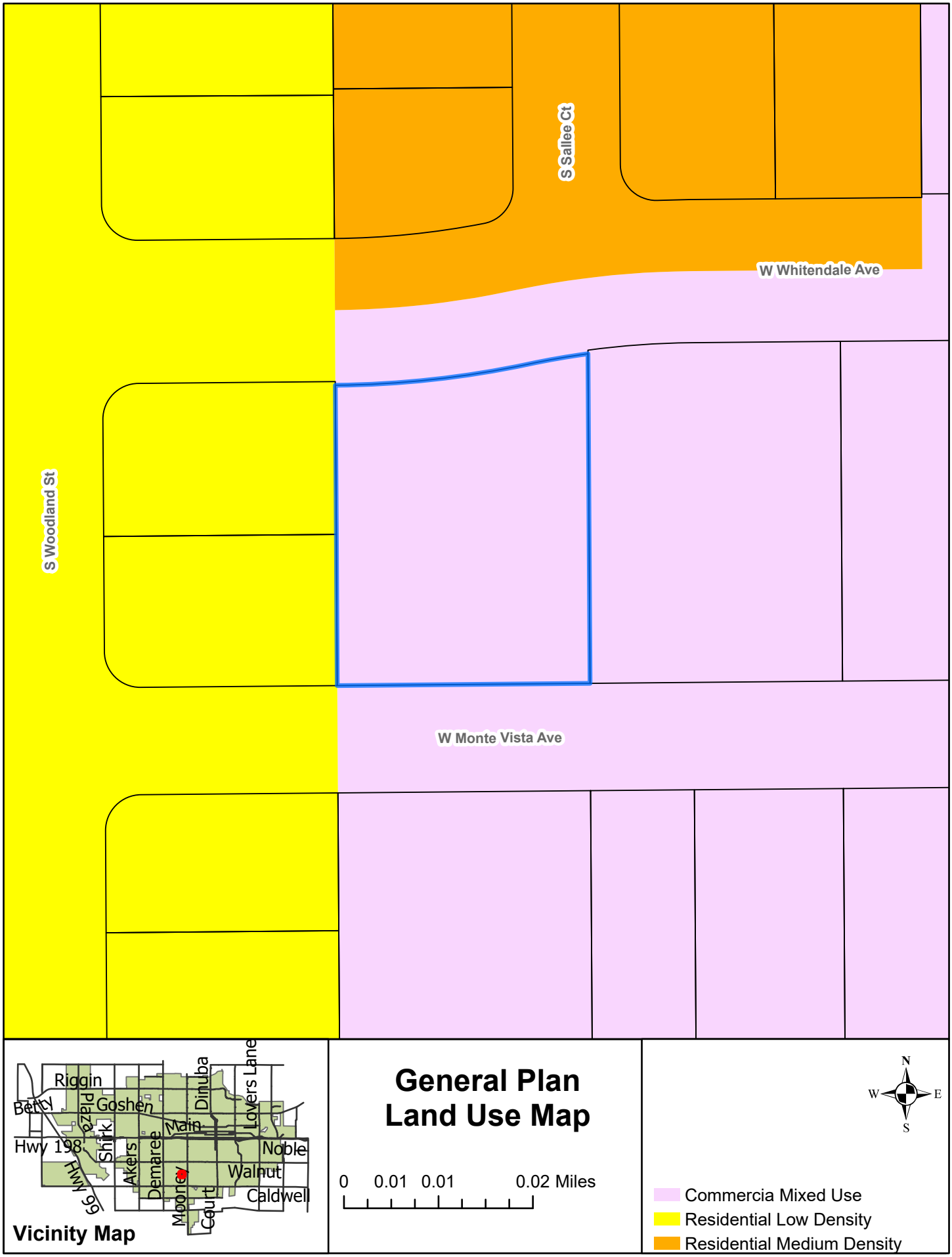
VISALIA | DOUBLE SHOOTING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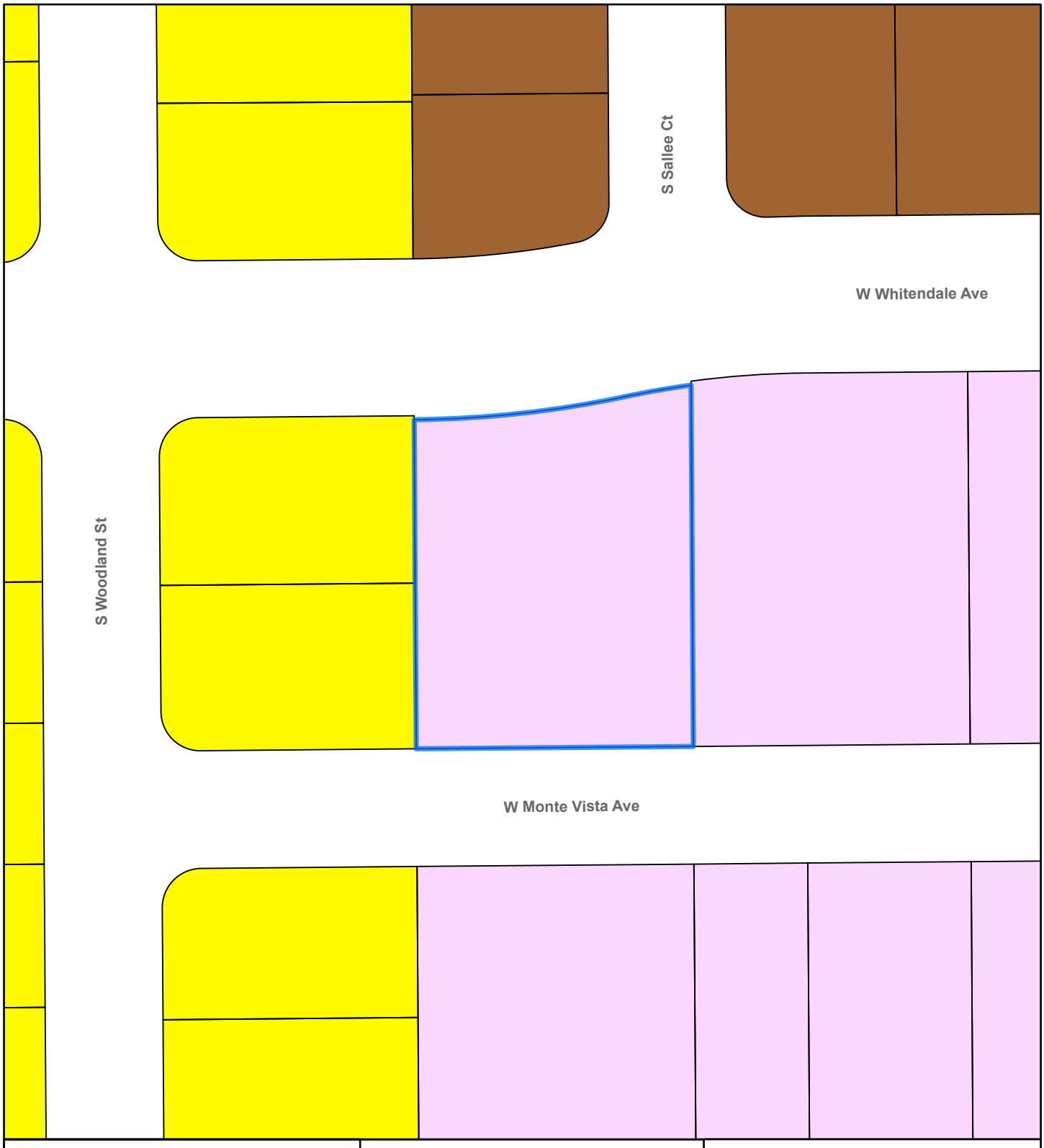

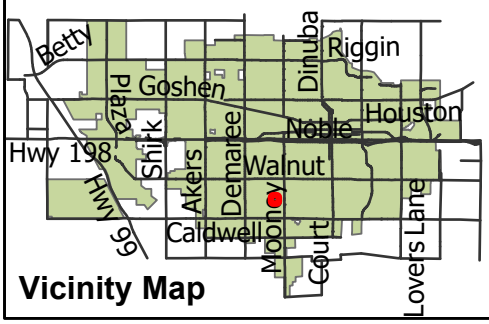

Vicinity Map

Zoning Map

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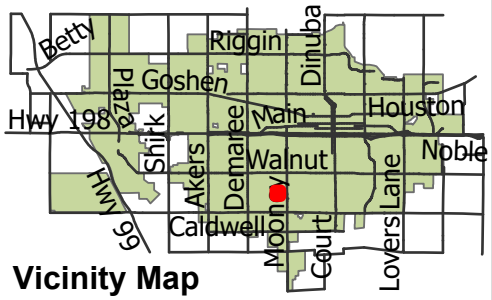
R-M-2 Multi-family Residenital



Vicinity Map

Aerial Map

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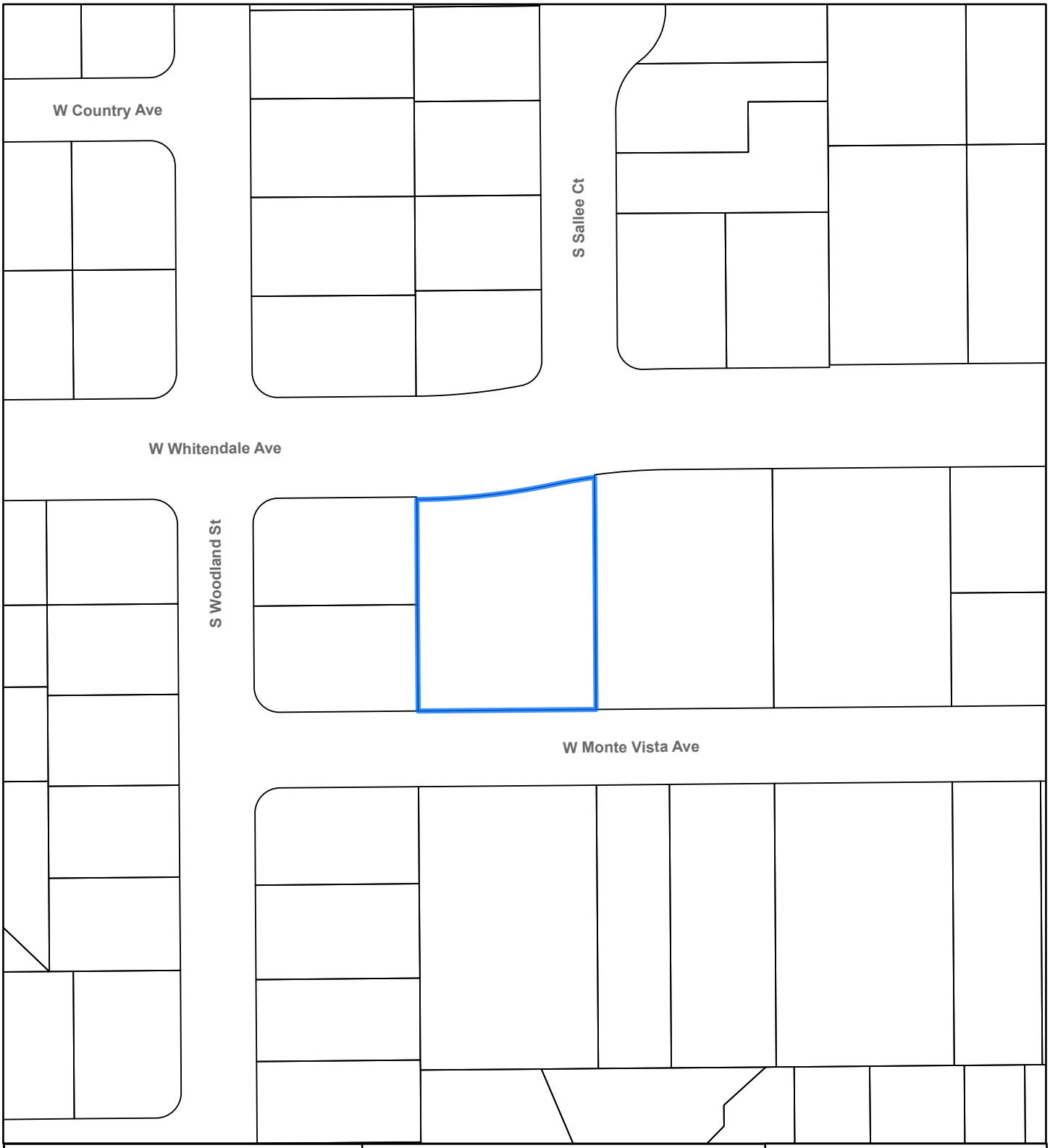

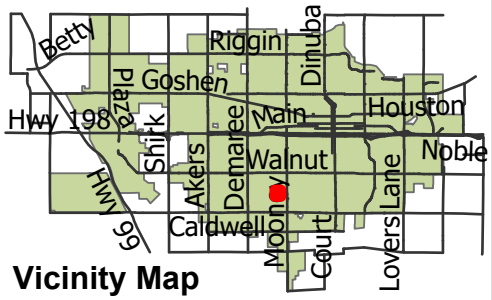

Vicinity Map

Location Map

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